

November 6, 2002

OLYMPIA, WASHINGTON

ISSUE 02-21



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filed not later than October 23, 2002

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 November 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.

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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.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

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Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **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 ((fined 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].

2002-2003

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

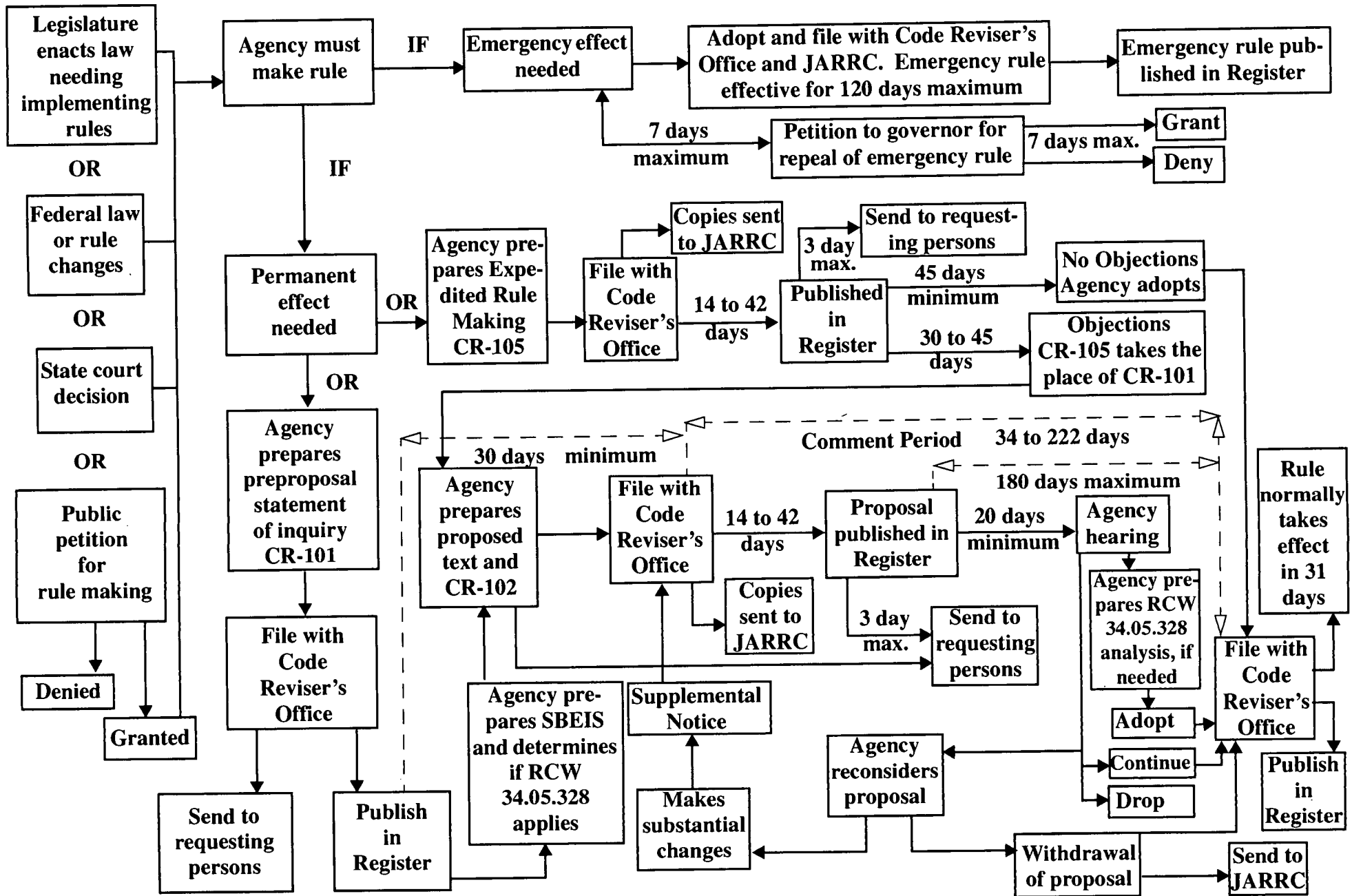
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-21-012

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed October 7, 2002, 12:53 p.m.]

Subject of Possible Rule Making: To develop a new chapter for Title 388 WAC to implement a new Medicaid home and community rate system including a new comprehensive assessment (CARE) and rates. The chapter will contain rules that the department will use to transition from the present home and community Medicaid rate system and comprehensive assessment to the new CARE and rates. Also, to chapter 388-71 WAC, Social services for adults and chapter 388-105 WAC, Medicaid rates for contracted home and community residential care services, the department will make amendments that will clarify their relationship to the transition WAC. Other current chapters may be amended as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is developing a new comprehensive assessment to more effectively identify a Medicaid client's care needs. Based on the identified care needs, the department also is developing rates to assign to the level of need. Rules are needed to implement the new comprehensive assessment and rates and to transition from the current comprehensive assessment and rates.

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

Process for Developing New Rule: By publishing in the Washington State Register: CR-101 Preproposal statement of inquiry; CR-102 Proposed rule making; and CR-103 Rule making order including a concise explanatory statement.

The Aging and Adult Services Administration (AASA) welcomes the public participation in developing its rule(s). Anyone interested in participating should contact the staff person indicated below. At a later date AASA will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the HCS mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you would like to be personally notified when draft regulations are ready for review, please contact Kristi Olson by fax at (360) 438-8633, e-mail OlsonKL2@dshs.wa.gov or Patricia Hague by fax at (360) 725-2641, e-mail at HaguePE@dshs.wa.gov or write to either at Home and Community Rates, P.O. Box 45600, Olympia, WA 98504-5600.

October 2, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-21-013

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed October 7, 2002, 12:55 p.m.]

Subject of Possible Rule Making: Chapter 388-76 WAC, Adult family homes: Amending WAC 388-76-550 License application, 388-76-560 License eligibility, 388-76-565 Resident manager and live-in requirements, 388-76-650 Food services, 388-76-655 General management and administration, 388-76-680 Infection control and communicable disease, 388-76-685 Criminal history disclosure and background inquiries, 388-76-695 Protection of resident funds—Liquidation or transfer, and 388-76-715 Dispute resolution.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 70.128.120, 43.43.842, 74.34.020, chapter 70.129 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Aging and Adult Services Administration (AASA) intends to amend rules in chapter 388-76 WAC, and other rules as appropriate to:

1. Incorporate changes in food worker rules adopted by the Department of Health (DOH), and remove DOH registration that is no longer required (WAC 388-76-650 and 388-76-560).
2. Update rules to comply with current statutes (WAC 388-76-565, 388-76-685, and 388-76-715);
3. Address access to liability insurance (WAC 388-76-655);
4. Clarify administrative responsibility and staff coverage plan (WAC 388-76-570);
5. Clarify the tuberculosis testing time frame for new employees (WAC 388-76-680);
6. Address protection of vulnerable adults as well as substance abuse (WAC 388-76-560 and 388-76-685);
7. Address licensing of entity providers, and integration of initial inspection and licensing (WAC 388-76-550 and 388-76-560);
8. Address criminal history and background checks per current statute (WAC 388-76-685); and
9. Address providers receiving money from residents by gift or loan (WAC 388-76-695).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Revision of WAC 388-76-650: Department of Health (DOH) and State Board of Health (SBOH). Coordination of the rule-making process is being conducted jointly by DOH, SBOH, and AASA.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. Anyone interested in participating should contact the staff person indicated 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, and send a copy to everyone on the mailing list and anyone else who requests a copy. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rosemary Biggins, Residential Care Services, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2486, e-mail biggire@dshs.wa.gov.

October 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

as an optional tool to evaluate nonproject actions and to supplement the environmental checklist. The nonproject review form is available, along with other SEPA forms, on the SEPA website at <http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

October 8, 2002

Linda Hoffman
Deputy Director

WSR 02-21-024

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY**

[Filed October 9, 2002, 1:32 p.m.]

Subject of Possible Rule Making: Procedures for licensing retailers for a special promotion.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments, new rules or repealed rules will provide for procedures to license retailers for a special promotion.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments of [or] questions regarding this statement of intent.

October 9, 2002

Mary Jane Ferguson
Rules Coordinator

WSR 02-21-030

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed October 10, 2002, 12:28 p.m.]

The Department of Ecology is withdrawing the following CR-101 because of insufficient funds due to budget reductions made in the supplemental budget.

- WSR 00-07-051.
- Chapter 197-11 WAC.
- State Environmental Policy Act (SEPA) rules, nonproject review process.

A new nonproject environmental review process and nonproject review form were being developed to assist agencies in evaluating nonproject actions such as adoption or amendment of comprehensive plans, critical area ordinances, and state regulations. Although these changes will not be finalized, the proposed nonproject review form may be used

WSR 02-21-031

**PREPROPOSAL STATEMENT OF INQUIRY
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION**

[Filed October 10, 2002, 2:39 p.m.]

Subject of Possible Rule Making: 1. WAC 286-26-090 Nonhighway and off-road vehicle activities (NOVA) program acquisition projects. Revise the minimum land acquisition lease period.

2. WAC 286-26-100 NOVA program development projects. Revise IAC-federal agency master agreement provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.09.240(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Make program rules consistent with the recently revised NOVA plan (2002) by revising the minimum lease period from fifty to twenty-five years.

2. Update provisions regarding the IAC-federal agency NOVA program master agreement to reflect that its use is optional.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State Department of Natural Resources, Parks and Recreation Commission, Department of Fish and Wildlife, National Fish and Wildlife Service, National Forest Service, and National Park Service.

Process for Developing New Rule: Our intent is to advance this rule proposal through a participatory process that includes distribution of the recommended changes to IAC's relevant advisory committee(s), those who have asked to be placed on IAC's WAC notification listing, and other involved parties. We will encourage comments, and after consideration, will make any necessary revisions before presentation of recommendations to IAC's board for adoption in an advertised and open public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing questions and comments to Greg Lovelady, Rules Coordinator, Interagency Committee for Outdoor Recreation, Natural Resources Building, P.O. Box 40917, Olympia, WA 98504-0917, e-mail gregl@iac.wa.gov, phone (360) 902-3008, TDD (360) 902-1996, fax (360) 902-3026.

October 10, 2002

Greg Lovelady
Rules Coordinator

WSR 02-21-056**PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY**

[Filed October 15, 2002, 10:45 a.m.]

Subject of Possible Rule Making: (1) To amend WAC 374-80-010, 374-80-040, and 374-80-050 by removing all references to "informal advice and assistance" and replacing them with the wording of "technical assistance."

(2) WAC 374-80-040 subsection (8) will also be amended to remove the requirement that a representative of the agency be present during all site testing, sampling and assessment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.149 RCW (WSR 97-20-094).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) The amending of the wording helps to clarify the purpose and scope of the program.

(2) In order to improve efficiency and expense control, the agency will be able to review assessments and lab results from site owner selected contractors without having to travel to be present during all testing and sampling.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology serves as the regulatory agency for the governing legislation under the Model Toxics Control Act (MTCA) and manages the voluntary cleanup program (VCP). The Pollution Liability Insurance Agency (PLIA) provides a fee-for-service program that deals specifically with home heating oil sites and helps to expedite the process for the public. The technical assistance is usually desired prior or during property transactions. PLIA will continue to coordinate information and resources to most effectively deal with sites based upon their specific needs.

Process for Developing New Rule: Amendment of current rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting or writing any of the following individuals to participate in the discussion regarding the proposed amendment of the rules: Russell Olsen, Environmental Specialist, 1015 10th Avenue S.E., Olympia, WA, (360) 753-2008, fax (360) 586-7187; Roger Dovel, Director, 1015 10th Avenue S.E., Olympia, WA, (360) 586-0071, fax (360) 586-7187; or Lynn Gooding, Deputy Director, 1015 10th Avenue S.E., Olympia, WA, (360) 586-0072, fax (360) 586-7187.

October 15, 2002

Russell E. Olsen
Environmental Specialist III

WSR 02-21-087**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed October 21, 2002, 9:29 a.m.]

Subject of Possible Rule Making: WAC 139-05-210 Basic law enforcement equivalency certification and 139-05-820 Basic reserve equivalency certification.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The original wording states that the vote will be "approved by a majority of the law enforcement representatives within the commission membership." The proposed change will allow all commission membership votes to count.

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 Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise of the intended rule amendments. Proposal also listed on the agency website.

October 9, 2002
Sharon M. Tolton
Deputy Director

WSR 02-21-111**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed October 22, 2002, 12:33 p.m.]

NOTICE OF WITHDRAWAL

The Department of Ecology will withdraw the following CR-101 filing due to necessary changes in the purpose of the filing: WSR 01-16-132, chapters 173-563 and 173-531A WAC. Instream resources protection program for the main stem Columbia River in Washington state and Water resources program for the John Day - McNary Pools Reach of the Columbia River.

The department has filed a replacement CR-101 covering these subjects.

Tom Fitzsimmons
Director

WSR 02-21-112**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 02-16—Filed October 22, 2002, 12:35 a.m.]

Subject of Possible Rule Making: Amendment and/or partial repeal of the instream resources protection program for the main stem Columbia River in Washington state, chap-

ter 173-563 WAC and the Water resources program for the John Day-McNary Pools Reach of the Columbia River, chapter 173-531A WAC. This preproposal statement of inquiry replaces a previous CR-101 filed by the Department of Ecology on July 31, 2001.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 90.03, 90.22, 90.54, 43.21A, and 43.27A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The competition for water from the Columbia River continues to escalate. There are hundreds of pending applications in Washington for new water rights from the Columbia, and there is little agreement on the effects of off-stream water use on salmon recovery. Symptoms of increasing frustration include the number of court cases that have been filed to address these issues. The department has twice been petitioned to initiate a rule making for Columbia River; first by the Center for Environmental Law and Policy, American Rivers, the National Wildlife Federation, and the Pacific Fisheries Council; and, more recently, by the Columbia Snake River Irrigator's Association, the City of Brewster, State Senators Pat Hale, Mike Hewitt, Jim Honeyford, Bob Morton, Linda Evans Parlette, and Jim West and State Representatives Mike Armstrong, Bruce Chandler, Jerome Delvin, Bill Grant, Dave Mastin, Cathy McMorris, Mark Schoesler, and Bob Sump. In light of these petitions and recognizing that rule making will be a necessary outcome of the Columbia River regional initiative, a rule governing an integrated state water management program for the river's water resources is needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies have authority to process water right applications.

Process for Developing New Rule: The state has contracted with the National Academy of Sciences - National Research Council to conduct a review of related scientific issues. An examination of the economics of water use in the Columbia Basin will also be conducted. Affected and interested groups and tribes will be involved early in the process of developing water resource management alternatives and shaping proposed rule language prior to the formal public process required by the Administrative Procedure Act. Electronic media will be used to facilitate communication during the rule-making process. In addition, ecology will hold public workshops during the early development of the rule and public hearings on the formal rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gerry O'Keefe, Department Headquarters in Lacey, at (360) 407-6640, or goke461@ecy.wa.gov.

Ecology expects to hold several public meetings/workshops on preliminary drafts of the rule, and also will hold formal public hearings on the CR-102 rule proposal in each county in which waters relating to the rule are located.

October 22, 2002
Tom Fitzsimmons
Director

WSR 02-21-125

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed October 23, 2002, 10:14 a.m.]

Subject of Possible Rule Making: The Department of Retirement Systems (DRS) is considering updates to some of the rules in its appeals chapter, chapter 415-08 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220 (1)(a), 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DRS seeks to clarify procedures and convert rules to "plain English."

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

October 21, 2002
Merry A. Kogut
Rules Coordinator

WSR 02-21-133

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Public Employees Benefits Board)

[Order 02-07—Filed October 23, 2002, 11:46 a.m.]

Subject of Possible Rule Making: Eligibility for PEBB retirees, particularly WAC 182-12-117.

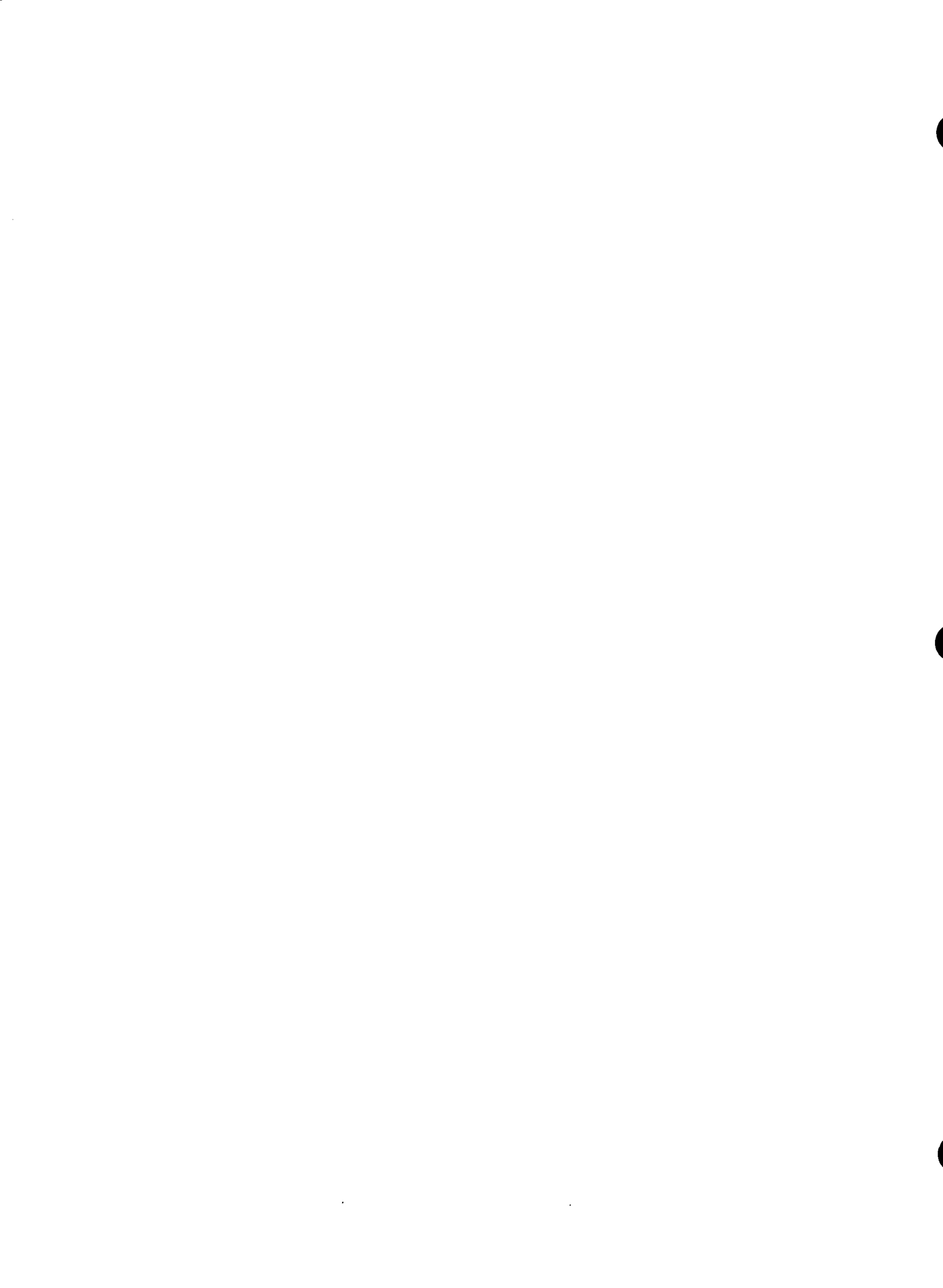
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Health Care Authority will be reviewing all retiree related requirements in Title 182 WAC to clarify and streamline administration of the PEBB program. In 2001, PEBB amended WAC 182-12-117 (1)(a) and mistakenly changed the Medicare eligibility requirement. That section will be corrected to read: "(a) The retiree and covered dependent(s) elect Medicare Parts A and B if eligible for Medicare." Other amendments will also be considered.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, phone (360) 923-2642, fax (360) 923-2602.

October 22, 2002
Melodie Bankers
Rules Coordinator



WSR 02-20-043**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed September 25, 2002, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-131.

Title of Rule: New chapter 388-891 WAC, Vocational rehabilitation services for individuals with disabilities.

PROPOSED NEW WAC NUMBERS AND CAPTIONS: WAC 388-891-0005 What is the purpose of this chapter?, 388-891-0010 What definitions apply to this chapter?, 388-891-0100 What personal information about me does DVR keep on file?, 388-891-0110 What happens if DVR receives information that indicates I have a previous history of behavior involving violent or predatory acts?, 388-891-0120 Can I ask DVR to change incorrect information in my case service record?, 388-891-0130 Can DVR share personal information in my record with others?, 388-891-0135 How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases?, 388-891-0140 Can I obtain copies of information in my case service record?, 388-891-0150 How does DVR protect personal information that is released for audit, evaluation or research?, 388-891-0200 Can a guardian or another representative act on my behalf with DVR?, 388-891-0205 How do I ask for an exception to a rule in this chapter?, 388-891-0210 What happens after I submit a request for an exception?, 388-891-0215 What if a DVR counselor makes a decision about my VR services that I don't agree with?, 388-891-0220 What is the client assistance program?, 388-891-0225 What is mediation?, 388-891-0230 When can I ask for mediation?, 388-891-0235 Who arranges for mediation?, 388-891-0240 Is information discussed during mediation confidential?, 388-891-0250 What is a fair hearing?, 388-891-0255 How do I request a fair hearing?, 388-891-0260 After I submit a request for a fair hearing, when is it held?, 388-891-0265 What is a pre-hearing meeting?, 388-891-0270 Do I receive a written fair hearing decision?, 388-891-0275 Is the fair hearing decision final?, 388-891-0295 Can DVR suspend, reduce or terminate my services if I request a fair hearing?, 388-891-0300 Under what conditions does DVR provide and/or pay for vocational rehabilitation services to individuals?, 388-891-0310 What VR services are provided without determining whether services are available from another program or organization?, 388-891-0320 What if looking for services and benefits available from another program would delay or interrupt my progress toward achieving an employment outcome?, 388-891-0325 Does DVR pay for a VR service if services and benefits are available from another program or organization, but I don't want to use them?, 388-891-0330 Does DVR consider academic awards and scholarships as income?, 388-891-0340 How does DVR determine whether I must pay part of my DVR services using my own financial resources?, 388-891-0345 Do I have to pay a portion of my DVR services if I receive assistance or income support from another public program?, 388-891-0350 What financial information does

DVR use to decide if I need to help pay for VR services?, 388-891-0355 How is the amount I pay for DVR services determined?, 388-891-0360 What personal resources are not counted in the decision about whether I have to help pay for services?, 388-891-0365 What VR program services am I not required to help pay for?, 388-891-0370 Can I select the services and service provider of my choice?, 388-891-0400 What is informed choice?, 388-891-0410 How does DVR support the informed choice process?, 388-891-0420 What if I don't know how to use the informed choice decision making process?, 388-891-0430 What decisions can I make using informed choice?, 388-891-0440 What information and assistance will DVR provide to help me make informed choices about VR services and service providers?, 388-891-0500 What happens if DVR cannot serve every eligible person?, 388-891-0510 How are individuals selected for services when DVR is operating under an order of selection?, 388-891-0520 What is the criteria for Priority Category 1—Individuals with Most Severe Disabilities?, 388-891-0530 What is the criteria for Priority Category 2—Individuals with Severe Disabilities?, 388-891-0540 What is the criteria for Priority Category 3—Individuals with Disabilities?, 388-891-0600 What vocational rehabilitation services are available to individuals from DVR?, 388-891-0605 What are assessment services?, 388-891-0610 What are independent living services and/or evaluation?, 388-891-0615 What are information and referral services?, 388-891-0620 What are interpreter services?, 388-891-0625 What are job placement services?, 388-891-0630 What are job retention services?, 388-891-0635 What are maintenance services?, 388-891-0640 What are occupational licenses?, 388-891-0645 What are personal assistance services?, 388-891-0650 What are physical and mental restoration services?, 388-891-0655 What are the medical treatments DVR does not pay for?, 388-891-0660 What is rehabilitation technology?, 388-891-0665 Under what conditions does DVR provide vehicle modifications as a rehabilitation technology service?, 388-891-0670 What types of insurance can DVR pay for?, 388-891-0675 What types of assistive technology insurance can DVR pay for?, 388-891-0680 What types of assistive technology warranties can DVR pay for?, 388-891-0685 What are self-employment services?, 388-891-0690 What vocational rehabilitation services can DVR provide to my member(s)?, 388-891-0695 What types of child care does DVR provide to my family members?, 388-891-0700 What is substantial counseling and guidance?, 388-891-0710 What are training services?, 388-891-0715 What is on-the-job training?, 388-891-0720 What is post-secondary training?, 388-891-0725 What is technical or vocational training?, 388-891-0730 What is basic education/literacy training?, 388-891-0735 What is community rehabilitation program (CRP) training?, 388-891-0740 What other training does DVR provide?, 388-891-0745 What conditions apply to receiving training services at an institution of higher education?, 388-891-0750 Can I receive training services from a private school, an out-of-state training agency or an out-of-state college?, 388-891-0755 What transition services does DVR provide to high school students?, 388-891-0760 What are translation services?, 388-891-0765 What are transportation services?, 388-891-0770 Under what conditions does DVR provide a vehicle?, 388-

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891-0775 What happens if DVR has a question about my driving safety?, 388-891-0780 What other services does DVR provide?, 388-891-0790 What are post-employment services?, 388-891-0800 What is supported employment?, 388-891-0810 Who is eligible for supported employment?, 388-891-0815 Who decides if I am eligible for supported employment?, 388-891-0820 What is competitive work in supported employment?, 388-891-0825 What is an integrated setting in supported employment?, 388-891-0830 Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers?, 388-891-0835 What is transitional employment?, 388-891-0840 What are supported employment services?, 388-891-0845 What are ongoing support services?, 388-891-0850 What are extended services?, 388-891-0855 Does DVR provide extended services?, 388-891-0860 Who provides the extended services I need?, 388-891-0865 What is natural support?, 388-891-0870 Are supported employment services time-limited?, 388-891-0875 What is required for me to change from supported employment services to extended services?, 388-891-0880 What happens if my DVR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial 18 months of my individualized plan for employment?, 388-891-0885 Under what conditions does DVR close my case service record for supported employment?, 388-891-0890 Under what conditions does DVR provide supported employment services as post-employment services?, 388-891-0900 Who can apply for vocational rehabilitation services?, 388-891-0910 Am I required to provide proof of my identity and work status?, 388-891-0920 If I don't live in Washington, can I receive VR services?, 388-891-0930 Can I receive VR services if I am legally blind?, 388-891-0940 Can I receive VR services if I am Native American?, 388-891-0950 How do I contact DVR if I don't speak English?, 388-891-0960 What other methods of communication does DVR use?, 388-891-0970 Does DVR translate written communication for people who don't speak English?, 388-891-0980 How do I apply for VR services?, 388-891-1000 Who is eligible to receive VR services?, 388-891-1005 How does DVR determine if I am eligible?, 388-891-1010 After I submit my application to DVR, how long does it take DVR to make an eligibility decision?, 388-891-1015 What if a DVR counselor cannot presume that I am capable of working as a result of receiving VR services because of the significance of my disability?, 388-891-1020 Am I eligible for VR services if I receive Social Security disability benefits?, 388-891-1025 What criteria are not considered in the eligibility decision?, 388-891-1030 What is involved in a trial work experience?, 388-891-1035 What if I cannot participate in a trial work experience?, 388-891-1040 What is an extended evaluation?, 388-891-1045 What happens if DVR determines that I am not eligible or no longer eligible for VR services?, 388-891-1050 If I am not eligible for DVR services, can DVR help me find other services and programs to meet my needs?, 388-891-1100 What is an assessment for determining vocational rehabilitation needs?, 388-891-1105 Do I have to disclose criminal history information to DVR?, 388-891-1110 What other assessments might be required?, 388-891-1115 What is an individualized plan for employment (IPE)?, 388-891-1120 Who develops an

IPE?, 388-891-1125 What information does DVR provide to help me develop my IPE?, 388-891-1130 What are the options for developing an IPE?, 388-891-1135 Does DVR support any job I choose?, 388-891-1140 What must be included on the IPE form?, 388-891-1145 When does the IPE become effective?, 388-891-1150 Is the IPE reviewed and updated?, 388-891-1200 Under what conditions does DVR loan equipment, devices or other items to me?, 388-891-1210 What if I need an item customized for my own personal needs?, 388-891-1220 What conditions apply to the use of a device, tool, piece of equipment or other item that is loaned to me?, 388-891-1230 What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR?, 388-891-1240 What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed?, 388-891-1300 Why does DVR close a case service record?, 388-891-1310 How does DVR determine that I have achieved an employment outcome?, 388-891-1320 Am I involved in the decision to close my case?, and 388-891-1330 Under what conditions does DVR follow up with me after my case is closed?

WACs TO BE REPEALED: WAC 388-890-0005 What is the purpose of this chapter?, 388-890-0010 What definitions apply to this chapter?, 388-890-0015 What is informed choice?, 388-890-0020 How does DVR support the informed choice process?, 388-890-0025 What decisions can I make using informed choice?, 388-890-0030 What if I don't know how to use the informed choice decision making process?, 388-890-0035 Who is eligible to receive VR services?, 388-890-0040 How does DVR determine whether VR services will enable me to work?, 388-890-0045 Am I eligible for VR services if I receive Social Security disability benefits?, 388-890-0050 What criteria are not considered in the eligibility decision?, 388-890-0055 What information does DVR use to make an eligibility decision?, 388-890-0060 After I submit my application to DVR, how long does it take DVR to make an eligibility decision?, 388-890-0065 What happens if DVR determines that I am not eligible?, 388-890-0070 If I am not eligible for VR services, can DVR help me find other services and programs to meet my needs?, 388-890-0071 If I am eligible for or ineligible for VR services, how will I be notified?, 388-890-0075 Who can apply for vocational rehabilitation services?, 388-890-0080 Can I receive VR services if I am not a United States citizen?, 388-890-0085 Am I required to provide proof of my identity and work status?, 388-890-0090 If I don't live in Washington, can I receive VR or IL program services?, 388-890-0095 Can I receive VR services if I am legally blind?, 388-890-0100 Can I receive VR or IL program services if I am Native American?, 388-890-0105 How do I apply for VR services?, 388-890-0110 Under what general conditions does DVR provide vocational rehabilitation services to individuals?, 388-890-0115 Can I ask for an exception to a rule or a condition relating to VR services?, 388-890-0120 How do I ask for an exception to a rule or condition in this chapter?, 388-890-0125 What happens if the service I want exceeds what I need or is more expensive than a similar service?, 388-890-0130 Can a guardian or another representative act on my behalf?, 388-890-0135 What is the purpose of vocational rehabilitation (VR) services?, 388-890-0140 How do I know which VR services are right for me?,

388-890-0145 What vocational rehabilitation services are available to individuals from DVR?, 388-890-0150 What are assessment services?, 388-890-0155 To determine whether I am eligible for VR services, who decides what assessment services I need and where to get the assessment services?, 388-890-0160 If I need assessment services to help me choose an employment goal and what VR services I need, who decides what assessment services I need and where to get the assessment services?, 388-890-0165 What if I already have assessment information to help me and DVR make the decisions we need to make?, 388-890-0170 How do I provide needed assessment information to DVR?, 388-890-0175 What is an assistive technology device?, 388-890-0180 Under what conditions does DVR provide and issue assistive technology devices?, 388-890-0185 Under what conditions does DVR provide vehicle modifications?, 388-890-0190 What are assistive technology services?, 388-890-0195 Under what conditions does DVR provide assistive technology services?, 388-890-0200 What are counseling and guidance services?, 388-890-0210 Under what conditions does DVR provide counseling and guidance services?, 388-890-0220 What are independent living services?, 388-890-0225 Under what conditions does DVR provide independent living services?, 388-890-0230 What are interpreter services?, 388-890-0235 Under what conditions can I receive interpreter services?, 388-890-0240 What are job placement and job retention services?, 388-890-0245 Under what conditions can I receive job placement and job retention services?, 388-890-0250 What are maintenance services?, 388-890-0255 Under what conditions does DVR provide maintenance services?, 388-890-0260 What are occupational licenses?, 388-890-0265 Under what conditions can I get an occupational license?, 388-890-0270 What other goods and services does DVR provide?, 388-890-0275 Under what conditions does DVR provide and issue other goods and services?, 388-890-0280 What are personal assistance services?, 388-890-0285 Under what conditions does DVR provide or pay for personal assistance services?, 388-890-0290 What are the physical and mental restoration services DVR provides?, 388-890-0295 Under what conditions does DVR provide physical and mental restoration services?, 388-890-0300 What are the medical treatments DVR does not pay for?, 388-890-0305 What are post-employment services?, 388-890-0310 Under what conditions does DVR provide post-employment services?, 388-890-0315 What are reader services?, 388-890-0320 Under what conditions does DVR provide reader services?, 388-890-0325 What are referral services?, 388-890-0330 Under what conditions does DVR provide referral services?, 388-890-0335 What is rehabilitation engineering?, 388-890-0340 Under what conditions does DVR provide rehabilitation engineering?, 388-890-0345 What are self-employment services?, 388-890-0350 Under what conditions does DVR provide self-employment services and issue items for self-employment?, 388-890-0355 What are services to family members?, 388-890-0360 Under what conditions does DVR provide services to my family members?, 388-890-0365 What are supported employment services?, 388-890-0370 What are tools, equipment, initial stocks and supplies?, 388-890-0375 Under what conditions does DVR provide and issue tools, equipment, initial stocks and supplies?, 388-890-

0380 What are training services?, 388-890-0385 What is on-the-job training?, 388-890-0390 Under what conditions does DVR provide on-the-job training?, 388-890-0395 Under what conditions does DVR provide training services and issue items for training?, 388-890-0400 Do I have to apply for a student loan to pay for training services?, 388-890-0405 Can I receive training services from a private school, an out-of-state training agency or an out-of-state college?, 388-890-0410 What are transition services?, 388-890-0415 Under what conditions does DVR provide transition services?, 388-890-0420 How does DVR coordinate with public high schools to provide transition services?, 388-890-0425 How does DVR help me plan transition services?, 388-890-0430 Who decides what transition services I get from DVR?, 388-890-0435 What activities does DVR support after I leave high school?, 388-890-0440 What are transportation services?, 388-890-0445 Under what conditions does DVR provide transportation services?, 388-890-0450 Under what conditions does DVR provide and issue a vehicle?, 388-890-0455 Under what conditions does DVR issue a device, tool, piece of equipment or other item I need to participate in VR services or to get a job?, 388-890-0460 What conditions apply to the use of a device, tool, piece or equipment or other item that is issued to me?, 388-890-0465 What types of devices, tools, pieces of equipment or other items can DVR issue to me?, 388-890-0470 Does DVR issue new or used devices, tools, pieces of equipment, or other items?, 388-890-0475 What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR?, 388-890-0480 What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed?, 388-890-0485 What is an individualized plan for employment (IPE)?, 388-890-0490 How do I develop an IPE?, 388-890-0495 What information does DVR give me to develop my IPE?, 388-890-0500 Who makes decisions about what to include on my IPE?, 388-890-0505 Can I include any VR services I want on my IPE?, 388-890-0510 What if the employment goal I choose is religious in nature?, 388-890-0515 What must be included on my IPE?, 388-890-0520 Who signs the IPE?, 388-890-0525 Is the IPE reviewed and updated?, 388-890-0530 Why does DVR close a case service record?, 388-890-0535 Under what conditions does DVR determine that I am working and no longer need VR services?, 388-890-0540 Am I involved in the decision to close my case?, 388-890-0545 What is competitive employment?, 388-890-0550 What is extended employment?, 388-890-0555 If the job I get is in extended employment, what follow-up does DVR provide?, 388-890-0560 Under what conditions does DVR follow up with me if I am determined ineligible for VR services?, 388-890-0570 What is supported employment?, 388-890-0575 Who is eligible for supported employment?, 388-890-0580 Who decides if I am eligible for supported employment?, 388-890-0585 What is competitive work in supported employment?, 388-890-0590 What is an integrated setting in supported employment?, 388-890-0595 Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers?, 388-890-0600 What is transitional employment?, 388-890-0605 What are supported employment services?, 388-890-0610 What are ongoing support services?, 388-890-

0615 Under what conditions does DVR provide supported employment services?, 388-890-0620 What is included on my individualized plan for supported employment?, 388-890-0625 What are extended services?, 388-890-0630 Does DVR provide extended services?, 388-890-0635 Who provides the extended services I need?, 388-890-0640 What is natural support?, 388-890-0645 Are supported employment services time-limited?, 388-890-0650 What is required for me to change from supported employment services to extended services?, 388-890-0655 What happens if my VR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial eighteen months of my individualized plan for employment?, 388-890-0660 Under what conditions does DVR close my case service record for supported employment?, 388-890-0665 Under what conditions does DVR provide supported employment services as post-employment services?, 388-890-0670 What is a trial work experience?, 388-890-0675 What happens during a trial work experience?, 388-890-0680 Who decides if a trial work experience is needed to determine if I am eligible for DVR services?, 388-890-0685 What services does DVR provide during a trial work experience?, 388-890-0690 What if I am too significantly disabled to participate in a trial work experience?, 388-890-0695 What choices can I make about the trial work experience?, 388-890-0700 Am I evaluated during the trial work experience?, 388-890-0705 When does DVR make an eligibility decision when I am in a trial work experience?, 388-890-0710 Are there any vocational rehabilitation services that can be provided to a group of individuals with disabilities?, 388-890-0715 Under what conditions does DVR provide services to a group of individuals with disabilities to establish, develop or improve a community rehabilitation program?, 388-890-0720 Under what conditions does DVR provide services to a group of individuals with disabilities that cannot be purchased under an individual IPE?, 388-890-0725 Under what conditions does DVR provide consulting and/or technical assistance to plan for the transition of students with disabilities?, 388-890-0730 What if DVR does not have funding to serve all eligible individuals?, 388-890-0745 If DVR has to decide in what category to place me, who decides what assessment services I need and where to get the assessment services?, 388-890-0750 What categories are used by DVR to determine the priority by which eligible individuals are served and in what order are the categories prioritized?, 388-890-0755 What information does DVR use to determine whether I am in category one?, 388-890-0760 What information does DVR use to determine whether I am in category two?, 388-890-0765 What information does DVR use to determine whether I am in category three?, 388-890-1100 How are costs for VR and IL program services paid?, 388-890-1110 What are comparable services and benefits?, 388-890-1115 What VR or IL program services are provided without a determination of comparable services or benefits?, 388-890-1120 What if determining the availability of comparable services and benefits would result in a delay or interrupt my progress?, 388-890-1125 What is extreme medical risk?, 388-890-1130 Does DVR pay for a service if comparable services and benefits are available, but I don't want to use them?, 388-890-1135 Are awards and scholarships based on merit

considered comparable services and benefits?, 388-890-1140 How do I get comparable services and benefits?, 388-890-1145 How does DVR determine whether I pay for all or part of my VR or IL services using my own financial resources?, 388-890-1150 Do I have to report my financial status if I receive public assistance or income support from another public program?, 388-890-1155 What financial information does DVR use to decide if I need to help pay for VR services?, 388-890-1160 Are any of my resources not counted in the decision about whether I have to help pay for services?, 388-890-1165 How does DVR decide whether I have resources to help pay for VR services?, 388-890-1170 How is the amount I pay for VR or IL program services determined?, 388-890-1175 What VR or IL program services am I not required to help pay for?, 388-890-1180 What if a VR counselor makes a decision about my VR services that I don't agree with?, 388-890-1185 What is the client assistance program (CAP)?, 388-890-1190 What is mediation?, 388-890-1195 When can I ask for mediation?, 388-890-1200 Who arranges and pays for mediation?, 388-890-1205 Is information discussed during mediation confidential?, 388-890-1210 How do I request mediation?, 388-890-1215 After the mediation session, do I receive a written statement of the results?, 388-890-1220 What is a formal hearing?, 388-890-1225 When is a formal hearing available?, 388-890-1230 How do I request a formal hearing?, 388-890-1235 After I submit a request for a formal hearing, when is it held?, 388-890-1240 Do I receive a written formal hearing decision?, 388-890-1245 Is the decision after a formal hearing final?, 388-890-1250 Can DVR suspend, reduce or terminate my services while waiting for a formal hearing decision?, 388-890-1255 How do I know what personal information I must give DVR and how it is used?, 388-890-1260 Does DVR keep a record of my VR services on file?, 388-890-1265 Under what conditions does DVR share personal information in my record with another service provider or organization?, 388-890-1270 When DVR gets personal information about me from another agency or service provider, is it kept confidential?, 388-890-1275 Does DVR change incorrect information in my record?, 388-890-1280 How do I receive copies of information from my DVR record?, 388-890-1285 Can DVR release personal information without my written consent?, 388-890-1290 Under what conditions does DVR release personal information for audit, evaluation or research?, 388-890-1295 How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases?, 388-890-1300 How do I contact DVR if I don't speak English?, 388-890-1305 What other methods of communication does DVR use?, and 388-890-1310 When does DVR communicate with me using methods other than English?

Purpose: To repeal old rehabilitation rules and adopt new rules to comply with the August 1998 amendments to the Rehabilitation Act of 1973, the United States Department of Education regulations including 34 C.F.R. Part 361 State Vocational Rehabilitation Services Program, 34 C.F.R. Part 363 State Supported Employment Services Program, chapter 74.29 RCW for rehabilitation services for individuals with disabilities, chapter 43.19 RCW for purchasing and loaning equipment, RCW 43.43.832 for background check requirements for in-home or relative child care providers, and RCW

4.24.550, 71.09.340, 9A.44.130 and chapter 26.44 RCW regarding sex offenders. These rules are written to comply with the Governor's Executive Order 97-02 regulatory improvement.

Other Identifying Information:

Conversion table of WACs in chapter 388-890 WAC to be repealed, and corresponding new rules in chapter 388-891 WAC

| Repealed WAC # | Proposed as New WAC # |
|----------------|---|
| 388-890-0005 | 388-891-0005 |
| 388-890-0010 | 388-891-0010 |
| 388-890-0015 | 388-891-0400 |
| 388-890-0020 | 388-891-0410 |
| 388-890-0025 | 388-891-0430 |
| 388-890-0030 | 388-891-0420 |
| 388-890-0035 | 388-891-1000 |
| 388-890-0040 | 388-891-1005 |
| 388-890-0045 | 388-891-1020 |
| 388-890-0050 | 388-891-1025 |
| 388-890-0055 | 388-891-1005 |
| 388-890-0060 | 388-891-1010 |
| 388-890-0065 | 388-891-1045 |
| 388-890-0070 | 388-891-1050 |
| 388-890-0071 | 388-891-1045 |
| 388-890-0075 | 388-891-0900 |
| 388-890-0080 | 388-891-0910 |
| 388-890-0085 | 388-891-0910 |
| 388-890-0090 | 388-891-0920 |
| 388-890-0095 | 388-891-0930 |
| 388-890-0100 | 388-891-0940 |
| 388-890-0105 | 388-891-0980 |
| 388-890-0110 | 388-891-0300 |
| 388-890-0115 | None |
| 388-890-0120 | Subject matter divided into 388-891-0205 388-891-0210 |
| 388-890-0125 | 388-891-0370 |
| 388-890-0130 | 388-891-0200 |
| 388-890-0135 | None |
| 388-890-0140 | Subject matter divided into 388-891-0400 388-891-0410 388-891-0420 388-891-0430 388-891-0440 |
| 388-890-0145 | 388-891-0600 |
| 388-890-0150 | 388-891-0605 |

| Repealed WAC # | Proposed as New WAC # |
|----------------|---|
| 388-890-0155 | Subject matter divided into 388-891-0430 388-891-1005 |
| 388-890-0160 | 388-891-0430 |
| 388-890-0165 | Subject matter divided into 388-891-1005 388-891-1100 |
| 388-890-0170 | None |
| 388-890-0175 | 388-891-0660 |
| 388-890-0435 | None |
| 388-890-0440 | 388-891-0765 |
| 388-890-0445 | Subject matter divided into 388-891-0300 388-891-0765 |
| 388-890-0450 | Subject matter divided into 388-891-0300 388-891-0370 388-891-0770 388-891-0775 388-891-0400 388-891-0410 388-891-0420 388-391-0440 |
| 388-890-0455 | Subject matter divided into 388-891-0300 388-891-1200 |
| 388-890-0460 | 388-891-1220 |
| 388-890-0465 | Subject matter divided into 388-891-1200 388-891-1210 |
| 388-890-0470 | 388-891-1200 |
| 388-890-0475 | 388-891-1230 |
| 388-891-0480 | 388-891-1240 |
| 388-890-0485 | 388-891-1115 |
| 388-890-0490 | 388-891-1130 |
| 388-890-0495 | 388-891-1125 |
| 388-890-0500 | 388-891-1115 |
| 388-890-0505 | Subject matter divided into 388-891-0370 388-891-1140 |
| 388-890-0510 | None |
| 388-890-0515 | 388-891-1140 |
| 388-890-0520 | 388-891-1145 |
| 388-890-0525 | 388-891-1150 |
| 388-890-0530 | 388-891-1300 |
| 388-890-0535 | 388-891-1310 |
| 388-890-0540 | 388-891-1320 |
| 388-890-0545 | 388-891-0010 |
| 388-890-0550 | 388-891-0010 |

PROPOSED

PROPOSED

| Repealed WAC # | Proposed as New WAC # |
|----------------|---|
| 388-890-0555 | 388-891-1330 |
| 388-890-0560 | 388-891-1330 |
| 388-890-0570 | 388-891-0800 |
| 388-890-0575 | 388-891-0810 |
| 388-890-0580 | 388-891-0815 |
| 388-890-0585 | 388-891-0820 |
| 388-890-0180 | Subject matter divided into 388-891-0300 388-891-1200 388-891-1210 388-891-1220 388-891-1230 388-891-1240 |
| 388-890-0185 | 388-891-0665 |
| 388-890-0190 | 388-891-0660 |
| 388-890-0195 | 388-891-0300 |
| 388-890-0200 | 388-891-0700 |
| 388-890-0210 | 388-891-0700 |
| 388-890-0220 | 388-891-0610 |
| 388-890-0225 | 388-891-0300 |
| 388-890-0230 | 388-891-0620 |
| 388-890-0235 | 388-891-0300 |
| 388-890-0240 | Subject matter divided into 388-891-0625 388-891-0630 |
| 388-890-0245 | 388-891-0300 |
| 388-890-0250 | 388-891-0635 |
| 388-890-0255 | 388-891-0300 |
| 388-890-0260 | 388-891-0640 |
| 388-890-0265 | 388-891-0300 |
| 388-890-0270 | 388-891-0780 |
| 388-890-0275 | Subject matter divided into 388-891-0300 388-891-1200 388-891-1210 388-891-1220 388-891-1230 388-891-1240 |
| 388-890-0280 | 388-891-0645 |
| 388-890-0285 | Subject matter divided into 388-891-0300 388-891-0645 |
| 388-890-0290 | 388-891-0650 |
| 388-890-0295 | Subject matter divided into 388-891-0300 388-891-0650 |
| 388-890-0300 | 388-891-0655 |
| 388-890-0305 | 388-891-0790 |

| Repealed WAC # | Proposed as New WAC # |
|----------------|---|
| 388-890-0310 | Subject matter divided into 388-891-0300 388-891-0790 |
| 388-890-0315 | 388-891-0645 |
| 388-890-0320 | 388-891-0300 |
| 388-890-0325 | 388-891-0615 |
| 388-890-0590 | 388-891-0825 |
| 388-890-0595 | 388-891-0830 |
| 388-890-0600 | 388-891-0835 |
| 388-890-0605 | 388-891-0840 |
| 388-890-0610 | 388-891-0845 |
| 388-890-0615 | Subject matter divided into 388-891-0300 388-891-0810 |
| 388-890-0620 | 388-891-1140 |
| 388-890-0625 | 388-891-0850 |
| 388-890-0630 | 388-891-0855 |
| 388-890-0635 | 388-891-0860 |
| 388-890-0640 | 388-891-0865 |
| 388-890-0645 | 388-891-0870 |
| 388-890-0650 | 388-891-0875 |
| 388-890-0655 | 388-891-0880 |
| 388-890-0660 | 388-891-0885 |
| 388-890-0665 | 388-891-0890 |
| 388-890-0670 | 388-891-1030 |
| 388-890-0675 | 388-891-1030 |
| 388-890-0680 | 388-891-1015 |
| 388-890-0685 | 388-891-1030 |
| 388-890-0690 | 388-891-1035 |
| 388-890-0695 | Subject matter divided into 388-891-1030 388-891-0430 |
| 388-890-0700 | 388-891-1030 |
| 388-890-0705 | 388-891-1030 |
| 388-890-0710 | None |
| 388-890-0715 | None |
| 388-890-0720 | None |
| 388-890-0725 | None |
| 388-890-0730 | 388-891-0500 |
| 388-890-0745 | Subject matter divided into 388-891-1005 388-891-0430 |
| 388-890-0750 | 388-891-0510 |
| 388-890-0755 | 388-891-0520 |
| 388-890-0760 | 388-891-0530 |
| 388-890-0765 | 388-891-0540 |
| 388-890-1100 | 388-891-0300 |

| Repealed WAC # | Proposed as New WAC # |
|----------------|---|
| 388-890-1110 | 388-891-0300 |
| 388-890-1115 | 388-891-0310 |
| 388-890-1120 | 388-891-0320 |
| 388-890-1125 | 388-891-0320 |
| 388-890-1130 | 388-891-0325 |
| 388-890-1135 | None |
| 388-890-1140 | None |
| 388-890-1145 | 388-891-0340 |
| 388-890-1150 | 388-891-0345 |
| 388-890-0330 | Subject matter divided into 388-891-0300 388-891-1050 |
| 388-890-0335 | 388-891-0660 |
| 388-890-0340 | 388-891-0300 |
| 388-890-0345 | 388-891-0685 |
| 388-890-0350 | Subject matter divided into 388-891-0300 388-891-1200 388-891-1210 388-891-1220 388-891-1230 388-891-1240 388-891-0685 |
| 388-890-0355 | 388-891-0690 |
| 388-890-0360 | Subject matter divided into 388-891-0300 388-891-0695 |
| 388-890-0365 | 388-891-0840 |
| 388-890-0370 | 388-891-0705 |
| 388-890-0375 | Subject matter divided into 388-891-0300 388-891-1200 388-891-1210 388-891-1220 388-891-1230 388-891-1240 |
| 388-890-0380 | 388-891-0710 |
| 388-890-0385 | 388-891-0715 |
| 388-890-0390 | Subject matter divided into 388-891-0300 388-891-0715 |
| 388-890-0395 | Subject matter divided into 388-891-0300 388-891-1200 388-891-1210 388-891-1220 388-891-1230 388-891-1240 388-891-0745 |
| 388-890-0400 | 388-891-0745 |

| Repealed WAC # | Proposed as New WAC # |
|-----------------|---|
| 388-890-0405 | 388-891-0750 |
| 388-890-0410 | 388-891-0755 |
| 388-890-0415 | Subject matter divided into 388-891-0300 388-891-0755 |
| 388-890-0420 | None |
| 388-890-1155 | 388-891-0350 |
| 388-890-1160 | 388-891-0360 |
| 388-890-1165 | 388-891-0355 |
| 388-890-1170 | 388-891-0355 |
| 388-890-1175 | 388-891-0365 |
| 388-890-1180 | 388-891-0215 |
| 388-890-1185 | 388-891-0220 |
| 388-890-1190 | 388-891-0225 |
| 388-890-1195 | 388-891-0230 |
| 388-890-1200 | 388-891-0235 |
| 388-890-1205 | 388-891-0240 |
| 388-890-1210 | None |
| 388-890-1215 | 388-891-0245 |
| 388-890-1220 | 388-891-0250 |
| 388-890-1225 | 388-891-0255 |
| 388-890-1230 | 388-891-0255 |
| 388-890-1235 | 388-891-0260 |
| 388-890-1240 | 388-891-0270 |
| 388-890-1245 | 388-891-0275 |
| 388-890-1250 | 388-891-0295 |
| 388-890-1255 | None |
| 388-890-1260 | 388-891-0100 |
| 388-890-1265 | 388-891-0130 |
| 388-890-1270 | 388-891-0130 |
| 388-890-1275 | 388-891-0120 |
| 388-890-1280 | 388-891-0140 |
| 388-890-1285 | 388-891-0130 |
| 388-890-1290 | 388-891-0150 |
| 388-890-1295 | 388-891-0135 |
| 388-890-1300 | 388-891-0950 |
| 388-890-1305 | 388-891-0960 |
| 388-890-1310 | 388-891-0960 |
| No previous WAC | 388-891-0110 |
| No previous WAC | 388-891-0265 |
| No previous WAC | 388-891-0330 |
| No previous WAC | 388-891-0670 |
| No previous WAC | 388-891-0675 |
| No previous WAC | 388-891-0680 |
| No previous WAC | 388-891-0720 |
| No previous WAC | 388-891-0725 |
| No previous WAC | 388-891-0730 |

PROPOSED

| Repealed WAC # | Proposed as New WAC # |
|-----------------|---|
| No previous WAC | 388-891-0735 |
| No previous WAC | 388-891-0740 |
| No previous WAC | 388-891-0760 |
| No previous WAC | 388-891-0970 |
| No previous WAC | 388-891-1040 |
| No previous WAC | 388-891-1105 |
| No previous WAC | 388-891-1110 |
| 388-890-0425 | Subject matter divided into 388-891-0400 388-891-0410 388-891-0420 388-891-0430 388-891-0440 388-891-0755 |
| 388-890-0430 | Subject matter divided into 388-891-0400 388-891-0410 388-891-0420 388-891-0430 388-891-0440 388-891-0755 |
| No previous WAC | 388-891-1120 |
| No previous WAC | 388-891-1135 |

Statutory Authority for Adoption: RCW 74.29.020, 74.08.090.

Statute Being Implemented: August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Part 361 and 34 C.F.R. Part 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, chapter 26.44 RCW.

Summary: The rules inform the public about the rehabilitation services and/or benefits provided by the Division of Vocational Rehabilitation (DVR) and the conditions under which DVR provides them.

Reasons Supporting Proposal: To comply with the statutes and federal rules as indicated in Title of Rule and Statutory Authority for Adoption above.

Name of Agency Personnel Responsible for Drafting: Phyllis Hansen, Program Administrator, Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-5340, (360) 438-8047/VTTY; Implementation and Enforcement: Mike O'Brien, Director, Division of Vocational Rehabilitation, P.O. Box 45340, Olympia, WA 98504-5340, (360) 438-8008.

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

Rule is necessary because of federal law, United States Department of Education, Code of Federal Regulations including 34 C.F.R. Part 361 and 34 C.F.R. Part 363.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules inform the public what rehabilitation services and/or benefits are provided by DSHS, Division of Vocational Rehabilitation (DVR) and under what conditions DVR provides the services and/or benefits. Major areas cov-

ered include: Protection and use of confidential information, customer rights, paying for VR services, informed choice, order of selection, vocational rehabilitation services, supported employment, applying for VR services, eligibility, individualized plan for employment development, loaning equipment, and case closure.

The rules are intended to clarify the rights and responsibilities of DVR applicants and eligible individuals with disabilities, clarify the order of selection process, clarify presumptive eligibility for SSI and SSDI recipients, clarify the development of individualized plans for employment and support DVR's mission to help people with disabilities go to work. The new rules are organized for ease in customer use and simplified for clear understanding.

Proposal Changes the Following Existing Rules: DVR is repealing about two-thirds of the old program rules in chapter 388-890 WAC and replacing them with new rules in chapter 388-891 WAC. The subject matter remaining in chapter 388-890 WAC will all be on the DVR independent living services program.

The new vocational rehabilitation rules are reorganized in a different sequence according to customer interest and use. Major content changes include: Adding and changing definitions, changes to the rights and responsibilities of DVR applicants and eligible individuals with disabilities including disclosure of a history of violent or predatory behavior and criminal history, changes in documentation requirements in case service records, new presumptive eligibility for SSI and SSDI recipients, the addition of extended evaluation as a tool to determine eligibility, changes in the use of comparable services and benefits, changes in selection of services and service providers, and changes to the scope of VR services and the conditions under which some VR services are provided.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not regulate any businesses. The proposed rules regulate the provision of vocational rehabilitation services and anyone interested in receiving vocational rehabilitation services from DVR and provide information to anyone interested.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a "significant legislative rule" and a cost benefit analysis has been prepared. To obtain a copy, contact Phyllis Hansen, DVR Program Administrator, P.O. Box 45340, Olympia, WA 98504-5340, phone (360) 438-8047 V/TTY, e-mail hansepa@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 26, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 12, 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., November 26, 2002.

Date of Intended Adoption: Not earlier than November 27, 2002.

September 20, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Chapter 388-891 WAC

VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WITH DISABILITIES

PURPOSE

NEW SECTION

WAC 388-891-0005 What is the purpose of this chapter? This chapter explains the types of vocational rehabilitation services (referred to as "VR services" in this chapter) available to individuals who are eligible through the department of social and health services (DSHS), division of vocational rehabilitation (DVR).

VR services are offered to assist individuals with disabilities to prepare for, get, and keep jobs that are consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. This chapter is consistent with the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1998 and codified in 34 Code of Federal Regulations, Parts 361 and 363 and with state laws and DSHS requirements.

DEFINITIONS

NEW SECTION

WAC 388-891-0010 What definitions apply to this chapter? "Competitive employment" means:

- (1) Part-time or full-time work in a job that is available to all qualified individuals;
- (2) Work that is performed in an integrated setting;
- (3) Work for which an individual is paid at or above the minimum wage; and
- (4) Work for which an individual earns the same wages and benefits as other employees doing similar work who are not disabled.

"Employment outcome" means competitive employment, supported employment, self-employment, telecommuting, business ownership, or any other type of employment in an integrated setting that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

"Extended employment" means work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

"Extreme medical risk" means medical conditions that are likely to result in substantial physical or mental impairments or death if services, including mental health services, are not provided quickly.

"Family member" means a person who is your relative or legal guardian; or someone who lives in the same household as you and has a substantial interest in your well being.

"Individual with a disability" means an individual:

- (1) Who has a physical or mental impairment;
- (2) Whose impairment results in a substantial impediment (medical, psychological, vocational, educational, communication, and others) hindering her or his ability to achieve an employment outcome; and
- (3) Who can achieve an employment outcome as a result of receiving VR services.

"Integrated setting" means:

(1) The setting in which you receive a VR service is integrated if it is a setting commonly found in the community (such as a store, office or school) where you come into contact with nondisabled people while you are receiving the service. The nondisabled people you come into contact with are not the same people providing VR services to you.

(2) The setting in which you work is integrated if it is a setting commonly found in the community where you come into contact with nondisabled people as you do your work. The amount of contact you have with nondisabled people is the same as what a nondisabled person in the same type of job would experience.

"Most recent tax year" means the most recent calendar year for which you filed or were required to file and income tax return with the United States Internal Revenue Service (IRS).

"Physical, mental or sensory impairment" means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

"Representative" means any person chosen by an applicant or eligible individual, including a parent, family member or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

"Substantial impediment to employment" means the limitations you experience as a result of a physical, mental or sensory impairment that hinder your ability to prepare for, find, or keep a job that matches your abilities and capabilities.

PROTECTION AND USE OF CONFIDENTIAL INFORMATION

NEW SECTION

WAC 388-891-0100 What personal information about me does DVR keep on file? DVR keeps a case service record while you are receiving services and for three years after your case is closed. The case service record includes, but is not limited to:

(1) The DVR application form or written request for VR services.

(2) Documentation explaining the need for the trial work experience or extended evaluation, if conducted, and the written plan for conducting the trial work experience or extended evaluation, and documentation of progress reviews.

(3) Documentation and records that support the determination of eligibility or ineligibility.

(4) Documentation supporting the severity of disability and priority category determination.

(5) Financial statement and/or related records.

(6) Plan for employment, amendments to the plan, if amended, and information supporting the decisions documented on the plan.

(7) Documentation describing how you used informed choice to make decisions throughout the process, including assessment services, selection of an employment outcome, VR services, service provider, type of setting and how to get VR services.

(8) If VR services are provided in a setting that is not integrated, documentation of the reason(s) for using a nonintegrated setting;

(9) If you achieve a competitive employment outcome, documentation to show:

(a) Your wages and benefits;

(b) That the job you have is:

(i) Described in your plan for employment;

(ii) Consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and

(iii) In an integrated setting.

(c) That the services provided to you in your plan for employment helped you become employed;

(d) That you have been employed for at least ninety days and that you no longer need vocational rehabilitation services;

(e) That you and your VR counselor agree that your employment is satisfactory and that you are performing well; and

(f) That you have been informed, through appropriate modes of communication about the availability of post-employment services.

(10) If you are referred to another state or federal program for services to prepare for, find or keep a job, documentation of the referral, the reason(s) for the referral, and the name of the program(s) to which you are referred.

(11) Documentation of case closure, including:

(a) Reasons for closing the case service record;

(b) How you were involved in the decision to close the case; and

(c) A copy of the closure letter that explains the reason(s) for case closure and your rights if you disagree with the decision.

(12) Documentation of the results of mediation or fair hearings, if held;

(13) Documentation of annual reviews after your case service record is closed as outlined in WAC 388-891-1330 if:

(a) You choose extended employment in a nonintegrated setting;

(b) You achieve a supported employment outcome in an integrated setting for which you are paid in accordance with section 14(c) of the Fair Labor Standards Act; or

(c) DVR determines you are ineligible because you are too severely disabled to benefit from VR services.

(14) Other documentation that relates to your participation in VR services, including your progress, throughout the VR process.

NEW SECTION

WAC 388-891-0110 What happens if DVR receives information that indicates I have a previous history of behavior involving violent or predatory acts? (1) If a VR counselor receives information or records that reasonably

lead the VR counselor to believe you have a previous history of violent or predatory behavior, you must participate in an assessment conducted by a qualified professional prior to developing a plan for employment. The assessment is for the purpose of determining the level of risk you present to yourself or others in an employment situation.

(2) The VR counselor must consider the results and recommendations of the assessment in developing the plan for employment, including any restrictions relating to employment outcome or employment setting.

(3) If the results of the assessment indicate a potential risk to a service provider or employer, the individual must consent to release information about the behavior to a potential service provider or potential employer prior to referral for services.

NEW SECTION

WAC 388-891-0120 Can I ask DVR to change incorrect information in my case service record? You may ask

DVR to correct information in your case service record that you believe is incorrect. DVR corrects the information, unless DVR disagrees that the information is incorrect. If there is a disagreement about the accuracy of the information, you may provide a written document explaining the information you believe incorrect. DVR puts the document in your case service record.

NEW SECTION

WAC 388-891-0130 Can DVR share personal information in my record with others? (1) DVR shares personal information with others only if:

(a) Another organization or program involved in your VR services needs the information to serve you effectively;

(b) You request information in the case service record be shared with another organization for its program purposes;

(c) You select an employment outcome in a field that customarily requires a criminal history background check as a condition of employment; and

(d) You sign a written consent giving DVR permission to release, exchange, or obtain the information.

(2) DVR may release personal information without your written consent only under the following conditions:

- (a) If required by federal or state law;
- (b) To a law enforcement agency to investigate criminal acts, unless prohibited by federal or state law;
- (c) If given an order signed by a judge, magistrate, or authorized court official;
- (d) If DVR reasonably believes you are a danger to yourself or others;
- (e) To the DSHS division of child support; or
- (f) To an organization, agency or person(s) conducting an audit, evaluation or research.

NEW SECTION

WAC 388-891-0135 How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases? (1) DVR uses special protections when you share personal information about drug or alcohol abuse or about HIV/AIDS and sexually transmitted diseases.

(2) DVR asks for your specific permission to copy information of this nature before sharing it with a service provider or organization that is helping you reach your employment goals.

(3) Information about drug and alcohol abuse must be handled in accordance with RCW 70.96A.150 and applicable federal and state laws and regulations.

(4) Information about HIV/AIDS or other sexually transmitted diseases must be handled in accordance with RCW 70.24.105 and applicable federal and state laws and regulations.

NEW SECTION

WAC 388-891-0140 Can I obtain copies of information in my case service record? (1) You may review or obtain copies of information contained in your case service record by submitting a written request to DVR. DVR provides access to or provides copies of records upon request, except in the following circumstances:

(a) If DVR believes the medical, psychological, or other records in your case service record may be harmful to give to you, DVR only releases the records to a third party that you choose, such as your representative, parent, legal guardian or a qualified medical professional.

(b) If DVR receives personal information about you from another agency or service provider, DVR may only share the records as authorized by the agency or service provider that provided the information.

(c) If a representative has been appointed by a court to represent you, the information must be released to the representative.

(2) DVR provides access or gives you copies of records within ten business days of receiving your written request. If DVR cannot fulfill your request within ten business days, DVR will send you a written notice of the reason(s) the request cannot be met and the date you are granted access or the date the requested information will be provided.

NEW SECTION

WAC 388-891-0150 How does DVR protect personal information that is released for audit, evaluation or research? DVR may release personal information for audit, evaluation or research if the results would improve the quality of life or DVR services for people with disabilities. Before any personal information is shared, the organization, agency, or individual must agree to the following conditions:

(1) The information must only be used by people directly involved in the audit, evaluation or research;

(2) The information must only be used for the reasons approved by DVR in advance;

(3) The information must be kept secure and confidential;

(4) The information must not be shared with any other parties, including you or your representative; and

(5) The final product or report must not contain any personal information that would identify you without your written consent.

CUSTOMER RIGHTS

NEW SECTION

WAC 388-891-0200 Can a guardian or another representative act on my behalf with DVR? (1) You may select someone to act as your representative, as appropriate, during the VR program.

(2) If you have a legal guardian or a court-appointed representative, he or she must act as your representative.

(a) A legal guardian or court-appointed representative must provide DVR with documentation of guardianship.

(b) Your legal guardian or court-appointed representative must sign the application and other documents that require your signature.

NEW SECTION

WAC 388-891-0205 How do I ask for an exception to a rule in this chapter? (1) A request for exception to a rule in this chapter is submitted to the DVR director or designee in writing, and must include:

(a) A description of the exception being requested;

(b) The reason you are asking for the exception; and

(c) The duration of the exception, if applicable.

(2) An exception requesting a medical service that is otherwise not provided by DVR may only be requested on a trial basis or for a short duration to be specified in the request.

NEW SECTION

WAC 388-891-0210 What happens after I submit a request for an exception? (1) After receiving your request for an exception, the DVR director or designee decides whether to approve the request based on:

(a) The impact of the exception on accountability, efficiency, choice, satisfaction, and quality of services;

(b) The degree to which your request varies from the WAC; and

(c) Whether the rule or condition is a federal regulation that cannot be waived.

(2) The DVR director or designee responds to the request for an exception within ten working days of receiving the request.

(a) If the request is approved, the DVR director or designee provides a written approval that includes:

(i) The specific WAC for which an exception is approved;

(ii) Any conditions of approval; and

(iii) Duration of the exception.

(b) If the request is denied, the DVR director or designee will provide a written explanation of the reasons for the denial.

NEW SECTION

WAC 388-891-0215 What if a DVR counselor makes a decision about my VR services that I don't agree with?

(1) If a DVR counselor makes a decision that affects the DVR services provided to you that you don't agree with, you may try to resolve the disagreement by any one of the following or a combination of the following:

(a) Seek assistance from the client assistance program, talk to the VR counselor, talk to the VR supervisor, or talk to the DVR director or his or her designee;

(b) Request mediation; and/or

(c) Request a fair hearing.

(2) You may request a fair hearing and/or mediation while you continue to work with the DVR counselor, VR supervisor or DVR director or designee to resolve the disagreement. If you reach agreement prior to the date of the scheduled mediation or fair hearing, the request may be withdrawn.

NEW SECTION

WAC 388-891-0220 What is the client assistance program (CAP)? The client assistance program (CAP) is a program independent of DVR that offers information and advocacy about your rights as a DVR customer and offers assistance to help you receive services. You may ask for help or information from CAP at any time during the rehabilitation process by asking a DVR staff person for information about how to contact CAP or by calling CAP toll free at 1-800-544-2121 voice/TTY. A CAP representative may represent you with DVR if a disagreement occurs that you cannot resolve on your own. CAP attempts to resolve disagreements informally through discussions with the DVR employee(s) involved as a first step. If informal efforts are not successful, CAP may represent you in mediation and/or a fair hearing. CAP services are available at no cost to you.

NEW SECTION

WAC 388-891-0225 What is mediation? (1) Mediation is a process in which a trained mediator conducts a meeting with you and a representative from DVR, usually your DVR counselor to help you settle a disagreement.

(a) The mediator does not work for DVR.

(b) The mediator does not make decisions about your case.

(c) Mediation is voluntary for all parties.

(2) During mediation:

(a) Each party presents information or evidence;

(b) The mediator reviews and explains the laws that apply; and

(c) The mediator helps you and the VR representative reach an agreement, if possible.

(3) You may ask someone to represent you during the mediation, including a CAP representative, however, you must be present.

(4) Agreements you and DVR reach through mediation are not legally binding.

NEW SECTION

WAC 388-891-0230 When can I ask for mediation?

You may ask for mediation any time you disagree with a decision DVR makes that affects the VR services that DVR provides to you. Mediation is not used to deny or delay your right to a fair hearing. You may request both mediation and a fair hearing at the same time. If an agreement is reached during mediation, the fair hearing is cancelled.

NEW SECTION

WAC 388-891-0235 Who arranges and pays for mediation? DVR schedules mediation in a timely manner at a location that is convenient to all parties. DVR pays for costs related to mediation, except costs related to a representative or attorney you ask to attend. DVR may pay for VR services you require to participate in mediation, such as transportation or child care.

NEW SECTION

WAC 388-891-0240 Is information discussed during mediation confidential? Discussions during mediation are confidential and may not be used in a later fair hearing or civil proceeding, if one is held. Before beginning a mediation session, all parties must sign a statement of confidentiality.

NEW SECTION

WAC 388-891-0245 If the mediation session results in an agreement, do I receive a written statement of the results? If you and the DVR representative reach an agreement during mediation:

(1) The agreement is documented in writing;

(2) You and the DVR representative sign the written agreement; and

(3) DVR provides you with a copy of the agreement.

NEW SECTION

WAC 388-891-0250 What is a fair hearing? A fair hearing is a review process outlined under the Administrative Procedure Act, chapter 34.05 RCW and chapter 388-02 WAC that is conducted by an administrative law judge who

works for the office of administrative hearings. During a fair hearing, both you and DVR may present information, witnesses, and/or documents to support your position. You may ask someone to represent you, such as an attorney, a friend, a relative, a representative from the client assistance program, or someone else you choose. The administrative law judge makes a decision after hearing all of the information presented; reviewing any documents submitted, and reviewing relevant laws and regulations.

NEW SECTION

WAC 388-891-0255 How do I request a fair hearing?

(1) To ask for a fair hearing, send a written request to the office of administrative hearings. You must include the following information in your written request:

- (a) Your name, address, and telephone number;
- (b) The name of the DSHS program that the fair hearing involves (such as DVR);
- (c) A written statement describing the decision and the reasons you disagree; and
- (d) Any other information or documents that relate to the matter.

(2) You must submit your request for a fair hearing within twenty days of the date the VR counselor makes the decision with which you disagree.

(3) You may ask any DVR employee for instructions or assistance to submit a request for a fair hearing.

NEW SECTION

WAC 388-891-0260 After I submit a request for a fair hearing, when is it held? The office of administrative hearings holds a fair hearing within sixty days of receipt of your written request for a hearing, unless you or DVR ask for a later hearing date and the office of administrative hearings determines there is a reasonable cause for the delay.

NEW SECTION

WAC 388-891-0265 What is a pre-hearing meeting?

After you submit a request for a fair hearing, DVR offers you a pre-hearing meeting. The pre-hearing meeting can be conducted in person, by telephone, or by another method agreeable to all parties. The purpose of the pre-hearing meeting is to:

- (1) Clarify the decision with which you disagree;
- (2) Exchange copies of laws, rules or other information to be presented in the fair hearing;
- (3) Explain how the fair hearing is conducted; and
- (4) Settle the disagreement, if possible.

NEW SECTION

WAC 388-891-0270 Do I receive a written fair hearing decision? The office of administrative hearings sends you a written report of the findings and decision within thirty days of the fair hearing.

NEW SECTION

WAC 388-891-0275 Is the fair hearing decision final?

(1) The office of administrative hearings decision is final and DVR must implement the decision.

(2) If you do not agree with the office of administrative hearings decision, you may pursue civil action through superior court to review that decision.

NEW SECTION

WAC 388-891-0295 Can DVR suspend, reduce or terminate my services if I request a fair hearing? DVR may not suspend, reduce, or terminate agreed-upon services if you have requested a fair hearing, unless DVR provides evidence that you provided false information, committed fraud or other criminal acts involving VR services.

PAYING FOR VR SERVICES

NEW SECTION

WAC 388-891-0300 Under what conditions does DVR provide and/or pay for vocational rehabilitation services to individuals? DVR provides and pays for VR services if:

- (1) You have completed the application requirements;
- (2) You have provided documents that verify your identity and legal work status;
- (3) DVR authorizes the services before the services begin;
- (4) The services are needed to:
 - (a) Determine your eligibility for services;
 - (b) Identify your vocational rehabilitation needs; and/or
 - (c) Help you get and/or keep a job.
- (5) The services to be provided, except services listed in WAC 388-891-0310, are not provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;
- (6) You have completed the financial statement, if required, and have agreed upon what portion, if any, you are required to for your VR services; and
- (7) The service provider meets all federal, state, and agency requirements for approval as a DVR service provider.

NEW SECTION

WAC 388-891-0310 What VR services are provided without determining whether services or benefits are available from another program or organization? DVR is not required to determine whether the following services or benefits can be provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits:

- (1) Assessment services to determine eligibility and/or VR needs;
- (2) Counseling and guidance, including information and referral;
- (3) Independent living services and evaluations provided by DVR staff;

- (4) Job placement and job retention services;
- (5) Rehabilitation technology services;
- (6) Post-employment services when providing the services listed in subsection (1) through (5) above.

NEW SECTION

WAC 388-891-0320 What if looking for services and benefits available from another program would delay or interrupt my progress toward achieving an employment outcome? (1) A DVR counselor may begin providing VR services without conducting a review to determine whether services or benefits can be provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits if the review would delay or interrupt:

- (a) VR services to an individual determined to be at extreme medical risk, based on medical evidence provided by a qualified professional;
 - (b) An immediate job placement; or
 - (c) Your progress toward achieving the employment outcome identified on your individual plan for employment.
- (2) If you receive DVR services before services or benefits are available from another program, you begin using the services and benefits from the other program when they become available.

NEW SECTION

WAC 388-891-0325 Does DVR pay for a VR service if services and benefits are available from another program or organization, but I don't want to use them? DVR does not pay for services or benefits that can be provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits. If you choose not to apply for and use the services or benefits, you are responsible for the cost of the services.

NEW SECTION

WAC 388-891-0330 Does DVR consider academic awards and scholarships as income? Academic awards and scholarships you earn based on merit are not counted as income for purposes of determining your participation in the cost of services.

NEW SECTION

WAC 388-891-0340 How does DVR determine whether I must pay part of my DVR services using my own financial resources? (1) To determine whether you are required to pay a portion of DVR services using your own financial resources:

- (a) You must complete a DVR financial statement to document your financial status, except for the services outlined in WAC 388-891-0365;
- (b) You must provide copies of financial records requested by DVR to establish your financial status.

(2) Depending on your income tax filing status for the most recent tax year, you must provide financial information based on your own individual resources or based on your family resources.

(a) If your income tax status was reported as married filing jointly, married filing separately, or you were listed as a dependent of another person, complete the financial statement based on family resources.

(b) If your income tax status was reported as single, complete the financial statement based on your own financial resources.

(3) If you fail to report your financial status accurately or fail to provide the required information, DVR may deny or suspend services at any time in the rehabilitation process, except the services listed under WAC 388-891-0365.

NEW SECTION

WAC 388-891-0345 Do I have to pay a portion of my DVR services if I receive assistance or income support from another public program? If you provide verification that you receive benefits from one of the following programs, you are not required to pay any portion of your DVR services.

- (1) Department of social and health services (DSHS) income assistance;
- (2) Medicaid; or
- (3) Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

NEW SECTION

WAC 388-891-0350 What financial information does DVR use to decide if I need to help pay for VR services? (1) You complete a DVR financial statement to disclose the following information used to determine whether you must pay any part of the cost of DVR services:

(a) Income from all sources, assets, including but not limited to bank accounts, vehicles, personal property, stocks, bonds, and trusts; and

(b) Living expenses, including household expenses, credit or loan payments, disability-related expenses and other financial obligations.

(2) If the results of the financial statement show that you do not have resources available to help pay for your DVR services, DVR provides the services at no cost to you.

(3) If you decline to complete the financial statement or decline to contribute to the cost of DVR services, DVR provides only those services listed under WAC 388-891-0365.

NEW SECTION

WAC 388-891-0355 How is the amount I pay for DVR services determined? After completing the financial statement, you and a DVR counselor agree how to use the resources identified on the financial statement to help pay for DVR services. The costs you agree to pay are documented on the individualized plan for employment (IPE). If your financial status changes, you are required to report the changes to your DVR counselor.

NEW SECTION

WAC 388-891-0360 What personal resources are not counted in the decision about whether I have to help pay for services? DVR does not count the following resources when deciding whether you need to help pay for DVR:

- (1) The value of your primary home and furnishings;
- (2) The value of items that you keep because of personal attachment, rather than because of monetary value;
- (3) The value of one vehicle per household member needed for work, school, or to participate in DVR services;
- (4) Retirement, insurance, or trust accounts that do not pay a current benefit to you or your family;
- (5) If a retirement, insurance or trust account pays a current benefit, only the monthly benefit is counted as income and the balance of the account is excluded;
- (6) Awards or scholarships you earn based on merit;
- (7) Up to five thousand dollars of your total assets are excluded as exempt;
- (8) Equipment or machinery used to produce income;
- (9) Livestock used to produce income; and
- (10) Disability-related items and/or services.

NEW SECTION

WAC 388-891-0365 What VR program services am I not required to help pay for? You are not required to pay any portion of the following DVR services, regardless of your financial status:

- (1) Assessment services to determine eligibility or VR needs, including independent living evaluations;
- (2) Counseling and guidance services provided by DVR staff;
- (3) Information and referral services;
- (4) Interpreter and reader services;
- (5) Personal assistance services;
- (6) Job placement;
- (7) Job retention services;
- (8) Independent living services provided directly by DVR staff; and
- (9) Post-employment services that include any of the services in subsections (1) through (8) above.

NEW SECTION

WAC 388-891-0370 Can I select the services and service provider of my choice? (1) You may select VR services that you need to achieve an employment outcome that is consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(2) You may select the service provider of your choice if the service provider meets the following conditions:

- (a) DVR pays for services that meet your needs at the least cost possible.
 - (i) If two or more service providers or programs offer comparable services but differ in cost, and you choose the higher cost service or program, you are responsible for those costs in excess of the lower cost service. You can use resources other than DVR funds to pay the remaining cost.

(ii) DVR may pay for a service or program at a higher cost than another service or program if the costs are reasonably comparable.

(b) The service provider meets all federal, state, and DVR requirements for DVR approval.

INFORMED CHOICENEW SECTION

WAC 388-891-0400 What is informed choice?

Informed choice is the process by which an individual receiving services from DVR makes decisions about VR goals and the VR services and service providers necessary to reach those goals. The decision-making process takes into account the individual's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions. Informed choice involves communicating clearly with an individual receiving VR services to assure the individual understands and uses pertinent information in the decision making process. The intent of informed choice is to ensure VR services are provided in a manner that promotes respect for individual dignity, personal responsibility, self-determination, and the pursuit of meaningful careers.

NEW SECTION

WAC 388-891-0410 How does DVR support the informed choice process? DVR supports the informed choice process by providing counseling and guidance, information and support to help you make choices that match your strengths, resources, priorities, concerns, abilities, capabilities, and interests, including:

- (1) Explaining what choices you can make throughout the rehabilitation process;
- (2) Assisting you to identify and get the information you need to explore the options available; and
- (3) Helping you understand and evaluate the options.

NEW SECTION

WAC 388-891-0420 What if I don't know how to use the informed choice decision making process? DVR explains how to use informed choice to make decisions about VR goals and services. If it is difficult for you to make informed choices, DVR can help you understand the options available and choose the one that meets your needs.

NEW SECTION

WAC 388-891-0430 What decisions can I make using informed choice? You have the right to make informed choices about VR goals and services throughout the rehabilitation process, including but not limited to:

- (1) What assessment services and/or service provider(s) you will use to get the information necessary for DVR to determine eligibility and/or identify your VR needs;
- (2) What to include on your individualized plan for employment (IPE), including:
 - (a) Type of employment outcome and setting;

- (b) VR services needed to achieve the employment outcome;
- (c) Service provider(s) that will provide the service and setting in which to receive the services; and
- (d) Method(s) of arranging and paying for services, from the methods available to DVR under state law and agency policy.

NEW SECTION

WAC 388-891-0440 What information and assistance will DVR provide to help me make informed choices about VR services and service providers? To help you select the VR services you need to achieve an employment outcome and the service provider(s) to use, DVR will help you get the following information, to the extent the information is available and/or appropriate:

- (1) Cost, accessibility, and duration of services;
- (2) Consumer satisfaction with those services;
- (3) Qualifications of potential service providers;
- (4) Type(s) of services offered by each service provider;
- (5) Type of setting in which the services are provided, including whether the setting is integrated or nonintegrated; and
- (6) Outcomes achieved by others served by the service provider.

ORDER OF SELECTION

NEW SECTION

WAC 388-891-0500 What happens if DVR cannot serve every eligible person? If DVR cannot serve all eligible individuals, because there are not enough funds or other resources, DVR must:

- (1) Establish a statewide waiting list for services;
- (2) Implement a process called order of selection that establishes the order in which DVR selects eligible individuals from the waiting list to begin receiving DVR services; and
- (3) Provide you with information and guidance (which may include counseling and referral for job placement) about other federal or state programs that offer services to help you meet your employment needs, if available.

NEW SECTION

WAC 388-891-0510 How are individuals selected for services when DVR is operating under an order of selection? When DVR is operating under an order of selection, individuals are selected for services as follows:

- (1) At the time you are determined eligible for VR services, a DVR counselor establishes a priority for services category based on the severity of your disability.
- (2) As resources become available for DVR to serve additional individuals, DVR selects names from the waiting list in the priority category being served at that time.
- (3) The priority categories include:
 - (a) Priority category 1—Individuals with most severe disabilities;

- (b) Priority category 2—Individuals with severe disabilities; and
- (c) Priority category 3—Individuals with disabilities.
- (4) Within a priority category, the date you applied for DVR services determines the order in which you are selected from the waiting list.

NEW SECTION

WAC 388-891-0520 What is the criteria for priority category 1—Individuals with most severe disabilities? DVR determines you are in priority category 1—Individuals with most severe disabilities, if you meet the following criteria:

- (1) You require supported employment; and/or
- (2) You meet the criteria for an individual with a severe disability as defined in WAC 388-891-0530, you require two or more VR services over an extended period of time (twelve months or more) and you experience serious functional losses in four or more of the following areas in terms of an employment outcome:
 - (a) Mobility;
 - (b) Communication;
 - (c) Self-care;
 - (d) Self-direction;
 - (e) Interpersonal skills;
 - (f) Work tolerance; or
 - (g) Work skills.

NEW SECTION

WAC 388-891-0530 What is the criteria for priority category 2—Individuals with severe disabilities? DVR determines you are in priority category 2—Individuals with severe disabilities if:

- (1) You are receiving disability benefits under Title II or Title XVI of the Social Security Act, but do not meet the criteria for priority category 1; and/or
- (2) You meet the eligibility requirements outlined in WAC 388-891-0540, you require two or more VR services over an extended period of time (twelve months or more) and, you experience serious functional losses in one to three of the following areas in terms of an employment outcome:
 - (a) Mobility;
 - (b) Communication;
 - (c) Self-care;
 - (d) Self-direction;
 - (e) Interpersonal skills;
 - (f) Work tolerance; or
 - (g) Work skills.

NEW SECTION

WAC 388-189-0540 What is the criteria for priority category 3—Individuals with disabilities? DVR determines you are in priority category 3—Individuals with disabilities if you meet the eligibility requirements outlined in WAC 388-891-1000, but you do not meet the criteria for priority category 1 or priority category 2.

Reviser's note: The above new section was filed by the agency as WAC 388-189-0540. This section is placed among sections forming new chapter 388-891 WAC, and therefore should be numbered WAC 388-891-0540. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

VR SERVICES

NEW SECTION

WAC 388-891-0600 What vocational rehabilitation services are available to individuals from DVR? The following VR services are available to individuals from DVR:

- (1) Assessment services;
- (2) Independent living evaluation and services;
- (3) Information and referral services;
- (4) Interpreter services;
- (5) Job placement services;
- (6) Job retention services;
- (7) Maintenance services;
- (8) Occupational licenses;
- (9) Personal assistance services;
- (10) Physical and mental restoration services;
- (11) Rehabilitation technology services;
- (12) Self-employment services;
- (13) Services to family members;
- (14) Substantial counseling and guidance services;
- (15) Tools, equipment, initial stocks and supplies;
- (16) Training services;
- (17) Transition services;
- (18) Translation services;
- (19) Transportation services;
- (20) Other services; and
- (21) Post-employment services.

NEW SECTION

WAC 388-891-0605 What are assessment services? Assessment services, including services provided in a trial work experience or extended evaluation, are provided to obtain information necessary to determine:

- (1) Whether you are eligible for VR services;
- (2) Severity of disability and priority category; and/or
- (3) The employment outcome and VR services to be included in an individualized plan for employment.

NEW SECTION

WAC 388-891-0610 What are independent living services and/or evaluation? Independent living services and/or evaluation includes services provided to:

- (1) Identify issues that present problems for you in achieving an employment outcome and services you need to address the issues.
- (2) Help you manage the services you need to live independently, get information about benefits available to you and about your rights and responsibilities.
- (3) Help you set personal goals, make decisions about life issues and employment, and help your family with issues related to your disability and independence.

(4) Help you manage and balance your life in areas such as budgeting, meal preparation and nutrition, shopping, hygiene, time management, recreation, community resources, and attendant management.

(5) Find out about housing resources and the qualifications, make decisions about the living arrangements and about changing to a more independent living arrangement.

NEW SECTION

WAC 388-891-0615 What are information and referral services? Information and referral services include information and guidance provided to help you explore employment services or benefits available to you from other programs, including other programs within the workforce development system.

NEW SECTION

WAC 388-891-0620 What are interpreter services? Interpreter services include sign language or oral interpretation services for individuals who are deaf or hard of hearing, and tactile interpretation services for individuals who are deaf-blind.

NEW SECTION

WAC 388-891-0625 What are job placement services? Job placement means referral to a specific job that results in a job placement.

NEW SECTION

WAC 388-891-0630 What are job retention services? Job retention means services provided after you have been placed in a job to help you achieve satisfactory performance and keep the job.

NEW SECTION

WAC 388-891-0635 What are maintenance services? Maintenance includes monetary support for expenses such as food, shelter, or clothing that are in excess of your usual living expenses that you need to participate in another VR service. The following examples include, but are not limited to, the ways maintenance may be used:

- (1) A uniform or other suitable clothing required to look for or get a job;
- (2) Short-term lodging and meals required to participate in assessment or training services not within commuting distance of your home; and
- (3) A security deposit or utility hook-ups on housing you need to relocate for a job.

NEW SECTION

WAC 388-891-0640 What are occupational licenses? Occupational licenses are licenses, permits, certificates or bonds showing you meet certain standards or have accomplished certain achievements and/or have paid dues, fees or

otherwise qualify to engage in a business, a specific occupation or trade, or other work.

NEW SECTION

WAC 388-891-0645 What are personal assistance services? (1) Personal assistance services include a range of services provided by at least one person to help you perform daily living activities on or off the job that you would perform without assistance if you did not have a disability. Examples include, but are not limited to:

(a) Reader services for individuals who cannot read print because of blindness or other disability. In addition to reading aloud, reader services include transcription of printed information into Braille or sound recordings. Reader services are generally for people who are blind, but may also include individuals unable to read because of serious neurological disorders, specific learning disabilities, or other physical or mental impairments.

(b) Personal attendant services are personal services that an attendant performs for an individual with a disability, including, but not limited to, bathing, feeding, dressing, providing mobility and transportation.

(2) Personal assistance services are only provided in connection with one or more other VR services.

NEW SECTION

WAC 388-891-0650 What are physical and mental restoration services? (1) Physical and mental restoration services are used to diagnose and treat physical and mental impairments.

(2) DVR provides physical and mental restoration services if your disabling condition is stable or slowly progressive and the service is expected to substantially modify, correct, or improve a physical or mental impairment that is a substantial impediment to employment for you within a reasonable length of time and financial support is not readily available from another source, such as health insurance.

(3) Physical and mental restoration services include:

(a) Corrective surgery or therapy;

(b) Diagnosis and treatment of mental or emotional disorders by qualified personnel who meet state licensing requirements;

(c) Dental treatment if the treatment is directly related to an employment outcome, or in emergency situations involving pain, acute infections, or injury;

(d) Nursing services;

(e) Hospitalization (in-patient or outpatient) in connection with surgery or treatment and clinic services;

(f) Drugs and supplies;

(g) Prosthetic and orthotic devices;

(h) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids;

(i) Podiatry;

(j) Physical therapy;

(k) Occupational therapy;

(l) Speech or hearing therapy;

(m) Mental health services;

(n) Treatment of acute or chronic medical conditions and emergencies that result from providing physical and mental restoration services, or that are related to the condition being treated;

(o) Special services for the treatment of end-stage renal disease; and

(p) Other medical or medically-related rehabilitation services.

NEW SECTION

WAC 388-891-0655 What are the medical treatments DVR does not pay for? DVR does not pay for the following medical treatments:

(1) Maintenance of your general health or fitness, including, but not limited to, vitamins, in-patient hospital based weight loss programs or for-profit weight loss programs, exercise programs, health spas, swim programs and athletic fitness clubs;

(2) Cosmetic procedures, such as facelifts, liposuction, cellulite removal;

(3) Maternity care;

(4) Hysterectomies, elective abortions, sterilization, and contraceptive services as independent procedures;

(5) Drugs not approved by the Federal Drug Administration for general use or by state law;

(6) Life support systems, services, and hospice care;

(7) Transgender services including surgery and medication management;

(8) Homeopathic and herbalist services, Christian Science practitioners or theological healers; and

(9) Treatment that is experimental, obsolete, investigational, or otherwise not established as effective medical treatment.

NEW SECTION

WAC 388-891-0660 What is rehabilitation technology? Rehabilitation technology includes the use of technology, engineering methods and sciences to design, develop, test, evaluate, apply and distribute technology to address problems faced by individuals with disabilities in functional areas such as mobility, communication, hearing, vision and cognition. Rehabilitation technology includes:

(1) Assistive technology devices, equipment, or products used to increase, maintain, or improve the functional capabilities of an individual with a disability including, but not limited to:

(a) Telecommunications devices;

(b) Sensory aids and devices, including hearing aids, telephone amplifiers and other hearing devices, captioned videos, taped text, Brailled and large print materials, electronic formats, graphics, simple language materials, and other special visual aids;

(c) Vehicle modifications; and

(d) Computer and computer-related hardware and software that is provided to address a disability-related limitation.

(2) Services that assist you in the selection, acquisition, or use of an assistive technology device, including services to:

- (a) Evaluate your needs in performing activities in your daily environment;
- (b) Select, design, fit, customize, adapt, apply, maintain, repair, or replace an assistive technology device;
- (c) Coordinate and use other therapies or services with assistive technology devices, such as education and rehabilitation plans and programs;
- (d) Train or give technical assistance to professionals, employers, family members or others who provide services to you, hire you, or are involved in your major life activities.

- (3) Real time captioning services;
- (4) A written policy, plan, guarantee or warranty (initial or extended) that covers the cost to repair or replace an assistive technology device, a piece of equipment, or another assistive technology product if it is lost or damaged.

NEW SECTION

WAC 388-891-0665 Under what conditions does DVR provide vehicle modifications as a rehabilitation technology service? DVR provides vehicle modifications under the following conditions:

- (1) DVR does not have a question about your driving safety as outlined in WAC 388-891-0775.
- (2) The DVR counselor has determined based on disability-related documentation that your disability is stable or slowly progressive and not likely to impair your driving ability in the future, if you plan to drive the vehicle.
- (3) You have provided documentation verifying that you and/or a family member is the registered and/or legal owner of the vehicle.
- (4) You have provided a copy of a current driver's license and vehicle license with required endorsements for you and/or family member(s) who will operate the vehicle.
- (5) If a used vehicle is to be modified, you have provided documentation of an inspection from a certified or journey level auto mechanic that verifies the vehicle is in good condition and capable of being modified.
- (6) DVR has obtained documentation from a specialist in evaluation and modification of vehicles for individuals with disabilities that prescribes and inspects the modification, except prescriptions are not required for:
 - (a) Placement of a wheelchair lift, ramp, or scooter lift and tie downs for passenger access only;
 - (b) Replacement of hand controls;
 - (c) Wheelchair carriers; and
 - (d) Other minor driving aids.
- (7) You have provided documentation of vehicle insurance adequate to cover the cost of replacement for loss or damage, including the cost of the modification.
- (8) You have demonstrated or provided documentation that verifies you and/or family member(s) designated as a driver can safely operate the vehicle as modified.

NEW SECTION

WAC 388-891-0670 What types of insurance can DVR pay for? (1) DVR may pay for insurance for assistive technology devices, equipment and products.

(2) DVR does not pay for other types of insurance including, but not limited to, health, vehicle, home, and life insurance.

NEW SECTION

WAC 388-891-0675 What types of assistive technology insurance can DVR pay for? DVR may pay for insurance for assistive technology devices, equipment, and products which covers the cost to repair or replace them if they are lost or damaged if:

(1) The individual with a disability is the holder of the device, equipment or product and is the named insured under the policy; and

(2) The insurer pays for replacement or repair directly to the manufacturer or service provider.

NEW SECTION

WAC 388-891-0680 What types of assistive technology warranties can DVR pay for? (1) DVR may pay for an initial warranty for an assistive technology device, piece of equipment, or product for a specified period of time following the date of purchase if the warranty is available at the time of purchase by the manufacturer. An initial warranty may guarantee repair and/or replacement of parts or the entire device, equipment, or product when the parts and/or workmanship are faulty.

(2) DVR may pay for an initial warranty or for a warranty that extends beyond the period of coverage of an initial warranty for an assistive technology device, piece of equipment, or product if:

(a) The individual with a disability is the holder of the device, equipment, or product;

(b) The manufacturer provides a written guarantee for the materials and workmanship of the device, equipment, or product; and

(c) The manufacturer replaces or repairs faulty parts and workmanship or replaces the device, equipment, or product in whole or the manufacturer directly pays a service provider to repair or replace parts and workmanship or the device, equipment, or product in whole.

NEW SECTION

WAC 388-891-0685 What are self-employment services? Self-employment services include consultation and technical assistance to help you establish a small business to become self-employed and equipment, tools, initial stocks and supplies. Before a DVR counselor agrees to an IPE that includes a self-employment outcome, you must complete assessment services, including the development of a business plan that demonstrates that the self-employment you are considering is feasible, sustainable, and results in an employment

outcome. DVR does not support hobbies or activities that do not result in an income-producing self-employment outcome.

NEW SECTION

WAC 388-891-0690 What vocational rehabilitation services can DVR provide to my family member(s)? Vocational rehabilitation services may be provided to a family member if the services are necessary for you to achieve an employment outcome. A family member includes a relative or guardian of an applicant or eligible individual or an individual who lives in the same household as the applicant or eligible individual and has a substantial interest in her or his well being.

NEW SECTION

WAC 388-891-0695 What types of child care does DVR provide to my family members? (1) DVR pays for the following types of licensed child care and child care exempt from licensing in conformance with DSHS licensing or certification requirements and background check requirements:

- (a) Child day care centers;
- (b) Family child day care homes; and
- (c) School-age child care centers.

(2) DVR pays for in-home or relative child care including:

- (a) Child care provided to your child(ren) in your home by a relative or other person; and
- (b) Child care provided to your child(ren) by a relative outside of your home.

(3) To be authorized as an in-home/relative child care provider for DVR payment, your in-home or relative child care provider must comply with background check requirements outlined in chapter 388-290 WAC.

(4) DVR pays for child care in states bordering Washington if the child care provider meet their state's licensing regulations.

(5) DVR pays the child care provider's usual rates for child care services directly to the child care provider.

NEW SECTION

WAC 388-891-0700 What is substantial counseling and guidance? Substantial counseling and guidance includes intensive counseling and guidance provided by a DVR counselor throughout the rehabilitation process to help you address medical, family or social issues, vocational counseling, or other counseling and guidance that is over and above the usual counseling and guidance relationship. Substantial counseling and guidance services include counseling and guidance to support a self-directed job search.

NEW SECTION

WAC 388-891-0705 What are tools, equipment, initial stocks and supplies? Tools, equipment, initial stocks and supplies are materials and hardware required to carry out the duties of a job.

NEW SECTION

WAC 388-891-0710 What are training services? Training services are designed to help you gain knowledge, skills and abilities needed to achieve an employment outcome. Training services, include, but are not limited to:

- (1) On-the-job training;
- (2) Post-secondary training;
- (3) Technical or vocational training;
- (4) Basic education/literacy training;
- (5) Community rehabilitation program (CRP) training;
- (6) Other miscellaneous training.

NEW SECTION

WAC 388-891-0715 What is on-the-job training? On-the-job training is training an employer provides to you after you are placed in a job to help you learn the skills you need. The employer must sign an agreement to include at a minimum:

- (1) Training to be provided, including skills to be learned and training methods;
- (2) Duration or number of hours of training to be provided;
- (3) How the employer will evaluate and report your progress to DVR;
- (4) An agreed-upon fee based on the employer's costs to provide the training; and
- (5) Payment criteria.

NEW SECTION

WAC 388-891-0720 What is post-secondary training? Post-secondary training means academic training above the high school level leading to a degree, an academic certificate, or other recognized educational credential. Post-secondary training is provided by a college or university, community college, junior college or technical college.

NEW SECTION

WAC 388-891-0725 What is technical or vocational training? Technical or vocational training includes occupational, vocational or specific job skill training, not leading to an academic degree, provided by a community college, business school, vocational, technical or trade school to prepare for work in a specific occupation.

NEW SECTION

WAC 388-891-0730 What is basic education/literacy training? Basic education/literacy training teaches basic academic skills, including how to read.

NEW SECTION

WAC 388-891-0735 What is community rehabilitation program (CRP) training? Community rehabilitation program (CRP) training is training to prepare an individual for work, such as developing appropriate work habits and

behaviors, getting to work on time, dressing appropriately, and/or skills to increase productivity.

NEW SECTION

WAC 388-891-0740 What other training does DVR provide? DVR provides other miscellaneous training services that are not identified in another section, such as high school completion, speech reading or sign language training, cognitive training and tutoring.

NEW SECTION

WAC 388-891-0745 What conditions apply to receiving training services at an institution of higher education?

(1) Training at an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) is provided only after you and a DVR counselor have made maximum efforts to get and use available grant funding from other sources to pay for costs related to attendance. Grant funding does not include student loans.

(2) You must provide DVR a copy of your grant funding award or denial form, statement of unmet need and/or student budget, and other related documentation.

(3) If an academic institution charges a fee to cover the cost of a student health clinic and the fee is required as a condition of registration, DVR may pay this fee.

(4) If an academic institution charges a liability fee to cover the costs of a student to register in high-risk courses/practicum and the fee is required as a condition of registration, DVR may pay this fee.

NEW SECTION

WAC 388-891-0750 Can I receive training services from a private school, an out-of-state training agency or an out-of-state college? If you choose training services at a private or out-of-state program when an in-state or public program is available and adequate to meet your needs, you are responsible for costs that are in excess of the public or in-state program costs.

NEW SECTION

WAC 388-891-0755 What transition services does DVR provide to high school students? If you are a high school student, DVR provides counseling and guidance and other VR services to help you make informed choices to:

- (1) Determine your eligibility and VR needs;
- (2) Select an employment goal;
- (3) Select the VR services needed either before or after you leave high school to reach your employment goal; and
- (4) Develop an individualized plan for employment (IPE) before you leave high school.

NEW SECTION

WAC 388-891-0760 What are translation services? Translation services include oral and written translation of

English into the primary language of an applicant or eligible individual.

NEW SECTION

WAC 388-891-0765 What are transportation services? Transportation services include travel and related expenses necessary for you to participate in VR services, such as a bus pass, reimbursement for gasoline, purchase or repair of a vehicle.

NEW SECTION

WAC 388-891-0770 Under what conditions does DVR provide a vehicle? (1) DVR provides a vehicle as a transportation service only in exceptional circumstances to support another VR service on the IPE and must be approved by the director or his or her designee.

(2) A vehicle issued to you remains the property of DVR until you achieve an employment outcome that requires the vehicle and you maintain the employment for at least ninety days.

(3) The director or his or her designee approves the purchase of a vehicle only if:

(a) A DVR counselor determines, based on disability-related documentation that your disability is stable or slowly progressive, and is not likely to impair your ability to drive in the future;

(b) You and a DVR counselor agree it is a necessary service under your individualized plan for employment (IPE) because:

(i) No other transportation options are available and it is not feasible for you to relocate to live closer to employment or other transportation options; or

(ii) A vehicle is required as a condition of employment.

(c) You do not have a vehicle or your vehicle cannot be modified or repaired to the extent that you can drive it.

(4) Prior to issuing a vehicle to you, you must submit the following documents to DVR and you must agree to provide ongoing verification upon request of a DVR counselor:

(a) A copy of your current, valid driver's license;

(b) A copy of your driving record indicating no criminal convictions related to driving a vehicle;

(c) A copy of your motor vehicle insurance coverage with the following minimum coverage and conditions:

(i) Liability in the amount of fifty thousand dollars/one hundred thousand dollars/fifty thousand dollars;

(ii) Uninsured motorist in the amount of fifty thousand dollars/one hundred thousand dollars/fifty thousand dollars;

(iii) Personal injury in the amount of one hundred thousand dollars;

(iv) Replacement cost of the vehicle, including special equipment and modifications, if applicable;

(v) DVR is listed as the lien holder; and

(vi) All drivers who use the vehicle are listed on the policy.

(d) You have signed a written agreement with your DVR counselor that outlines how you will pay for vehicle maintenance and repair;

(e) You have signed an agreement to return the vehicle to DVR upon request as long as DVR owns the vehicle.

(5) Before DVR transfers ownership of a vehicle to you, you must submit documentation to verify:

- (a) You are the registered owner of the vehicle;
- (b) The vehicle is insured to cover the cost of replacement for loss or damage at the time ownership is transferred.

NEW SECTION

WAC 388-891-0775 What happens if DVR has a question about my driving safety? (1) DVR does not provide services to facilitate your driving or that of a driver using your vehicle if:

- (a) Either you or the driver are uninsured; or
- (b) DVR is aware of any fact which raises a question regarding driving safety.

(2) Services to facilitate your driving include, but are not limited to, vehicle modifications provided as a rehabilitation technology service, car repairs, gasoline money, driver license, and license tabs.

NEW SECTION

WAC 388-891-0780 What other services does DVR provide? DVR can provide other services not identified in this chapter when the service is needed for you to achieve an employment outcome.

NEW SECTION

WAC 388-891-0790 What are post-employment services? Post employment services include one or more vocational rehabilitation services provided if:

- (1) Your case was closed within the past three years because you achieved an employment outcome;
- (2) Your rehabilitation needs are limited in scope and duration;
- (3) You need post employment services to maintain, regain or advance in employment that is consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

SUPPORTED EMPLOYMENT

NEW SECTION

WAC 388-891-0800 What is supported employment?

- (1) Supported employment is:
 - (a) Competitive work; or
 - (b) Work in an integrated setting while you work toward competitive work consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; or
 - (c) Transitional employment for an individual with a most severe disability due to chronic mental illness.
- (2) Supported employment is for an individual with a most severe disability who:
 - (a) Has not traditionally worked in competitive employment; or

(b) Has worked in competitive employment, but the disability has caused the individual to stop working, or work off and on; and

(c) Needs intensive supported employment services and extended services to work because of the nature and severity of the disability.

NEW SECTION

WAC 388-891-0810 Who is eligible for supported employment? You are eligible for supported employment services if:

- (1) You are eligible for vocational rehabilitation services under WAC 388-891-1000;
- (2) You have been determined to be an individual with a most severe disability; and
- (3) Supported employment is appropriate for you based on a comprehensive assessment of your needs, including an evaluation of your rehabilitation, career and job needs.

NEW SECTION

WAC 388-891-0815 Who decides if I am eligible for supported employment? DVR decides if you are eligible for supported employment services.

NEW SECTION

WAC 388-891-0820 What is competitive work in supported employment? Competitive work, as used in supported employment, is:

- (1) Work in the competitive labor market that you perform on a full-time or part-time basis in an integrated setting; and
- (2) Work for which you are paid at or above the minimum wage, but not less than the usual wage your employer pays to nondisabled employees who do the same or similar work as you.

NEW SECTION

WAC 388-891-825 What is an integrated setting in supported employment? An integrated setting in supported employment is a work setting commonly found in the community in which you interact with nondisabled people to the same extent that a nondisabled person in the same type of job interacts with other persons.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 388-891-825 is probably intended to be WAC 388-891-0825.

NEW SECTION

WAC 388-891-0830 Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers? Interactions at your work site between you and a nondisabled supported employment service provider do not meet the requirement for an integrated setting.

NEW SECTION

WAC 388-891-0835 What is transitional employment? Transitional employment is a supported employment work model using a series of consecutive jobs in competitive employment for individuals with the most severe disabilities due to mental illness. In transitional employment, ongoing support services must include continuing sequential job placement until job permanency is achieved.

NEW SECTION

WAC 388-891-0840 What are supported employment services? Supported employment services are:

- (1) Ongoing support services as described in WAC 388-891-0845; and
- (2) Vocational rehabilitation services listed in WAC 388-891-0600.

NEW SECTION

WAC 388-891-0845 What are ongoing support services? Ongoing support is a type of supported employment service to help you get and keep a job. Ongoing support services include:

- (1) An assessment of your employment situation at least twice a month, or under special circumstances and especially at your request, an assessment regarding your employment situation that takes place away from your worksite at least twice a month to:
 - (a) Determine what is needed to maintain job stability; and
 - (b) Coordinate services or provide specific intensive services that are needed at or away from your worksite to help you maintain job stability.
- (2) Intensive job skill training for you at your job site by skilled job trainers;
- (3) Job development, job placement and job retention services;
- (4) Social skills training;
- (5) Regular observation or supervision;
- (6) Follow-up services such as regular contact with your employer, you, your representatives, and other appropriate individuals to help strengthen and stabilize the job placement;
- (7) Facilitation of natural supports at the worksite;
- (8) Other services similar to services described in subsection (1) through (7) above; and
- (9) Any other vocational rehabilitation service.

NEW SECTION

WAC 388-891-0850 What are extended services? Extended services help you keep your job after DVR stops providing or paying for supported employment services.

NEW SECTION

WAC 388-891-0855 Does DVR provide extended services? DVR does not provide extended services.

NEW SECTION

WAC 388-891-0860 Who provides the extended services I need? Extended services are provided by nonprofit private organizations such as community rehabilitation programs, state and local public agencies, employers, or any other appropriate resources.

NEW SECTION

WAC 388-891-0865 What is natural support? Natural support is a method used to help you keep your job after DVR stops providing supported employment services. Natural support uses the people who you ordinarily come into contact with at work and/or at home to help you with work routines and social interactions at the work site.

NEW SECTION

WAC 388-891-0870 Are supported employment services time-limited? DVR provides supported employment services as part of your individualized plan for employment for a period not to exceed eighteen months, unless under special circumstances you and your DVR counselor jointly agree to extend the time in order to achieve the employment goals in your individualized plan for employment.

NEW SECTION

WAC 388-891-0875 What is required for me to change from supported employment services to extended services? Prior to helping you change from supported employment services to extended services, a DVR counselor must ensure the following:

- (1) You have made substantial progress toward meeting the number of work hours per week you want to work as documented on your individualized plan for employment;
- (2) You are stabilized in the job; and
- (3) Extended services are readily available and can be provided to you without an interruption in services.

NEW SECTION

WAC 388-891-0880 What happens if my DVR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial eighteen months of my individualized plan for employment? If you and your DVR counselor do not find a source for extended services and/or cannot establish natural supports during the initial eighteen months of your individualized plan for employment, DVR must determine that you are no longer eligible for VR services.

NEW SECTION

WAC 388-891-0885 Under what conditions does DVR close my case service record for supported employment? If you have achieved a supported employment outcome, DVR must wait at least ninety days after helping you

change from supported employment services to extended services before closing your case service record.

NEW SECTION

WAC 388-891-0890 Under what conditions does DVR provide supported employment services as post-employment services? DVR provides supported employment services to you as post-employment services following the change from supported employment services to extended services if:

(1) Your extended service provider cannot provide the services; and

(2) You need such services as job station redesign, repair and maintenance of assistive technology devices and replacement of prosthetic and orthotic devices to keep your job.

APPLYING FOR VR SERVICES

NEW SECTION

WAC 388-891-0900 Who can apply for vocational rehabilitation services? Any individual who intends to achieve an employment outcome may apply for DVR services.

NEW SECTION

WAC 388-891-0910 Am I required to provide proof of my identity and work status? Before DVR pays for VR services, including assessment services, you must provide copies of documents requested by DVR that verify your identity and, if you are not a United States citizen, your legal work status.

NEW SECTION

WAC 388-891-0920 If I don't live in Washington, can I receive VR services? The state in which you live has the primary responsibility to provide VR services to you. If you are not a resident of Washington state, you may receive VR services if you maintain a home, are registered to vote, or are otherwise present in the state.

NEW SECTION

WAC 388-891-0930 Can I receive VR services if I am legally blind? The Washington state department of services for the blind, under an agreement with DVR, is the primary agency responsible for providing vocational rehabilitation services to individuals who are blind or have a visual impairment resulting in an impediment to employment. DSB and DVR may coordinate to provide joint services if you would benefit from such coordination.

NEW SECTION

WAC 388-891-0940 Can I receive VR services if I am Native American? DVR serves eligible Native Americans, including Native Americans who belong to an Indian tribe. If

you live on an Indian reservation that operates a vocational rehabilitation program, you may apply for VR services from the tribe or from DVR, or from both agencies.

NEW SECTION

WAC 388-891-0950 How do I contact DVR if I don't speak English? If you don't speak English, you may request another type of communication to enable you to meet with DVR. DVR arranges and pays for services you need to communicate with DVR to apply for or receive DVR services.

NEW SECTION

WAC 388-891-0960 What other methods of communication does DVR use? DVR uses equipment, devices or other services you need to understand and respond to information. Methods DVR can use to communicate with you include, but are not limited to, the use of:

- (1) Interpreters;
- (2) Readers;
- (3) Captioned videos;
- (4) Telecommunications devices and services;
- (5) Taped text;
- (6) Braille and large print materials; and
- (7) Electronic formats.

NEW SECTION

WAC 388-891-0970 Does DVR translate written communication for people who don't speak English? (1) DVR translates the following written communication into the primary language of an applicant or eligible individual:

- (a) Application for VR services;
- (b) Notification of eligibility or ineligibility;
- (c) Plan for employment;
- (d) Notification of case closure;
- (e) Notification of annual review, if appropriate; and
- (f) Any notice requiring a response or a signature from the individual to continue receiving services.

(2) DVR translates the Washington Administrative Code (WAC) regarding DVR services or service providers into the primary language of an applicant or eligible individual upon his or her request.

NEW SECTION

WAC 388-891-0980 How do I apply for VR services? You have completed the application requirements when you:

- (1) Have provided information needed to begin an assessment of eligibility and VR needs.
- (2) Are available to participate in assessment services necessary to determine if you are eligible for VR services.
- (3) Have signed an application form provided by DVR or provided a written request that includes the following information:

- (a) Your name, address and county;
- (b) The nature of your disability;
- (c) Your birth date and gender;
- (d) The date of application; and

- (e) Your Social Security Number (optional).

ELIGIBILITY

NEW SECTION

WAC 388-891-1000 Who is eligible to receive VR services? You are eligible for VR services if a DVR counselor determines that you meet all of the following criteria:

- (1) You have a physical, mental, or sensory impairment that results in a substantial impediment to employment;
- (2) You require VR services to prepare for, get or keep a job that matches your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and
- (3) You are capable of working as a result of receiving VR services.

NEW SECTION

WAC 388-891-1005 How does DVR determine if I am eligible? (1) A DVR counselor reviews and assesses information and records about the current status of your disability and determines whether you meet the eligibility requirements outlined in WAC 388-891-1000. A DVR counselor bases the determination on observations, education records, medical records, information provided by you or your family, and information provided by other agencies or professionals.

(a) If information or records are not current, not available, or not sufficient for a DVR Counselor to determine if you are eligible, DVR provides the assessment services necessary to get the information needed to make a decision.

(b) VR services used to collect additional information and records to determine eligibility can include trial work, assistive technology, personal assistant services, or any other support services necessary to determine if you are eligible.

(c) DVR assists you to make informed choices in the decisions related to assessment services needed to make an eligibility determination.

(d) If you refuse to provide or consent to the release of records or if you refuse to participate in VR services necessary to obtain information required to make an eligibility determination your VR case service record is closed.

(2) If you receive Social Security benefits under Title II or Title XVI of the Social Security Act and you are capable of working after receiving VR services, DVR determines you are eligible upon verification of benefits.

(a) If you cannot provide appropriate evidence, such as an award letter or other type of verification, DVR may request the verification for you, with your consent.

(b) DVR makes maximum efforts to obtain the verification in a reasonable period of time and to determine eligibility within sixty days from the date you complete the application requirements.

NEW SECTION

WAC 388-891-1010 After I submit my application to DVR, how long does it take DVR to make an eligibility

decision? (1) DVR makes an eligibility decision as soon as enough information is available, but no longer than sixty days after you complete the application requirements.

(2) If DVR does not have enough information to determine your eligibility within sixty days, you and a DVR counselor must agree to:

(a) Extend the eligibility period to collect additional information or records; or

(b) Conduct a trial work experience or extended evaluation, if a DVR counselor is not certain whether VR services will enable you to achieve an employment outcome because of the severity of your disability

(3) If you do not agree to extend the eligibility period, DVR must close your case service record.

NEW SECTION

WAC 388-891-1015 What if a DVR counselor cannot presume that I am capable of working as a result of receiving VR services because of the severity of my disability? If a DVR counselor cannot presume DVR services will enable you to achieve an employment outcome because of the severity of your disability, DVR will assess your ability to perform work using a trial work experience or an extended evaluation. The DVR counselor will evaluate the results of the trial work experience or extended evaluation to determine whether you can work as a result of receiving DVR services and whether you are eligible for VR services.

NEW SECTION

WAC 388-891-1020 Am I eligible for VR services if I receive Social Security disability benefits? If you receive disability benefits under Title II or XVI of the Social Security Act (SSI or SSDI), DVR presumes that you are an eligible individual unless, because of the severity of your disability, the DVR counselor cannot presume that VR services will enable you to work. If the DVR counselor is not certain that you can work as a result of receiving DVR services, DVR conducts a trial work experience or extended evaluation to collect the information necessary to make a determination.

NEW SECTION

WAC 388-891-1025 What criteria are not considered in the eligibility decision? In making an eligibility decision, DVR does not consider you:

- (1) Type of disability;
- (2) Age, gender, race, color, creed, religion, national origin, or sexual orientation;
- (3) Rehabilitation needs;
- (4) Type of employment outcome you expect to achieve;
- (5) Source of referral;
- (6) Anticipated cost of services;
- (7) Income.

NEW SECTION

WAC 388-891-1030 What is involved in a trial work experience? (1) During a trial work experience, you perform in a realistic work situation with appropriate VR services and/or supports to address your rehabilitation needs, such as supported employment, on-the-job training, assistive technology or personal assistant services. A DVR counselor develops a written plan describing the VR services to be used in the trial work experience.

(2) You participate in one or more trial work experiences over a period of time necessary to produce clear and convincing evidence for a DVR counselor to determine:

(a) You can benefit from VR services and achieve an employment outcome and are eligible for VR services; or

(b) You cannot benefit from VR services and achieve an employment outcome because of the severity of your disability and you are ineligible for VR services.

(3) Trial work experiences occur in the most integrated setting possible, based on your informed choice and rehabilitation needs.

NEW SECTION

WAC 388-891-1035 What if I cannot participate in a trial work experience? If you cannot participate in a trial work experience or if DVR has exhausted efforts to arrange a trial work experience, DVR conducts an extended evaluation to obtain the information necessary to determine whether you are eligible for VR services or to enable you to participate in a trial work experience.

NEW SECTION

WAC 388-891-1040 What is an extended evaluation? An extended evaluation involves one or more VR services designed to assess whether you are capable of working as a result of receiving VR services. A DVR counselor develops a written plan outlining the VR services to be used during the extended evaluation. Only those services necessary to make an eligibility determination are provided. VR services are provided in the most integrated setting possible, based on your informed choice and rehabilitation needs.

NEW SECTION

WAC 388-891-1045 What happens if DVR determines that I am not eligible or no longer eligible for VR services? (1) Before determining that you are not eligible for VR services or that you are no longer eligible for VR services, a DVR counselor consults with you and gives you an opportunity to discuss the decision.

(2) DVR sends you a notice in writing, or using another method of communication, if needed. The notice includes:

(a) An explanation of the reason(s) you are not eligible or no longer eligible;

(b) Your rights to appeal the decision; and

(c) An explanation of the services available from the client assistance program.

(3) If you are ineligible based on a determination that you cannot achieve employment because of the severity of your disability, DVR reviews the decision within twelve months.

NEW SECTION

WAC 388-891-1050 If I am not eligible for DVR services, can DVR help me find other services and programs to meet my needs? If DVR determines that you are not eligible for DVR services, DVR provides you with information and refers you to other agencies or organizations that may provide services to meet your employment-related needs. This may include a referral to community rehabilitation programs offering extended employment (sheltered work) if you are determined ineligible based on a determination that you are too severely disabled to achieve employment as a result of receiving VR services.

IPE DEVELOPMENTNEW SECTION

WAC 388-891-1100 What is an assessment for determining vocational rehabilitation needs? Each person determined eligible for VR services completes an assessment of VR needs that may include:

(1) An assessment for determining vocational rehabilitation needs includes a variety of services, including counseling and guidance, to determine your unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(2) The purpose of the comprehensive assessment is to collect and review information you need to select the type of employment outcome to achieve and the VR services you need to achieve the employment outcome.

(3) The comprehensive assessment is limited to services necessary to select an employment outcome and to develop a plan for employment.

(4) DVR uses existing information gathered to determine eligibility, including information provided by you and your family, to the maximum extent possible and appropriate.

(5) The comprehensive assessment may include, as needed:

(a) An assessment of the personality, interests, interpersonal skills, intelligence and related functional abilities, educational abilities, work experience, vocational aptitudes, personal and social adjustments, employment opportunities, and other vocational, educational, cultural, social, recreational, and environmental factors that affect your employment and rehabilitation needs.

(b) Work in real job situations to evaluate and/or develop work behavior and capacities necessary to achieve an employment outcome, including work skills, attitudes, habits, tolerances and social behavior.

(c) Referral for assistive technology services to assess whether services or devices could increase your ability to perform work.

NEW SECTION

WAC 388-891-1105 Do I have to disclose criminal history information to DVR? (1) You must disclose information to DVR before you develop a plan for employment about conditions or circumstances, such as a criminal record, identity and work status, that restrict the type of employment you can legally perform.

(2) If you select an employment outcome in a field that customarily requires a background check as a condition of employment, DVR must obtain a criminal history background check that verifies you are not excluded from employment in the field and/or specific job prior to IPE development.

NEW SECTION

WAC 388-891-1110 What other assessments might be required? (1) If you have a documented history of violent or predatory behavior that reasonably leads a DVR counselor to believe you may be a threat to yourself or others, you must participate in VR services necessary to determine the level of risk.

(2) If a VR counselor determines, based on an assessment conducted by a qualified professional, that your employment may pose a threat to the safety of you or others because you meet the conditions outlined in WAC 388-891-0110, the employment outcome and employment setting you choose must be evaluated for risk by an appropriate qualified professional.

(3) If a VR counselor becomes aware of a condition or circumstance after you have developed an IPE that may affect your ability to achieve an employment outcome, the VR counselor may conduct necessary assessment services to determine whether you are capable of achieving the employment outcome identified on your IPE.

(4) If you decline to authorize the release of information to DVR or participate in VR services necessary to collect pertinent information which prevents the development of an appropriate IPE, the VR counselor may close your case service record.

NEW SECTION

WAC 388-891-1115 What is an individualized plan for employment (IPE)? An individualized plan for employment (IPE) is a DVR form that documents important decisions you and a VR counselor make about vocational rehabilitation services. The decisions documented on the IPE include, but are not limited to:

- (1) The employment outcome you plan to achieve;
- (2) Each major step you need to accomplish to reach the employment outcome;
- (3) Your responsibilities in accomplishing each step of the plan;
- (4) DVR's responsibilities in assisting you to accomplish each step of the plan;
- (5) VR services needed to complete each step;
- (6) Terms and conditions you and your VR counselor agree are required for continued support from DVR.

NEW SECTION

WAC 388-891-1120 Who develops an IPE? Each eligible individual develops an IPE, unless DVR is operating under an order of selection. If DVR is operating under an order of selection, each eligible individual in the priority category being served develops an IPE.

NEW SECTION

WAC 388-891-1125 What information does DVR provide to help me develop my IPE? DVR provides the following information to help you develop an IPE:

- (1) Information about the options available for developing an IPE.
- (2) Information that must be included in the IPE.
- (3) Financial conditions or restrictions that apply to an IPE.
- (4) How to get help completing forms required by DVR.
- (5) Information about your rights if you disagree with a decision a DVR counselor makes relating to the IPE.
- (6) Information about the client assistance program (CAP) and how to contact the program.
- (7) Other information you request.

NEW SECTION

WAC 388-891-1130 What are the options for developing an IPE? (1) You may develop an individualized plan for employment (IPE) with support and assistance from:

- (a) A VR counselor employed by DVR.
 - (b) A VR counselor not employed by DVR, but who meets the minimum qualifications for a VR counselor established by DVR.
 - (c) Another person you choose, such as a representative, family member, advocate, or other individual.
- (2) If you choose to develop the IPE with someone other than a DVR counselor, DVR can help you identify individuals that may help you develop your IPE, to the extent resources are available.

- (3) You may develop an IPE on your own.
- (4) DVR does not pay for any related costs or fees charged by other parties to develop an IPE.

NEW SECTION

WAC 388-891-1135 Does DVR support any job I choose? (1) The employment outcome you choose must be consistent with the information and results of the assessment of your VR needs.

(2) DVR supports an individual to achieve an employment outcome as defined in WAC 388-891-0010. If you choose another type of employment, DVR refers you to other programs or organizations that offer the type of employment you choose, when available.

NEW SECTION

WAC 388-891-1140 What must be included on the IPE form? An IPE must include:

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(1) An employment outcome that is consistent with the definition of employment outcome in WAC 388-891-0010;

(2) The VR services you need to achieve the employment outcome;

(3) Timeline for each service on your IPE and for achieving the employment outcome;

(4) The name of the person or organization selected to provide each service included on the IPE and how you will obtain the services;

(5) Criteria you will use to evaluate whether you are making progress toward achieving the employment outcome;

(6) Terms and conditions, including:

(a) A description of what DVR has agreed to do to support your IPE; and

(b) A description of what you have agreed to do to reach your employment outcome, including:

(i) Steps you will take to achieve your employment goal;

(ii) Services you agree to help pay for, and how much you agree to pay; and

(iii) Services you agree to apply for and use that are available to you at no cost from another program.

(7) Expected need for post-employment services prior to closing the case service record and, if appropriate, a statement of how post employment services are arranged using comparable services and benefits;

(8) An IPE that includes a supported employment outcome must also document:

(a) Supported employment services to be provided;

(b) Extended services or natural supports that are likely to be needed;

(c) Who will provide and pay for natural supports or extended services. If it is not known who will provide and/or pay for extended services or natural supports at the time the IPE is developed, the IPE must include a statement explaining the basis for determining that a resource is likely to become available;

(d) A goal for the number of hours per week you are going to work and a plan to monitor your progress toward meeting the goal;

(e) A description of how the services on your IPE are coordinated with other federal or state services you get under an individualized plan;

(f) If job skills training is provided, the IPE must reflect that the training is provided on-site;

(g) Placement in an integrated setting for the maximum number of hours possible based on your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(9) An IPE for a high school student who is receiving special education services is coordinated with the individualized education plan in terms of the goals, objectives, and services identified to the extent possible.

NEW SECTION

WAC 388-891-1145 When does the IPE become effective? The IPE becomes effective when it is signed by you and a DVR counselor. DVR gives you a copy of the signed IPE, in writing or in another method of communication, if needed.

NEW SECTION

WAC 388-891-1150 Is the IPE reviewed and updated? You and a qualified VR counselor review the IPE at least once a year, or more often if needed, to assess your progress in achieving an employment outcome. You and a VR counselor amend the IPE if there are major changes in the employment goal, VR services, or service provider(s). Changes to an IPE take effect when you and a DVR counselor sign the amended IPE.

LOANING EQUIPMENT

NEW SECTION

WAC 388-891-1200 Under what conditions does DVR loan equipment, devices or other items to me? If you need a device, tool, piece of equipment or other item to participate in VR services or to go to work, DVR loans a new or used item to you until you achieve an employment outcome. DVR loans a used item from the DVR inventory if available at the time needed and DVR determines it is adequate to meet your needs.

NEW SECTION

WAC 388-891-1210 What if I need an item customized for my own personal needs? A DVR counselor determines whether to loan or issue a device, tool, piece of equipment or other item based on the reasonable likelihood that the item could be used by another individual if returned to DVR. If the DVR counselor determines an item could not be used by another individual if it were returned to DVR, the DVR counselor may issue the item directly to you without a loan agreement and the item is owned by you at the time of issue.

NEW SECTION

WAC 388-891-1220 What conditions apply to the use of a device, tool, piece of equipment or other item that is loaned to me? Before DVR loans an item to you, you must sign an agreement with DVR to comply with the following conditions:

(1) You agree to immediately return the item upon request or to pay for the item if you cannot return it to DVR;

(2) You agree to maintain the item according to DVR instructions and manufacturer's guidelines, if applicable, and keep it secure from damage, loss or theft.

NEW SECTION

WAC 388-891-1230 What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR? If DVR directs you to return an item loaned to you and you do not immediately return it, DVR reports the loss to the DSHS office of financial recovery (OFR). The OFR attempts to recover the item or payment for the item from you. If the OFR cannot recover the item or payment for the item from you, the OFR may report the loss to the local county prosecutor for legal action.

NEW SECTION

WAC 388-891-1240 What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed? DVR may transfer ownership of the device, tool, piece of equipment or other item to you at the time a DVR counselor closes your case service record if you have achieved an employment outcome and you need the item to keep your job.

CASE CLOSURE

NEW SECTION

WAC 388-891-1300 Why does DVR close a case service record? A DVR counselor closes your case service record for any of the following reasons:

- (1) You achieve an employment outcome;
- (2) DVR determines that you are not eligible or no longer eligible;
- (3) You are no longer available to participate in services;
- (4) You decline VR services;
- (5) You cannot be located;
- (6) You ask DVR to close your case service record; or
- (7) You refuse to cooperate in required or agreed upon services.

NEW SECTION

WAC 388-891-1310 How does DVR determine that I have achieved an employment outcome? DVR determines that you have achieved an employment outcome and no longer need VR services if:

- (1) You received services under an IPE that helped you achieve the employment outcome on your employment plan;
- (2) Your job matches your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice;
- (3) You have been working at the same job for at least ninety days to ensure the stability of your employment; and
- (4) You and a DVR counselor agree the job is satisfactory, that you are performing the job well, and that you no longer need VR services.

NEW SECTION

WAC 388-891-1320 Am I involved in the decision to close my case? Before closing your case, a DVR counselor gives you an opportunity to discuss the decision. DVR notifies you in writing, or another method of communication, if needed, about the reason your case is being closed and your rights if you disagree with the decision.

NEW SECTION

WAC 388-891-1330 Under what conditions does DVR follow up with me after my case is closed? (1) DVR contacts you within twelve months after your case service record is closed and annually for two years after that to

review whether anything has changed to affect your eligibility if:

- (a) DVR closes your case after determining you are ineligible because you are too severely disabled to achieve an employment outcome as a result of VR services;
 - (b) You achieve a supported employment outcome and earn wages under section 14(c) of the Fair Labor Standards Act while working toward competitive employment;
 - (c) You choose extended employment; or
 - (d) You and your DVR counselor cannot find a source for extended services and/or cannot establish natural supports during the initial eighteen months of your individualized plan for supported employment.
- (2) After DVR completes the reviews annually for two years, you or your representative may request additional annual reviews.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 388-890-0005 | What is the purpose of this chapter? |
| WAC 388-890-0010 | What definitions apply to this chapter? |
| WAC 388-890-0015 | What is informed choice? |
| WAC 388-890-0020 | How does DVR support the informed choice process? |
| WAC 388-890-0025 | What decisions can I make using informed choice? |
| WAC 388-890-0030 | What if I don't know how to use the informed choice decision making process? |
| WAC 388-890-0035 | Who is eligible to receive VR services? |
| WAC 388-890-0040 | How does DVR determine whether VR services will enable me to work? |
| WAC 388-890-0045 | Am I eligible for VR services if I receive Social Security disability benefits? |
| WAC 388-890-0050 | What criteria are not considered in the eligibility decision? |
| WAC 388-890-0055 | What information does DVR use to make an eligibility decision? |
| WAC 388-890-0060 | After I submit my application to DVR, how long does it take DVR to make an eligibility decision? |
| WAC 388-890-0065 | What happens if DVR determines that I am not eligible? |

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| WAC 388-890-0070 | If I am not eligible for DVR services, can DVR help me find other services and programs to meet my needs? | WAC 388-890-0150 | What are assessment services? |
| WAC 388-890-0071 | If I am eligible for or ineligible for VR services, how will I be notified? | WAC 388-890-0155 | To determine whether I am eligible for VR services, who decides what assessment services I need and where to get the assessment services? |
| WAC 388-890-0075 | Who can apply for vocational rehabilitation services? | WAC 388-890-0160 | If I need assessment services to help me choose an employment goal and what VR services I need, who decides what assessment services I need and where to get the assessment services? |
| WAC 388-890-0080 | Can I receive VR services if I am not a United States citizen? | WAC 388-890-0165 | What if I already have assessment information to help me and DVR make the decisions we need to make? |
| WAC 388-890-0085 | Am I required to provide proof of my identity and work status? | WAC 388-890-0170 | How do I provide needed assessment information to DVR? |
| WAC 388-890-0090 | If I don't live in Washington, can I receive VR or IL program services? | WAC 388-890-0175 | What is an assistive technology device? |
| WAC 388-890-0095 | Can I receive VR services if I am legally blind? | WAC 388-890-0180 | Under what conditions does DVR provide and issue assistive technology devices? |
| WAC 388-890-0100 | Can I receive VR or IL program services if I am Native American? | WAC 388-890-0185 | Under what conditions does DVR provide vehicle modifications? |
| WAC 388-890-0105 | How do I apply for VR services? | WAC 388-890-0190 | What are assistive technology services? |
| WAC 388-890-0110 | Under what general conditions does DVR provide vocational rehabilitation services to individuals? | WAC 388-890-0195 | Under what conditions does DVR provide assistive technology services? |
| WAC 388-890-0115 | Can I ask for an exception to a rule or a condition relating to VR services? | WAC 388-890-0200 | What are counseling and guidance services? |
| WAC 388-890-0120 | How do I ask for an exception to a rule or condition in this chapter? | WAC 388-890-0210 | Under what conditions does DVR provide counseling and guidance services? |
| WAC 388-890-0125 | What happens if the service I want exceeds what I need or is more expensive than a similar service? | WAC 388-890-0220 | What are independent living services? |
| WAC 388-890-0130 | Can a guardian or another representative act on my behalf? | WAC 388-890-0225 | Under what conditions does DVR provide independent living services? |
| WAC 388-890-0135 | What is the purpose of vocational rehabilitation (VR) services? | WAC 388-890-0230 | What are interpreter services? |
| WAC 388-890-0140 | How do I know which VR services are right for me? | WAC 388-890-0235 | Under what conditions can I receive interpreter services? |
| WAC 388-890-0145 | What vocational rehabilitation services are available to individuals from DVR? | WAC 388-890-0240 | What are job placement and job retention services? |

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| WAC 388-890-0245 | Under what conditions can I receive job placement and job retention services? | WAC 388-890-0350 | Under what conditions does DVR provide self-employment services and issue items for self-employment? |
| WAC 388-890-0250 | What are maintenance services? | WAC 388-890-0355 | What are services to family members? |
| WAC 388-890-0255 | Under what conditions does DVR provide maintenance services? | WAC 388-890-0360 | Under what conditions does DVR provide services to my family members? |
| WAC 388-890-0260 | What are occupational licenses? | WAC 388-890-0365 | What are supported employment services? |
| WAC 388-890-0265 | Under what conditions can I get an occupational license? | WAC 388-890-0370 | What are tools, equipment, initial stocks and supplies? |
| WAC 388-890-0270 | What other goods and services does DVR provide? | WAC 388-890-0375 | Under what conditions does DVR provide and issue tools, equipment, initial stocks and supplies? |
| WAC 388-890-0275 | Under what conditions does DVR provide and issue other goods and services? | WAC 388-890-0380 | What are training services? |
| WAC 388-890-0280 | What are personal assistance services? | WAC 388-890-0385 | What is on-the-job training? |
| WAC 388-890-0285 | Under what conditions does DVR provide or pay for personal assistance services? | WAC 388-890-0390 | Under what conditions does DVR provide on-the-job training? |
| WAC 388-890-0290 | What are the physical and mental restoration services DVR provides? | WAC 388-890-0395 | Under what conditions does DVR provide training services and issue items for training? |
| WAC 388-890-0295 | Under what conditions does DVR provide physical and mental restoration services? | WAC 388-890-0400 | Do I have to apply for a student loan to pay for training services? |
| WAC 388-890-0300 | What are the medical treatments DVR does not pay for? | WAC 388-890-0405 | Can I receive training services from a private school, an out-of-state training agency or an out-of-state college? |
| WAC 388-890-0305 | What are post-employment services? | WAC 388-890-0410 | What are transition services? |
| WAC 388-890-0310 | Under what conditions does DVR provide post-employment services? | WAC 388-890-0415 | Under what conditions does DVR provide transition services? |
| WAC 388-890-0315 | What are reader services? | WAC 388-890-0420 | How does DVR coordinate with public high schools to provide transition services? |
| WAC 388-890-0320 | Under what conditions does DVR provide reader services? | WAC 388-890-0425 | How does DVR help me plan transition services? |
| WAC 388-890-0325 | What are referral services? | WAC 388-890-0430 | Who decides what transition services I get from DVR? |
| WAC 388-890-0330 | Under what conditions does DVR provide referral services? | WAC 388-890-0435 | What activities does DVR support after I leave high school? |
| WAC 388-890-0335 | What is rehabilitation engineering? | WAC 388-890-0440 | What are transportation services? |
| WAC 388-890-0340 | Under what conditions does DVR provide rehabilitation engineering? | | |
| WAC 388-890-0345 | What are self-employment services? | | |

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| WAC 388-890-0445 | Under what conditions does DVR provide transportation services? | | working and no longer need VR services? |
| WAC 388-890-0450 | Under what conditions does DVR provide and issue a vehicle? | WAC 388-890-0540 | Am I involved in the decision to close my case? |
| WAC 388-890-0455 | Under what conditions does DVR issue a device, tool, piece of equipment or other item I need to participate in VR services or to get a job? | WAC 388-890-0545 | What is competitive employment? |
| WAC 388-890-0460 | What conditions apply to the use of a device, tool, piece of equipment or other item that is issued to me? | WAC 388-890-0550 | What is extended employment? |
| WAC 388-890-0465 | What types of devices, tools, pieces of equipment or other items can DVR issue to me? | WAC 388-890-0555 | If the job I get is in extended employment, what follow-up does DVR provide? |
| WAC 388-890-0470 | Does DVR issue new or used devices, tools, pieces of equipment, or other items? | WAC 388-890-0560 | Under what conditions does DVR follow up with me if I am determined ineligible for VR services? |
| WAC 388-890-0475 | What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR? | WAC 388-890-0570 | What is supported employment? |
| WAC 388-890-0480 | What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed? | WAC 388-890-0575 | Who is eligible for supported employment? |
| WAC 388-890-0485 | What is an individualized plan for employment (IPE)? | WAC 388-890-0580 | Who decides if I am eligible for supported employment? |
| WAC 388-890-0490 | How do I develop an IPE? | WAC 388-890-0585 | What is competitive work in supported employment? |
| WAC 388-890-0495 | What information does DVR give me to develop my IPE? | WAC 388-890-0590 | What is an integrated setting in supported employment? |
| WAC 388-890-0500 | Who makes decisions about what to include on my IPE? | WAC 388-890-0595 | Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers? |
| WAC 388-890-0505 | Can I include any VR services I want on my IPE? | WAC 388-890-0600 | What is transitional employment? |
| WAC 388-890-0510 | What if the employment goal I choose is religious in nature? | WAC 388-890-0605 | What are supported employment services? |
| WAC 388-890-0515 | What must be included on my IPE? | WAC 388-890-0610 | What are ongoing support services? |
| WAC 388-890-0520 | Who signs the IPE? | WAC 388-890-0615 | Under what conditions does DVR provide supported employment services? |
| WAC 388-890-0525 | Is the IPE reviewed and updated? | WAC 388-890-0620 | What is included on my individualized plan for supported employment? |
| WAC 388-890-0530 | Why does DVR close a case service record? | WAC 388-890-0625 | What are extended services? |
| WAC 388-890-0535 | Under what conditions does DVR determine that I am | WAC 388-890-0630 | Does DVR provide extended services? |
| | | WAC 388-890-0635 | Who provides the extended services I need? |
| | | WAC 388-890-0640 | What is natural support? |

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| WAC 388-890-0645 | Are supported employment services time-limited? | | or improve a community rehabilitation program? |
| WAC 388-890-0650 | What is required for me to change from supported employment services to extended services? | WAC 388-890-0720 | Under what conditions does DVR provide services to a group of individuals with disabilities that cannot be purchased under an individual IPE? |
| WAC 388-890-0655 | What happens if my VR counselor and I do not find a source for extended services and/or we cannot establish natural supports during the initial eighteen months of my individualized plan for employment? | WAC 388-890-0725 | Under what conditions does DVR provide consulting and/or technical assistance to plan for the transition of students with disabilities? |
| WAC 388-890-0660 | Under what conditions does DVR close my case service record for supported employment? | WAC 388-890-0730 | What if DVR does not have funding to serve all eligible individuals? |
| WAC 388-890-0665 | Under what conditions does DVR provide supported employment services as post-employment services? | WAC 388-890-0745 | If DVR has to decide in what category to place me, who decides what assessment services I need and where to get the assessment services? |
| WAC 388-890-0670 | What is a trial work experience? | WAC 388-890-0750 | What categories are used by DVR to determine the priority by which eligible individuals are served and in what order are the categories prioritized? |
| WAC 388-890-0675 | What happens during a trial work experience? | | |
| WAC 388-890-0680 | Who decides if a trial work experience is needed to determine if I am eligible for DVR services? | WAC 388-890-0755 | What information does DVR use to determine whether I am in category one? |
| WAC 388-890-0685 | What services does DVR provide during a trial work experience? | WAC 388-890-0760 | What information does DVR use to determine whether I am in category two? |
| WAC 388-890-0690 | What if I am too significantly disabled to participate in a trial work experience? | WAC 388-890-0765 | What information does DVR use to determine whether I am in category three? |
| WAC 388-890-0695 | What choices can I make about the trial work experience? | WAC 388-890-1100 | How are costs for VR and IL program services paid? |
| WAC 388-890-0700 | Am I evaluated during the trial work experience? | WAC 388-890-1110 | What are comparable services and benefits? |
| WAC 388-890-0705 | When does DVR make an eligibility decision when I am in a trial work experience? | WAC 388-890-1115 | What VR or IL program services are provided without a determination of comparable services or benefits? |
| WAC 388-890-0710 | Are there any vocational rehabilitation services that can be provided to a group of individuals with disabilities? | WAC 388-890-1120 | What if determining the availability of comparable services and benefits would result in a delay or interrupt my progress? |
| WAC 388-890-0715 | Under what conditions does DVR provide services to a group of individuals with disabilities to establish, develop | WAC 388-890-1125 | What is extreme medical risk? |
| | | WAC 388-890-1130 | Does DVR pay for a service if comparable services and |

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| | benefits are available, but I don't want to use them? | WAC 388-890-1215 | After the mediation session, do I receive a written statement of the results? |
| WAC 388-890-1135 | Are awards and scholarships based on merit considered comparable services and benefits? | WAC 388-890-1220 | What is a formal hearing? |
| WAC 388-890-1140 | How do I get comparable services and benefits? | WAC 388-890-1225 | When is a formal hearing available? |
| WAC 388-890-1145 | How does DVR determine whether I pay for all or part of my VR or IL services using my own financial resources? | WAC 388-890-1230 | How do I request a formal hearing? |
| WAC 388-890-1150 | Do I have to report my financial status if I receive public assistance or income support from another public program? | WAC 388-890-1235 | After I submit a request for a formal hearing, when is it held? |
| WAC 388-890-1155 | What financial information does DVR use to decide if I need to help pay for VR services? | WAC 388-890-1240 | Do I receive a written formal hearing decision? |
| WAC 388-890-1160 | Are any of my resources not counted in the decision about whether I have to help pay for services? | WAC 388-890-1245 | Is the decision after a formal hearing final? |
| WAC 388-890-1165 | How does DVR decide whether I have resources to help pay for VR services? | WAC 388-890-1250 | Can DVR suspend, reduce or terminate my services while waiting for a formal hearing decision? |
| WAC 388-890-1170 | How is the amount I pay for VR or IL program services determined? | WAC 388-890-1255 | How do I know what personal information I must give DVR and how it is used? |
| WAC 388-890-1175 | What VR or IL program services am I not required to help pay for? | WAC 388-890-1260 | Does DVR keep a record of my VR services on file? |
| WAC 388-890-1180 | What if a VR counselor makes a decision about my VR services that I don't agree with? | WAC 388-890-1265 | Under what conditions does DVR share personal information in my record with another service provider or organization? |
| WAC 388-890-1185 | What is the client assistance program (CAP)? | WAC 388-890-1270 | When DVR gets personal information about me from another agency or service provider, is it kept confidential? |
| WAC 388-890-1190 | What is mediation? | WAC 388-890-1275 | Does DVR change incorrect information in my record? |
| WAC 388-890-1195 | When can I ask for mediation? | WAC 388-890-1280 | How do I receive copies of information from my DVR record? |
| WAC 388-890-1200 | Who arranges and pays for mediation? | WAC 388-890-1285 | Can DVR release personal information without my written consent? |
| WAC 388-890-1205 | Is information discussed during mediation confidential? | WAC 388-890-1290 | Under what conditions does DVR release personal information for audit, evaluation or research? |
| WAC 388-890-1210 | How do I request mediation? | WAC 388-890-1295 | How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases? |

- WAC 388-890-1300 How do I contact DVR if I don't speak English?
- WAC 388-890-1305 What other methods of communication does DVR use?
- WAC 388-890-1310 When does DVR communicate with me using methods other than English?

Date of Intended Adoption: January 9, 2003.

October 7, 2002

R. M. Leichner

Executive Secretary

NEW SECTION

WAC 260-08-595 Role of the executive secretary. The horse racing commission shall appoint an executive secretary who shall act as the chief operating officer for the agency. The executive secretary shall be responsible for the implementation of policies and to enforce rules of the commission. He/she shall also be responsible to carry out the administrative details and the day-to-day operation of the agency, to include the achievement of performance goals and objectives established by the commission and to administrate the agency's budget. The executive secretary shall also act as the appointing authority for agency staff, and as such has the authority and responsibility to hire, promote, assign work, determine duty stations, evaluate, take corrective action, and, where appropriate terminate staff. The executive secretary shall also be responsible to enter into contracts and agreements, and to exercise such other management oversight, decision-making and administrative action that are necessary to achieve agency mission and goals.

WSR 02-21-022

PROPOSED RULES

HORSE RACING COMMISSION

[Filed October 9, 2002, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-047.

Title of Rule: WAC 260-08-595 Role of the executive secretary.

Purpose: Specify the duties and responsibilities of the executive secretary of the Washington Horse Racing Commission.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Places into rule the duties and responsibilities of the Washington Horse Racing Commission executive secretary to manage the day-to-day operations of the agency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert M. Leichner, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule outlines the role of the executive secretary of the Washington Horse Racing Commission the rule designates the executive secretary as the agency's chief operating officer and lists the responsibilities the position assumes. Designates the executive secretary as the appointing authority over employee issues.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption. Related only to internal governmental operations, RCW 34.05.328 (5)(b)(ii).

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA, on December 18, 2002, at 1:00 p.m.

Submit Written Comments to: Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, fax (360) 459-6462, by December 17, 2002.

WSR 02-21-044

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed October 14, 2002, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-043.

Title of Rule: Amending chapter 388-800 WAC, Chemical dependency assistance programs.

Purpose: The Division of Alcohol and Substance Abuse is amending this chapter to revise and update the rules in order to incorporate changes necessary and related to SB 6482 (chapter 64, Laws of 2002). The bill removed the six-month (180 day) limitation on alcohol and drugs treatment services for low income and indigent clients. Additional changes include correcting WAC references in this chapter, and amending the language of some WACs to clarify their intent.

Statutory Authority for Adoption: RCW 74.50.080.

Statute Being Implemented: SB 6482 (chapter 64, Laws of 2002).

Summary: This rule removes the six-month (180 day) limitation on alcohol and drugs treatment services for low income and indigent clients. This will allow clients to receive longer treatment stays as necessary using the American Society of Addiction Medicine (ASAM) criteria.

Reasons Supporting Proposal: The rules guide the policies and procedures for program management.

PROPOSED

Name of Agency Personnel Responsible for Development, Implementation and Enforcement: Sue Green, DASA, P.O. Box 45330, Olympia, WA 98504-5330, Woodland Square Loop/Lacey, (360) 438-8087.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules:

- WAC 388-800-0080 is repealed to implement SB 6482 (chapter 64, Laws of 2002). The bill amended RCW 74.50.050, removing the six-month (180 day) limitation on alcohol and drug treatment services for low income and indigent clients.
- Additional changes to WAC 388-800-0045, 388-800-0055, 388-800-0060, 388-800-0065, 388-800-0070, 388-800-0075, 388-800-0090, 388-800-0100, and 388-800-0110 will correct WAC references in this chapter, and amend language to clarify the rules' intent.
- WAC 388-800-0045(2) incorrectly references WAC 388-800-0120. The corrected WAC reference in subsection (2) should read: "Shelter services as described under WAC 388-800-0130."
- In WAC 388-800-0045(3), the reference to WAC 388-86-120 is obsolete (the WAC was repealed on December 6, 2000). Subsection (3) should read: "Medical care services as described under WAC 388-556-0500 and 388-529-0200."

No small business economic impact statement has been prepared under chapter 19.85 RCW. While this WAC chapter eliminates the limitation on the number of treatment days for ADATSA patients, the proposed WAC amendment will not impose new or additional costs to any chemical dependency treatments setting that might operate as a small business, of which most do meet the small business definition in RCW 19.85.020(1).

RCW 34.05.328 does not apply to this rule adoption. No cost benefit analysis is required for this change. Repeal of WAC 388-800-0080 is required by the recent adoption of SB 6482 (chapter 64, Laws of 2002). This proposed rule is exempt under RCW 34.05.328 (5)(b)(iii) and (v). Other proposed rules in this filing correct obsolete or incorrect cross-references, and clarify language without changing the effect of the rules. These proposed rules are therefore exempt under RCW 34.05.328 (5)(b)(iv).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 22, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Chapter 388-800 WAC, 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., November 26, 2002.

Date of Intended Adoption: Not earlier than November 27, 2002.

October 9, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0045 What services are offered by ADATSA? If you qualify for the ADATSA program you may be eligible for:

- (1) Alcohol/drug treatment services and support described under WAC-388-800-0080.
- (2) Shelter services as described under WAC ((388-800-0120)) 388-800-0130.
- (3) Medical care services as described under WAC ((388-86-120)) 388-556-0500 and 388-529-0200.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0055 What clinical incapacity must I meet to be eligible for ADATSA treatment services? You are clinically eligible for ADATSA treatment services when you:

- (1) Are diagnosed as having a mild, moderate, or severe dependency on a psychoactive substance class other than nicotine or caffeine, using the current criteria for Psychoactive Substance Dependence in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association (DSM IV or its successor);

(2) ~~((Are clearly diagnosed as currently dependent on psychoactive substances other than nicotine or caffeine;~~

~~((3))) Have not abstained from alcohol and drug use for the last ninety days, excluding days spent while incarcerated;~~

~~((4))) (3) Have not been gainfully employed in a job in the competitive labor market at any time during the last thirty days. For the purposes of this chapter, "gainfully employed" means performing in a regular and predictable manner an activity for pay or profit. Gainful employment does not include noncompetitive jobs such as work in a department-approved sheltered workshop or sporadic or part-time work, if the person, due to functional limitation, is unable to compete with unimpaired workers in the same job; and~~

~~((5))) (4) Are incapacitated, i.e., unable to work. Incapacity exists if you are one or more of the following:~~

- (a) Currently pregnant or up to two months postpartum;
- (b) Diagnosed as at least moderately psychoactive substance dependent and referred for treatment by child protective services;

(c) Diagnosed as severely psychoactive substance dependent and currently an intravenous drug user;

(d) Diagnosed as severely psychoactive substance dependent and has at least one prior admission to a department-approved alcohol/drug treatment or detoxification program;

(e) Diagnosed as severely psychoactive substance dependent and have had two or more arrests for offenses directly related to the chemical dependency; or

(f) Lost two or more jobs during the last six months as a direct result of chemical dependency.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0060 What is the role of the ADATSA/adult assessment ((center)) entity in determining eligibility? (1) A department-designated chemical dependency assessment ((center)) entity determines your incapacity based on alcoholism and/or drug addiction.

(2) The assessment ((center)) entity is the department's sole source of medical evidence required for the diagnosis and evaluation of your chemical dependency and its effects on employability.

(3) The assessment ((center)) entity provides a written current assessment needed to determine your eligibility.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0065 What are the responsibilities of ADATSA/adult assessment ((centers)) entities? (1) ADATSA/Adult assessment ((centers)) entities:

(a) Provide your diagnostic evaluation and decide your initial treatment placement;

(b) Conduct a face-to-face diagnostic assessment, according to WAC 388-805-310, to determine if you:

(i) Are chemically dependent;

(ii) Meet incapacity standards for treatment under WAC 388-800-0055; and

(iii) Are willing, able, and eligible to undergo a course of ADATSA chemical dependency treatment, once determined incapacitated.

(c) Determines a course of treatment based on your individual assessment of alcohol/drug involvement and treatment needs in accordance with RCW 70.96A.100.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0070 What happens after I am found eligible for ADATSA services? Once your financial and clinical eligibility is established, the ((assessment center)) assessing entity:

(1) Develops your ADATSA treatment plan;

(2) Arranges ((at)) your initial chemical dependency treatment placements taking into account the treatment priorities described under WAC 388-800-0100;

(3) Provides you with written notification of your right to return to the community service office (CSO) at any time while receiving ADATSA treatment;

(4) Provides you with written notification of your right to request a fair hearing to challenge any action affecting eligibility for ADATSA treatment; and

(5) ~~(Provides ongoing case monitoring of your treatment services; and~~

(6)) Notifies the CSO promptly of your placement or eligibility status changes.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0075 What criteria does the assessment ((center)) entity use to plan my treatment? When evaluating a treatment plan which will benefit you the most, the assessment ((center)) entity considers clinical or medical factors utilizing the American Society of Addiction Medicine (ASAM) Patient Placement Criteria (PPC).

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0090 What happens when I withdraw or am discharged from treatment? (1) You will be terminated from ADATSA treatment services if you leave treatment.

(2) If you are discharged from treatment for any other reason, you will be referred to the next appropriate level of treatment.

(3) If you are absent from any residential treatment services for less than seventy-two hours you may reenter that program without being considered as having dropped out. This is done at the discretion of the treatment service administrator and without requiring you to apply for re-admittance through the assessment center.

(4) Once you voluntarily leave treatment you must reapply and be referred again to ((the)) an ADATSA assessment entity to receive further ADATSA treatment services.

(5) If you are terminated from treatment you are not eligible for benefits beyond the month in which treatment services end. Rules regarding advance and adequate notice still apply, but you are not eligible for continued assistance pending a fair hearing.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0100 What are the groups that receive priority for ADATSA services? (1) When assigning treatment admissions, the ADATSA/Adult assessment ((center)) entity:

(a) Gives first priority to you if you are a pregnant woman or a parent with a child under eighteen years old in the home;

(b) Provides priority access for admission if you are:

(i) Referred by the department's children's protective services (CPS) program; and/or

(ii) An injecting drug user (IDU).

(2) If you are completing residential treatment you have priority access to outpatient treatment.

AMENDATORY SECTION (Amending WSR 00-16-077, filed 7/28/00, effective 9/1/00)

WAC 388-800-0110 What cash benefits am I eligible for through ADATSA if I am in residential treatment?
When you are in ADATSA residential treatment and are below the department payment standard for clothing and personal incidentals (CPI) you ((are)) may be eligible to receive CPI.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-800-0080 What are the time limits for receiving types of chemical dependency treatment through ADATSA?

WSR 02-21-053

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

(By the Code Reviser's Office)

[Filed October 15, 2002, 8:36 a.m.]

WAC 296-832-10000, 296-832-10005, 296-832-10010, 296-832-10015, 296-832-10020 and 296-832-10025, proposed by the Department of Labor and Industries in WSR 02-08-080 appearing in issue 02-08 of the State Register, which was distributed on April 17, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 02-21-054

WITHDRAWAL OF PROPOSED RULES STATE BOARD OF EDUCATION

(By the Code Reviser's Office)

[Filed October 15, 2002, 8:37 a.m.]

WAC 180-52-070, proposed by the State Board of Education in WSR 02-08-092 appearing in issue 02-08 of the State Register, which was distributed on April 17, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 02-21-059 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

[Filed October 15, 2002, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-107.

Title of Rule: Personal use fishing rules.

Purpose: Amend steelhead possession limits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Eliminate annual possession limit for hatchery steelhead. Continue five wild fish annual possession and modify catch record card requirements.

Reasons Supporting Proposal: This will allow utilization of excess hatchery steelhead. By reducing the number of hatchery steelhead, it increases the wild fish to hatchery fish ratio, providing opportunity for recovery.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: 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: Currently there is a thirty fish annual limit for steelhead, of which not more than five fish may be wild steelhead. This proposal does away with the annual limit for steelhead, while continuing the wild steelhead limit. This will allow increased harvest of hatchery steelhead in waters where such fish are abundant. Utilization of these hatchery fish will result in a higher ratio of wild fish to hatchery fish. This allows for increased spawning by wild and hatchery wild cross fish. The catch record card requirements are being changed such that a person who wants to retain a wild fish must also have all catch record cards issued to that person for the year. This will provide for an enforcement mechanism for the five wild fish annual limit.

Proposal Changes the Following Existing Rules: Steelhead limit and catch record card requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational fishers, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Skagit County P.U.D., 1415 Freeway Drive, Mount Vernon, WA, on December 6-7, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by November 22, 2002, TDD (360) 902-2207 or (360) 902-2449.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2930, by November 27, 2002.

Date of Intended Adoption: December 6, 2002.

October 15, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, sturgeon, halibut taken from Catch Record Card Areas 5 through 13, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except ~~((that))~~:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(c) A second or subsequent catch record card is valid for retention of wild steelhead only if the angler in the field is in possession of all prior catch record cards issued to that angler for the licensing year in which the steelhead is retained.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length and, for halibut, vessel type.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-12-619 Permanent Washington statewide game fish rules. The following statewide rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than ~~((thirty))~~ five wild steelhead April 1st through the following March 31st ~~((of which no more than five may be wild steelhead))~~ taken from waters in which wild steelhead retention is allowed.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(6) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is

PROPOSED

retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of five hooks may be used.

(11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS: YEAR AROUND, unless specified otherwise under exceptions to statewide rules.

RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to statewide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

(13) Daily limits and minimum sizes:

| GAME FISH SPECIES | DAILY LIMIT | MINIMUM SIZE LIMIT |
|---|--|---|
| BASS | Five - release bass greater than twelve but less than seventeen inches in length, only one over seventeen inches may be retained Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession. | None |
| GRASS CARP.... It is unlawful to fish for or retain grass carp. | | |
| TROUT (except Eastern Brook trout) | A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds. No more than two of the trout daily catch limit of 5 may be Steelhead. | None in Lakes, Ponds, and Reservoirs. Eight inches in Rivers, Streams, and Beaver Ponds. |
| EASTERN BROOK TROUT (Salvelinus fontinalis) | Five - to be considered part of the trout daily catch limit. | None |
| BURBOT | Five | None |

| GAME FISH SPECIES | DAILY LIMIT | MINIMUM SIZE LIMIT |
|-------------------|-------------|--------------------|
| CHANNEL CATFISH | Five. | None. |

(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) Wild steelhead release is required year-round except as provided in exceptions to statewide rules.

(c) All waters, statewide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

| | | |
|---------------------|---|----------------|
| WALLEYE | Five, not more than one over twenty-two inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession. | Sixteen inches |
| WHITEFISH | Fifteen | None |
| ALL OTHER GAME FISH | No Limit | None |
| BULLFROGS | No Limit | None |

(14) Daily wild steelhead limit: It is unlawful for any person to retain more than one wild steelhead per day from those waters in which wild steelhead retention is allowed.

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Straight of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest

PROPOSED

inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

WSR 02-21-062

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 15, 2002, 3:54 p.m.]

Original Notice.

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

Title of Rule: WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance? and 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits calculated?

Purpose: These amendments will change the shelter deduction and threshold at which WASHCAP eligible food assistance recipients can choose to receive regular food assistance. These changes are based on the increased cost-of-living standard.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510.

Statute Being Implemented: RCW 74.04.057, 74.04.500, 74.04.510.

Summary: The shelter deduction standards for WASHCAP eligibility must be amended annually, in October. In addition, the threshold at which WASHCAP-eligible food assistance clients can choose to receive regular food assistance must be adjusted at the same time.

Reasons Supporting Proposal: Under the terms of the USDA Food and Nutrition Service (FNS)-approved WASHCAP waiver, the shelter deduction standards for WASHCAP eligibility and the threshold at which WASHCAP-eligible food assistance clients can choose not to receive WASHCAP

benefits must be amended on a yearly basis to reflect the current cost-of-living as determined by FNS.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Valerie Vertz, 1009 College S.E., Lacey, WA 98504, (360) 413-3357.

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

Rule is necessary because of federal law, 7 C.F.R. 273.9.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance? and 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits calculated?

Purpose and Effect: The amendment will update the shelter deduction in determining benefit amounts and adjust the threshold at which WASHCAP-eligible clients can choose to receive regular food assistance instead of WASHCAP benefits.

This proposed rule-making notice is being filed without prior filing of a CR-101, preproposal statement of inquiry. A CR-101 is not required per RCW 34.05.310 (4)(c) for "rules adopting or incorporating by reference without material change federal statutes or regulations." These proposed rules adopt the requirements of federal rule (7 C.F.R. 273.9) contained in the WASHCAP waiver.

Proposal Changes the Following Existing Rules: WAC 388-492-0040(1) is modified to increase the shelter cost threshold from \$480 to \$499 a month. WAC 388-492-0070 (3)(a) is modified to increase the SSA shelter declaration from \$290 to \$302 and increases the department standard from \$300 to \$312.

WAC 388-492-0070 (3)(b) is modified to increase the SSA shelter declaration from \$289 to \$301 and increases the department standard from \$144 to \$150.

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 by adjusting the eligibility standards for WASHCAP benefits and the threshold at which clients can choose not to receive WASHCAP benefits.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "(t)his section does not apply...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These amendments are adjusting WASHCAP eligibility thresholds to provide recipients the option of receiving WASHCAP benefits or regular food assistance.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Andy Fernando, DSHS Rules Coordinator, by November 22, 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 fernaax@dshs.wa.gov, by 5:00 p.m., November 26, 2002.

Date of Intended Adoption: Not earlier than November 27, 2002.

October 11, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance? You can choose to have regular food assistance benefits instead of WASHCAP benefits when:

(1) Your shelter costs are more than four hundred (~~eighty~~) ninety-nine dollars a month. We count the following items as a shelter cost:

- (a) Rent or mortgage;
- (b) Property taxes;
- (c) Homeowner's insurance (for the building only); or
- (d) Mandatory homeowner's association or condo fees.

(2) Your out-of-pocket medical expenses are more than thirty-five dollars a month;

(3) You would get more benefits from being in the regular food assistance program; or

(4) You are waiting to receive WASHCAP benefits.

AMENDATORY SECTION (Amending WSR 02-15-148, filed 7/22/02, effective 9/1/02)

WAC 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits calculated? We calculate your WASHCAP benefits as follows:

(1) We begin with your gross income. (Social Security Administration (SSA) tells us how much income you have.)

(2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost as follows:

(a) If SSA tells us you pay (~~two~~) three hundred (~~ninety~~) two dollars or more a month for shelter, we use three hundred twelve dollars as your shelter cost; or

(b) If SSA tells us you pay (~~two~~) three hundred (~~eighty-nine~~) one dollars a month or less for shelter, we use one hundred (~~forty-four~~) fifty dollars as your shelter cost; and

(c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income.

(6) We figure your WASHCAP benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, your assistance unit will get at least ten dollars food benefits each month.

WSR 02-21-063
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 15, 2002, 3:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-069 on August 16, 2002.

Title of Rule: WAC 388-410-0030 How does the department calculate and set up my food assistance overpayment?

Purpose: To notify clients that their food assistance overpayment calculation disallows the earned income disregard for unreported earned income, and that an intentional program violation (IPV) can only be set up when the outcome of an administrative hearing determines that an IPV is appropriate.

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

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Summary: The change to this rule clarifies how an overpayment calculation determines the error amount and informs the client that intentional program violation status must be determined through the administrative hearing process.

Name of Agency Personnel Responsible for Drafting: Carole McRae, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3074; Implementation and Enforcement: Pam Raymond, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3087.

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

Rule is necessary because of federal law, 7 C.F.R. 273.18 Claims against households.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-410-0030 How does the department calculate and set up my food assistance overpayment? See Title of Rule and Summary above.

Proposal Changes the Following Existing Rules: See Title of Rule and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of this rule do not affect small businesses. They affect client eligibility for DSHS services and in this particular case are intended to clarify how overpayment amounts are calculated and that the administrative hearing process precedes the setup of an intentional program violation (IPV).

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from significant legislative rule requirements per RCW 34.05.328 (5)(b)(vii) which states in part, "(t)his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 22, 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 fernaax@dshs.wa.gov, by 5:00 p.m., November 26, 2002.

Date of Intended Adoption: Not earlier than November 27, 2002.

October 9, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-06-090, filed 3/1/02, effective 4/1/02)

WAC 388-410-0030 How does the department calculate and set up my food assistance overpayment? (1) The department calculates the amount of your food assistance overpayment by counting the difference between:

- (a) The benefits your assistance unit (AU) received; and
- (b) The benefits your AU should have received.

(2) To calculate the benefits your AU should have received, we determine what we would have authorized if we:

- (a) Had correct and complete information; and
- (b) Followed all the necessary procedures to determine your AU's eligibility and benefits.

(3) If you did not report your earned income as required under WAC 388-468-0007, you do not get the earned income disregard under WAC 388-450-0185 when we calculate your overpayment amount.

(4) If you were underpaid food assistance benefits for a period of time, we will use these benefits to reduce your overpayment if:

- (a) We have **not** already issued you benefits to replace what you were underpaid; and
- (b) We have **not** used this amount to reduce another overpayment.

~~((4))~~ (5) We set up an inadvertent household error or administrative error overpayment if:

- (a) We discovered the overpayment through the quality control process;
- (b) You currently get food assistance benefits; or
- (c) The overpayment is over one hundred twenty-five dollars and you do not currently get food assistance benefits.

~~((5))~~ (6) We do not set up inadvertent household error or administrative error overpayment if:

- (a) We cannot find the responsible AU members; or
- (b) We have referred your inadvertent household error for prosecution or an administrative disqualification hearing and collecting the overpayment could negatively impact this process.

~~((6))~~ (7) We set up an intentional program violation overpayment based on the results of an administrative hearing (chapter 388-02 WAC) unless:

- (a) Your AU has repaid the overpayment;
- (b) We cannot find the responsible AU members; or
- (c) We have referred your inadvertent household error for prosecution and collecting the overpayment could negatively impact this process.

WSR 02-21-081

PROPOSED RULES

SKAGIT VALLEY COLLEGE

[Filed October 17, 2002, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-049.

Title of Rule: Chapter 132D-120 WAC, Code of student conduct of Skagit Valley College.

Purpose: This change to the Skagit Valley College code of student rights and responsibilities further clarifies due process for students involved in disciplinary proceedings, updates language relating to conduct violations and disciplinary proceedings, and corrects position titles referenced in the code.

Statutory Authority for Adoption: RCW 28B.50.140, (WSR 88-24-014).

Summary: These changes will make the code of student conduct more accessible for students and will more clearly spell out disciplinary process for students. Changes include more specific language relating to disciplinary proceedings, an updated list of behaviors for which students will be held accountable and [no further information supplied by agency].

Name of Agency Personnel Responsible for Drafting: Linda Woiwod, 2405 East College Way, Mount Vernon, WA 98273, (360) 416-7732; Implementation and Enforcement: Alan Muia, 2405 East College Way, Mount Vernon, WA 98273, (360) 416-7633.

Name of Proponent: Skagit Valley College.

Explanation of Rule, its Purpose, and Anticipated Effects: These changes will make the code of student conduct more accessible to students for whom it is written by more clearly explaining the college disciplinary process. The changes will also include enhancements to the regulations section of the document and will provide college officials the ability to invoke disciplinary sanctions more fitting to the regulations being violated. Position titles and changes in administrative structure are also reflected.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

Hearing Location: Skagit Valley College, 2405 East College Way, Ford Hall, Room 101, Mount Vernon, WA 98273, on November 26, 2002, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Eric Anderson by October 1, 2002, TDD (360) 416-7718 or (360) 416-7818.

Submit Written Comments to: Alan Muia, Skagit Valley College, 2405 East College Way, Mount Vernon, WA 98273, fax (360) 416-7676.

Date of Intended Adoption: November 27, 2002.

October 17, 2002

Linda P. Woiwod

Dean of Enrollment Services

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-010 Title. This chapter shall be known as the code of student ~~((rights and responsibilities))~~ conduct of Skagit Valley College.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-020 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

(1) "Academic dishonesty" ~~((shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar act of academic dishonesty))~~ means cheating, plagiarism and other dishonesty relating to academic work.

(2) "Alcoholic beverages" ~~((shall mean the definition of liquor as contained within))~~ are beer, wine and hard liquor as defined in RCW 66.04.010(15) as now law or hereafter amended.

(3) ~~((("Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.))~~ The term "cheating" includes, but is not limited to:

(a) Use of any unauthorized assistance in taking quizzes, tests or examinations;

(b) Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or

(c) The acquisition, without permission, of a test or other academic material belonging to a member of the college faculty or staff.

(4) ~~((("ASSVC" shall mean the associated students of Skagit Valley College as defined in the constitution of that body.~~

(5) ~~"Board" shall mean the board of trustees of Community College District No. 4, state of Washington.~~

(6) ~~"Chief administrative officer" shall mean the president of Skagit Valley College and president of Community College District No. 4, state of Washington.~~

(7) ~~((("College" ((shall)) means Skagit Valley College, and any other community college centers or facilities established within Community College District No. 4.~~

~~((("College facilities" shall mean and include any and all personal property and real property including all buildings and appurtenances affixed thereon or attached thereto district wide.~~

~~((9))~~ (5) The term "college official" includes any person employed by the college or any member of the college board of trustees, performing administrative or professional responsibilities.

(6) The term "college premises" includes all land, buildings, facilities and other property in the possession of, or owned, used or controlled by the college (including adjacent streets and sidewalks).

(7) "Controlled substance" includes any illegal drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(8) "Demonstrations" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

~~((10) "Disciplinary action" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by the dean of administrative and student services issued pursuant to this chapter for the violation of any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.~~

~~((11) "Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.~~

~~((12))~~ (9) The director of student activities and auxiliary services is that person designated by the college president to be responsible for the administration of the code of conduct.

(10) "Faculty" ((shall mean and)) includes any full-time or part-time academic employee of the district whose assignment is one of a combination of instruction, counseling or library services.

~~((13) "Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.~~

(14) "Student," unless otherwise qualified, shall mean and include any person who is registered for classes at the college.

(15) "College disciplinary court" shall mean the judicial body provided in this chapter.

(16) "Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

(11) A "judicial advisor" is a college official authorized on a case-by-case basis to impose sanctions upon students found to have violated this code of conduct. The director of student activities and auxiliary services will serve as the judicial advisor or may appoint another trained college official to perform that function if s/he perceives that it would be in the best interest of any of the parties involved in a case. A judicial advisor may serve as the sole member, or one of the members, of a judicial body. Nothing shall prevent the director of student activities and auxiliary services from authorizing the same judicial advisor to impose sanctions in all cases.

(12) The term "judicial body" means any person or persons authorized to determine whether a student has violated the code of conduct and to recommend imposition of sanctions. Judicial bodies will be selected annually through the college's authorized committee selection process.

(13) The term "may" is used in the permissive sense.

(14) The term "member of the college community" includes any person who is a student, faculty member, college official, or any other person employed by the college. A person's status in a particular situation shall be determined by a judicial advisor.

(15) The term "organization" means any number of persons who have complied with the formal requirements for college recognition.

(16) The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person, without full and clear acknowledgment. It also includes the unacknowledged use of materials such as term papers or other academic material prepared by a person other than the submitting student.

(17) The term "respondent" means any student accused of violating this code of conduct.

(18) The term "sexual harassment" includes, but is not limited to, unwanted sexual advances; requests for sexual favors; and other verbal and physical conduct which interferes with learning, or creates a hostile or offensive environment for one of the parties.

(19) The term "shall" is used in the imperative sense.

(20) "Student," unless otherwise qualified, shall mean and include any person who is registered for classes at the college. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the college, are considered "students."

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-030 Jurisdiction of the college. (1) ~~((All rules herein adopted))~~ Scope. This code shall apply to every student whenever ~~((said))~~ the student is present upon or in any college ((facility)) premises and whenever ((said)) the student is present at or engaged in any college-sponsored activity ~~((which is))~~ held on or in noncollege facilities.

(2) ~~((Faculty members, other college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to (a) possible prosecution under the state criminal law; (b) any other civil or criminal remedies available to the public; or (c) appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.~~

(3) ~~Statutory authority of the Revised Code of Washington cited in this document is on file and available in the office of the dean of administrative and student services.)~~ Remedies not exclusive. The remedies provided for in this code are not exclusive. Seeking or obtaining any remedies under this code is not intended to bar the college, the complainant, or any other person or entity from seeking or obtaining such other remedies as may be available under other college policies, or in any other forum under applicable civil or criminal law.

(3) Trespass. The director of student activities and auxiliary services or his or her designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or

remain in any college property or facility. Such power and authority may be exercised to halt an event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the director of student activities and auxiliary services, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

AMENDATORY SECTION (Amending WSR 94-01-028, filed 12/6/93, effective 1/6/94)

WAC 132D-120-040 ((Student rights.)) Disciplinary authority. ~~((The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:~~

~~(1) Academic freedom.~~

~~(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.~~

~~(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).~~

~~(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.~~

~~(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate, and disrespectful conduct, and any and all harassment, including sexual harassment.~~

~~(2) Due process.~~

~~(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.~~

~~(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.~~

~~(c) A student accused of violating this code of student rights and responsibilities 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 office of student programs and activities.~~

~~(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 office of student affairs.)~~ (1) Judicial bodies shall be selected annually via the standing committee selection process and approved by the college president. The director of student activities and auxiliary services shall determine which judicial body or judicial advisor shall be authorized to hear each case.

(2) The director of student activities and auxiliary services may develop policies and procedures for the administration of the judicial program and for the conduct of hearings which are consistent with the provisions of the Skagit Valley College code of student conduct. Each complainant and respondent shall be given a copy of any written procedural rules prior to any judicial hearing.

(3) Decisions made by a judicial body and/or judicial advisor shall be final, pending the appeal process provided within this code.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-050 ((Student responsibilities.)) **Violations.** ((Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor or accomplice as defined in RCW 9A.08.020 interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:

(1) Personal offenses:

(a) Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050 or 28B.10.570 through 28B.10.572 as now or hereafter amended.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructor's instructions, thereby infringing upon the rights and privileges of other students.

(d) Illegal assembly, obstruction or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(f) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(g) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(2) Property offenses:

(a) Theft and robbery. Theft of the property of the district or of another as defined in the RCW 9A.56.010—9A.56.050 and 9A.56.100 as now law or hereafter amended.

(b) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(c) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use without proper authority.

(3) Status offenses:

(a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(c) Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Smoking. Smoking 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.

(f) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(g) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the dean of administrative and student services or his or her designee(s) and in compliance with the Alcoholic Beverage Use Policy of the college and other state law.

(h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property.)) Any student found to have committed, or aided or abetted others to commit, any of the following violations is subject to the disciplinary sanctions outlined in this chapter:

(1) Assault, reckless endangerment, physical abuse, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.

(2) Disorderly, lewd, indecent or other behavior which breaches the peace, interferes with the rights of others or which obstructs or disrupts teaching, research, administrative functions or other college-authorized activities.

(3) Failure to comply with orders or directions of college officials or law enforcement officers acting in performance of

their duties, and/or failure to identify oneself to these persons when requested to do so.

(4) Participation in a campus demonstration or other activity which disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus or at college-sponsored activities.

(5) Acts of dishonesty including, but not limited to, the following:

(a) Cheating, plagiarism, or other forms of academic dishonesty.

(b) Furnishing false information to any college official, faculty member or office.

(c) Forgery, alteration or misuse of any college document, record or instrument of identification.

(d) Tampering with the election of any college-recognized student organization.

(6) Attempted or actual theft of, and/or damage to, property of the college or property of a member of the college community or other personal or public property.

(7) Failure to follow the reasonable instructions of faculty members, thereby infringing upon the rights and privileges of other members of the college community.

(8) Possession or unauthorized use of college equipment and supplies including, but not limited to, converting college equipment or supplies for personal gain or use without proper authority.

(9) Abuse of the judicial system including, but not limited to:

(a) Failure to obey the summons of a judicial body or college official.

(b) Falsification, distortion, or misrepresentation of information before a judicial body.

(c) Disruption of, or interference with, the orderly conduct of a judicial proceeding.

(d) Knowingly initiating a judicial proceeding without cause (i.e., filing a false report).

(e) Attempting to discourage an individual's proper participation in, or use of, the judicial system.

(f) Attempting to improperly influence the impartiality of a member of a judicial body prior to, and/or during, the course of a judicial proceeding.

(g) Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, or after the course of a judicial proceeding.

(h) Failure to comply with the sanction(s) imposed under the code of conduct.

(i) Influencing or attempting to influence another person to abuse the judicial system.

(10) 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.

(11) Unlawful discrimination based on, but not limited to, race, ethnicity, national origin, ancestry, creed, color, gender (including sexual harassment), marital/parental status, sexual orientation, age, religion, and sensory, mental, or physical disability.

(12) 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 that employee's duties.

(13) Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without authority or permission of the college employee or agent in charge thereof.

(14) Smoking in college vehicles or on college premises outside of designated smoking areas.

(15) Use, possession, distribution or being demonstrably under the influence of narcotics or other controlled substances, except as expressly permitted by law.

(16) Use, possession, distribution or being under the influence of alcoholic beverages, except as expressly permitted by law and college regulations.

(17) Possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or at college-sponsored or supervised activities, unless approved by the president of the college or his/her designee.

(18) Theft or other abuse of computer time including, but not limited to:

(a) Unauthorized entry into a file to use, read, or change contents, or for any other purpose.

(b) Unauthorized transfer of a file.

(c) Unauthorized use of another individual's identification and/or passwords.

(d) Use of computing facilities to interfere with the work of another student or college official.

(e) Use of computing facilities to send obscene or abusive messages.

(f) Use of computing facilities that interferes with normal operation of the college computing system including, but not limited to, unsolicited e-mail.

(19) Violation of other published college policies, rules or regulations.

(20) Violation of federal, state or local law on college premises or at college-sponsored or supervised activities.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-060 ((Trespass.)) Violation of law and college discipline. ((The dean of administrative and student services or his or her designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the dean of administrative and student services, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.)) (1) College disciplinary proceedings may be initiated against a student charged with violation of a law that is also a violation of the code of student conduct. This would apply if both violations result from the same factual situation, without

regard to pending civil litigation in court, or criminal arrest and prosecution. Proceedings under the code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

(2) When a student is charged by federal, state or local authorities with a violation of law, the college may advise off-campus authorities of the existence of the code of student conduct and of how such matters will be handled internally within the college community. The college will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and staff members acting in their personal capacities remain free to interact with governmental representatives as they deem appropriate.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-070 (~~Delegation of~~) Disciplinary (~~authority~~) proceedings. ~~((The dean of administrative and student services, or his designee(s), shall have authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions or probation proceedings by the dean of administrative and student services, or his or her designee(s:))~~ (1) **Complaints.** Any member of the college community may file a complaint against any student for misconduct. Complaints shall be submitted within ninety days after the incident. Complaints shall be prepared in writing and directed to the office of the judicial advisor.

(2) **Notice to accused student.** When a complaint is filed against a student, the judicial advisor will, within five school days, serve written notice on the accused student, including a copy of the code of student conduct advising the student of the charges against him or her.

(3) **Informal process.** The judicial advisor may conduct an investigation to determine the merit of the complaint and if it can be disposed of informally by mutual consent of the parties involved. For adverse parties who agree to settle the complaint informally, the judicial advisor will facilitate communication between the complainant(s) and the student(s) accused (respondent(s)). The judicial advisor will determine the best means of conducting the informal process, the purpose of which is to reach an agreement that is mutually satisfactory to the parties, if possible. Interim sanctions may be imposed at any time during the informal process with good reason (see interim sanctions section). If it is determined that the matter cannot be resolved by mutual consent, a summary disciplinary conference will be initiated by the judicial advisor.

(4) **Summary proceedings.**

(a) **Disposition.** After considering the evidence in the case and interviewing the respondent in a summary hearing (if the respondent has appeared at the scheduled conference), the judicial advisor may:

- (i) Terminate the proceeding exonerating the student(s);
- (ii) Dismiss the case after whatever counseling and advice the judicial advisor deems appropriate; or

(iii) Impose any of the sanctions listed in this code.

The decision shall be in writing and shall be served on both the respondent and the complainant.

(b) **Request for formal hearing.** After the judicial advisor's decision, the respondent and/or the complainant may request a formal hearing to challenge a decision reached, or a sanction imposed, by the judicial advisor pursuant to the informal disciplinary hearing. Such requests shall be in writing and shall be delivered to the director of student activities and auxiliary services or designated judicial advisor within five school days of the judicial advisor's decision. A time shall be set for a formal hearing not less than five, nor more than fifteen, calendar days after the request for a formal hearing. If there is good reason and the complainant(s) and the respondent(s) agree, time limits for scheduling a hearing may be extended at the discretion of the judicial advisor.

(5) **Formal hearings.** Formal hearings shall be convened by the judicial advisor and conducted by a judicial body according to the following guidelines:

(a) Hearings shall be conducted in private. Hearings will be chaired by the judicial advisor.

(b) The complainant(s) and the respondent(s) shall be expected to attend the formal hearing. Admission of any person to the hearing shall be at the discretion of the judicial advisor.

(c) In hearings involving more than one accused student, the judicial advisor, at his or her discretion, may permit separate hearings for each respondent.

(d) The complainant and the respondent have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney, but advisors are not permitted to speak or participate directly in any hearing before a judicial body, except as permitted by the judicial advisor. If the student chooses to be advised by a licensed attorney in the state of Washington, s/he must notify the judicial advisor at least five working days prior to the hearing.

(e) The complainant, the respondent and the judicial body shall have the right of presenting witnesses and evidence, subject to the right of questioning by the judicial body, the complainant or the respondent. The judicial advisor may limit the scope and number of questions to witnesses.

(f) Pertinent records, exhibits and written statements may be accepted for consideration as evidence prior to, or during, a hearing by a judicial body at the discretion of the judicial advisor.

(g) All procedural questions are subject to the final decision of the judicial advisor.

(h) After the hearing, the judicial body shall determine whether the student has violated the code of conduct as charged.

(i) The judicial body's determination shall be made on the basis of whether it is more likely than not that the respondent violated the code of conduct.

(j) If the judicial body determines that a student has violated the code of conduct, the body will determine whether the sanction(s) imposed pursuant to the informal disciplinary conference were appropriate for the violation of the code of conduct which the student was found to have committed.

(k) A judicial body may reduce or increase the sanctions imposed by the judicial advisor pursuant to the informal disciplinary conference or remand the case to a judicial advisor.

(6) There shall be a single verbatim record, such as a tape recording, of all hearings before a judicial body. The record shall be the property of the college and shall be preserved until the decision is final after the time for appeals has passed.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-080 (~~(Disciplinary action--)~~) Sanctions. ~~((The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter, and pursuant to the right of appeal as outlined in this chapter.~~

~~(1) Disciplinary warning. Verbal notice to a student by the dean of administrative and student services, or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.~~

~~(2) Disciplinary reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132D-120-050. Reprimands shall be made in writing to the student by the dean of administrative and student services, or his or her designee(s), with copies placed on file in the office of student affairs. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.~~

~~(3) Disciplinary probation. Formal action by the dean of administrative and student services, or his or her designee(s), placing conditions upon the student's continued attendance for violation of WAC 132D-120-050. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.~~

~~(4) Limited dismissal. Temporary dismissal from the college and termination of the person's student status for violation of WAC 132D-120-050. Notice shall be given in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.~~

~~(5) Expulsion. Permanent termination of a student's status for violation of WAC 132D-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will to be refunded.)~~ (1) The following sanctions may be imposed by the judicial advisor upon any student, group or organization found to have violated the code of conduct:

(a) Warning.—A notice in writing to the student that the student has violated this code and that further violation may result in additional disciplinary proceedings and sanctions.

(b) Probation.—A written reprimand placing conditions upon the student's continued attendance. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating the code during the probationary period. Notice will be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities.

(c) Loss of privileges.—Denial of specified privileges for a designated period of time.

(d) Fines.—Fines may be imposed.

(e) Restitution.—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

(f) Discretionary sanctions.—Work assignments, service to the college or other related discretionary assignments.

(g) Deactivation.—(Applies to student groups or organizations). Loss of all privileges, including college recognition, for a specified period of time.

(h) College suspension.—Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(i) College expulsion.—Permanent separation of the student from the college. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

(2) More than one of the sanctions listed above may be imposed for any single violation.

(3) Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation and application to the judicial advisor, the student's confidential record may be expunged of disciplinary actions other than college suspension or expulsion consistent with the college's schedule of record disposition.

(4) In each case in which a judicial body determines that a student has violated the code of conduct, the sanction(s) shall be determined by the judicial advisor. In cases in which persons other than, or in addition to, the judicial advisor have been authorized to serve as the judicial body, the recommendation of all members of the judicial body shall be considered by the judicial advisor in determining and imposing sanctions. The judicial advisor is not limited to sanctions recommended by members of the judicial body. Following the hearing, the judicial body and the judicial advisor shall advise the respondent in writing of its determination and any sanction(s) imposed.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-090 (~~(Initial disciplinary proceedings--)~~) Interim sanctions. ~~((1) All disciplinary proceedings will be initiated by the dean of administrative and student services or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132D-120-160.~~

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting with the dean of administrative and student services, or his or her designated representative, and will be informed of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the dean of administrative and student services may take any of the following actions: (a) Terminate the proceeding, exonerating the student or students; (b) dismiss the case after whatever counseling and advice the dean of administrative and student services deems appropriate; (c) impose verbal warning to the student directly, not subject to the student's right of appeal as provided in this chapter; (d) impose additional sanctions of reprimand, probation, limited dismissal or expulsion, subject to the student's right of appeal as provided in the following provisions:)) In certain circumstances, the director of student activities and auxiliary services, or designated judicial advisor, may impose any of the above sanctions pending a hearing before, or decision by, a judicial body.

(1) Interim sanctions may be imposed only:

(a) To ensure the safety and well-being of members of the college community or the preservation of college property;

(b) To ensure the student's own physical or emotional safety and well-being; or

(c) If the student poses a threat of disruption to, or interference with, the educational process or other normal operations of the college.

(2) Notice of interim sanctions will be made in writing and will state:

(a) The charges against the student, including reference to the provisions of this code that were allegedly violated; and

(b) That the student charged has the right to an informal hearing before the judicial advisor to challenge the interim sanctions.

(3) If such a hearing is requested, it shall be held as soon as practicable after the interim sanctions have been imposed. The judicial advisor will decide whether there is probable cause to believe that continuation of the sanctions is necessary, and/or whether some other disciplinary action is appropriate.

(4) The judicial advisor may continue to enforce the interim sanctions if, following the informal hearing, he or she finds that there is probable cause to believe that interim sanctioning of that student is necessary for the safety of the student, other students, or persons on college facilities, the educational process of the institution, or to restore order to the campus. The result of the informal hearing will be given to the student in writing.

(5) If sanctions are continued, the written notice shall stipulate the duration of the sanctions and conditions under which they may be terminated.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-100 Appeals((—Generally)). (1) ((Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean of administrative and student services, or his or her designee(s) may be appealed to the college disciplinary court, which may, at the request of the student(s), hear the case de novo.

(b) Disciplinary recommendations made by the college disciplinary court may be appealed by the student to the president of the college. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the dean of administrative and student services and the college disciplinary court. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions: (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and (b) the appeal must be filed within ten working days from the date on which the student was notified that disciplinary action was being taken.

(3) All appellate decisions shall be sent from the office of the dean of administrative and student services. Written decisions shall include the signatures of the college disciplinary court-)) Following a formal hearing, a decision reached by a judicial body, or a sanction imposed by the judicial advisor, may be appealed by the respondent or complainant to the vice-president of student services and student success within ten school days of the date of the written decision. Such appeals shall be in writing and shall be delivered to the director of student activities and auxiliary services or designated judicial advisor. The notice of appeal is deemed delivered on the date it is postmarked or the date it is hand-delivered to the office of the director.

(2) Appeals shall be limited to review of the record of the formal hearing (see disciplinary proceedings section) and supporting documents, except as required to explain the basis of new evidence, for any of the following:

(a) To determine whether the formal hearing was conducted fairly in light of the charges and evidence presented and in conformity with the prescribed procedures, giving the complaining party a reasonable opportunity to prepare and present evidence that the student code of conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.

(b) To determine whether the decision reached regarding the respondent was based on substantial evidence; that is, whether the facts in the case were sufficient to establish the fact that a violation of the student code of conduct had occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation committed.

(d) To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the formal hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

(3) The vice-president of student services and student success may, upon review of the case, reduce or increase the sanctions imposed by the judicial advisor or remand the case to the judicial body and judicial advisor.

(4) Final appeal. Following an appeal to the vice-president of student services and student success, a decision reached by the vice-president may be appealed by the respondent or complainant to the college president within ten school days of the date of the written decision. Such appeals shall be in writing and shall be delivered to the director of student activities and auxiliary services or designated judicial advisor. Appeals to the college president will be conducted in the same manner as those made to the vice-president of student services and student success. The notice of appeal is deemed delivered on the date it is postmarked or the date it is hand-delivered to the office of the director.

(5) The college president's decision shall be final.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-110 ((Composition and structure of the college disciplinary court.)) Student rights. ~~(((1) The college disciplinary court shall be composed of a chief justice, associate chief justice and seven associate justices selected as follows:~~

~~(a) The chief justice shall be a student in good academic standing at the college, and s/he shall be appointed by the ASSVC president for a one-year term; and~~

~~(b) The associate chief justice shall be a faculty member or administrator appointed by the president of the college for a three-year term; and~~

~~(c) The associate justices shall be selected as follows:~~

~~(i) Four associate justices shall be students in good academic standing appointed by the ASSVC president for one-year terms; and~~

~~(ii) Two associate justices shall be faculty members selected by the faculty for two-year terms; and~~

~~(iii) One associate justice shall be an administrator appointed by the president of the college for a two-year term; and~~

~~(iv) Members of the college disciplinary court shall be chosen by no later than October 15 of each academic year.~~

~~(d) A chief justice, associate chief justice, and associate justices shall serve during their term of office as set forth above and until their successors are appointed or elected.~~

~~(2) If any member of the college disciplinary court is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chief justice and associate chief justice abstain pursuant to the above procedure, the members of the college disciplinary court shall elect a temporary chief justice who will preside over the court.~~

~~(3) The chief justice, or in his or her absence the associate chief justice except under circumstances described in subparagraph (2) above, shall preside over all court proceedings in cases relating to student violation of the rules of conduct established by this chapter. The presiding officer of the col-~~

~~lege disciplinary court shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.~~

~~(4) A quorum for all proceedings of the college disciplinary court shall consist of the chief justice, or in his or her absence the associate chief justice, and at least four associate justices; provided, in the event that the chief justice and associate chief justice have been replaced in accordance with subparagraph (2) above, the college disciplinary court shall meet to elect a temporary chief justice.)~~ The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom:

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation that is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment that is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process:

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities 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 office of student programs and activities.

(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 office of student affairs.

AMENDATORY SECTION (Amending Order 88-01, filed 12/1/88, effective 1/1/89)

WAC 132D-120-120 ((Hearing procedures before the college disciplinary court.)) Interpretation and revision. ~~(((1) The college disciplinary court shall conduct a hearing within fourteen working days after disciplinary action has been referred to the court.~~

(2) Where a person is charged with an offense punishable by suspension, limited dismissal, or termination of his or her relationship with the institution, and where the person (a) waives the opportunity for an informal hearing, or (b) by his conduct (in the judgment of the hearing officer) makes it impossible to conduct an informal hearing, or (c) is dissatisfied with the results of the informal hearing; that person is entitled to a formal hearing conducted according to the provisions of RCW 28B.19.110 and the guidelines of this chapter. Where a formal hearing is neither required by law nor requested by the student or the college, the matter may be resolved informally. Informal hearings before the college disciplinary court shall be conducted in any manner which will bring about a prompt, fair resolution of the issue.

(3) The college disciplinary court will hear and decide cases referred to it by the dean of administrative and student services or by appeal as specified in WAC 132D-120-090. The court shall prepare a written opinion which shall include findings of fact, conclusions, and recommendations.

(4) The student has a right to a fair and impartial hearing before the college disciplinary court on any charge of violating the rules of conduct. The student's failure to cooperate with the court's hearing procedures, however, shall not preclude the college disciplinary court from making its findings of fact, conclusions and recommendations.

(5) Written notice of the time and place of the hearing before the college disciplinary court shall be given to the student by personal service or certified mail. Such notice shall be afforded not less than ten calendar days in advance of the hearing and shall be issued by the office of the dean of administrative and student services. The notice shall include:

(a) A statement of time, place and nature of the disciplinary proceedings; and

(b) A statement of the specific charges against him or her including reference to the particular sections of the rules of conduct 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.

(6) 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; and

(b) Present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters; and

(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.

(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 admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the dean of administrative and student services at least five working days prior to the hearing.

(8) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of administrative and student services; that designee may then present the college's case against the student accused of violating the

rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of administrative and student services may elect to have the college represented by an assistant attorney general.

(9) The dean of administrative and 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 disciplinary court during the course of the hearing. The proceedings of the hearing shall also be tape recorded.

(10) The record in a formal hearing shall contain: (a) All documents, motions and intermediate rulings; and (b) evidence received and considered; and (c) a statement of matters officially noticed; and (d) questions and offers of proof, objections and rulings thereon.

(11) All records of disciplinary proceedings shall be maintained in the office of the dean of administrative and student services and shall be available only during the course of the disciplinary proceedings to the college disciplinary court, the student and his/her attorney, and any other college official designated by the president.

(12) Following the conclusion of the disciplinary proceeding, access to records of the case and hearing files will be limited to those designated by the college president.

(13) Proceedings of the college disciplinary court shall be presided over by a presiding officer as provided in WAC 132D-120-110 and 132D-120-120.

(14) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

(15) The time of the hearing may be advanced by the college disciplinary court at the request of the student or continued for good cause.

(16) Hearings conducted by the college disciplinary court generally will be held in closed session; provided, the accused student may request the hearing to be held in open session.

(17) If at any time during the conduct of a hearing visitors disrupt the proceedings, the presiding officer of the college disciplinary court may exclude such persons from the hearing room.

(18) Any student of the college attending the disciplinary court hearing who continues to disrupt the proceedings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.)) (1) **Code interpretation.** Any question of interpretation regarding the code of conduct shall be referred to the director of student activities and auxiliary services or designee for final interpretation.

(2) **Code revision.** The code of conduct shall be reviewed at least every five years under the direction of the director of student activities and auxiliary services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132D-120-055 Antihazing.
- WAC 132D-120-130 Evidence admissible in hearings.
- WAC 132D-120-140 Decision by the college disciplinary court.
- WAC 132D-120-150 Final appeal.
- WAC 132D-120-160 Summary suspension proceedings.
- WAC 132D-120-170 Procedures of summary suspension hearing.
- WAC 132D-120-180 Decision by the dean of administrative and student services.
- WAC 132D-120-190 Notice of suspension.
- WAC 132D-120-200 Suspension for failure to appear.
- WAC 132D-120-210 Appeals from summary suspension hearing.
- WAC 132D-120-220 Final decision.

**WSR 02-21-084
PROPOSED RULES
NOXIOUS WEED
CONTROL BOARD**

[Filed October 18, 2002, 10:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-089.

Title of Rule: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Purpose: The state Noxious Weed Control Board proposes its annual amendment to the state noxious weed list to add two species to the A list, move one species from the A list to the B list, add a species to the B list, change the designation area of two B weeds and add three plants to the C list.

Statutory Authority for Adoption: Chapter 17.10 RCW.
Statute Being Implemented: Chapter 17.10 RCW.

Summary: Add kudzu and dense-flower cordgrass to the A list. Move saltcedar from the A to the B list. Add Himalayan knotweed to the B list. Change the control areas for Japanese knotweed and the meadow knapweed complex. Add Myrtle spurge, common groundsel and nonnative types of common reed to the C list.

Reasons Supporting Proposal: Kudzu dense-flower cordgrass and Himalayan knotweed were discovered in the state recently, and have been found to be highly destructive, competitive or difficult to control. Saltcedar was found to be

beyond immediate eradication in four counties. Distribution data indicated that some control areas should be amended, and that other weeds should be listed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McGonigal, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2053.

Name of Proponent: Washington State Noxious Weed Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state noxious weed list provides the basis for noxious weed control efforts by county noxious weed control boards, weed districts, the state weed board and the Washington State Department of Agriculture, under the auspices of chapter 17.10 RCW. The effect of the state noxious weed list is to prioritize control of noxious weed species statewide, concentrating on prevention and early detection, while still allowing for local program flexibility.

Proposal Changes the Following Existing Rules: The proposal is to add two species to the A list, move one species from the A list to the B list, add a species to the B list, change the designation area of two B weeds and add three plants to the C list.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Net economic impact of the proposed changes on small businesses should be negligible. Both of the species being added to the A list, and one of the species being added to the B list, are already quarantined. The B list changes involving knapweeds reduce the area for mandatory control, and thus should have no economic impact. The B list changes involving knotweeds add control areas only where the plants are found to be of limited distribution. Adding plants to the C list does not mandate control or other regulatory changes.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Noxious Weed Control Board is not one of the agencies listed in this section.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street, Olympia, WA 98504-2560, on January 22, 2003, at 1 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by January 2, 2003, TDD (360) 902-1996 or (360) 902-1806.

Submit Written Comments to: Steve McGonigal, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2094, e-mail smcgonigal@agr.wa.gov, by January 17, 2003.

Date of Intended Adoption: January 22, 2003.

October 14, 2002

Steve McGonigal

Executive Secretary

PROPOSED

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

| Common Name | Scientific Name |
|--------------------------------|--|
| bean-caper, Syrian | <i>Zygophyllum fabago</i> |
| blueweed, Texas | <i>Helianthus ciliaris</i> |
| broom, Spanish | <i>Spartium junceum</i> |
| buffalobur | <i>Solanum rostratum</i> |
| clary, meadow | <i>Salvia pratensis</i> |
| <u>cordgrass, dense flower</u> | <u><i>Spartina densiflora</i></u> |
| cordgrass, salt meadow | <i>Spartina patens</i> |
| crupina, common | <i>Crupina vulgaris</i> |
| flax, spurge | <i>Thymelaea passerina</i> |
| four o'clock, wild | <i>Mirabilis nyctaginea</i> |
| goatsrue | <i>Galega officinalis</i> |
| hawkweed, yellow devil | <i>Hieracium floribundum</i> |
| hogweed, giant | <i>Heracleum mantegazzianum</i> |
| hydrilla | <i>Hydrilla verticillata</i> |
| johnsongrass | <i>Sorghum halepense</i> |
| knapweed, bighead | <i>Centaurea macrocephala</i> |
| knapweed, Vochin | <i>Centaurea nigrescens</i> |
| <u>kudzu</u> | <u><i>Pueraria montana var. lobata</i></u> |
| lawnweed | <i>Soliva sessilis</i> |
| mustard, garlic | <i>Alliaria petiolata</i> |
| nightshade, silverleaf | <i>Solanum elaeagnifolium</i> |
| sage, clary | <i>Salvia sclarea</i> |
| sage, Mediterranean | <i>Salvia aethiopis</i> |
| ((salteedar | <i>Tamarix ramosissima</i> |
| spurge, eggleaf | <i>Euphorbia oblongata</i> |
| starthistle, purple | <i>Centaurea calcitrapa</i> |
| thistle, Italian | <i>Carduus pycnocephalus</i> |
| thistle, milk | <i>Silybum marianum</i> |
| thistle, slenderflower | <i>Carduus tenuiflorus</i> |
| velvetleaf | <i>Abutilon theophrasti</i> |
| woad, dyers | <i>Isatis tinctoria</i> |

AMENDATORY SECTION (Amending WSR 01-24-035, filed 11/28/01, effective 12/29/01)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

| Name | Will be a "Class B designate" in all lands lying within: |
|---|--|
| (1) blackgrass <i>Alopecurus myosuroides</i> | (a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 |

| Name | Will be a "Class B designate" in all lands lying within: |
|---|--|
| (2) blueweed <i>Echium vulgare</i> | (c) Adams County of region 7. (a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning. |
| (3) broom, Scotch <i>Cytisus scoparius</i> | (a) regions 3, 4, 6, 7, 9, 10. |
| (4) bryony, white <i>Bryonia alba</i> | (a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin County of region 10. |
| (5) bugloss, common <i>Anchusa officinalis</i> | (a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7. |
| (6) bugloss, annual <i>Anchusa arvensis</i> | (a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North. |

PROPOSED

| Name | Will be a "Class B designate" in all lands lying within: | Name | Will be a "Class B designate" in all lands lying within: |
|--|--|--|---|
| (7) camelthorn <i>Alhagi maurorum</i> | (a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning. | (11) cinquefoil, sulfur <i>Potentilla recta</i> | (d) region 8 except Clark County. (a) regions 1, 3, 8, 10 (b) region 2 except Skagit County (c) region 4 except Stevens, Ferry, and Pend Oreille counties (d) region 5 except Thurston County (e) region 6 except Yakima County (f) region 7 except Spokane County (g) region 8 except Lewis County (h) region 9 except Klickitat County. |
| (8) carrot, wild <i>Daucus carota</i> | (a) regions 3, 7 (except where intentionally cultivated) (b) Spokane and Ferry counties of region 4 (except where intentionally cultivated) (c) region 6, except Yakima County (except where intentionally cultivated) (d) region 9, except Yakima County (except where intentionally cultivated) (e) region 10, except Walla Walla County (except where intentionally cultivated). | (12) cordgrass, smooth <i>Spartina alterniflora</i> | (a) regions 1, 3, 4, 5, 6, 7, 9, 10 (b) region 2 except Padilla Bay of Skagit County (c) region 8 except bays and estuaries of Pacific County. |
| (9) catsear, common <i>Hypochaeris radicata</i> | (a) regions 3, 4, 6, 7, 10 (b) region 9 except Klickitat County. | (13) cordgrass, common <i>Spartina anglica</i> | (a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County. |
| (10) chervil, wild <i>Anthriscus sylvestris</i> | (a) regions 1, 3, 4, 6, 7, 9, 10 (b) region 5 except those portions of Thurston County within T15, 16, 17N, R2, 3, 4W (c) region 2 except Guemes Island in Skagit County | (14) daisy, oxeye <i>Leucanthemum vulgare</i> | (a) regions 7, 10 (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E. |
| | | (15) elodea, Brazilian <i>Egeria densa</i> | (a) regions 3, 4, 6, 7, 9, 10 (b) Lewis County of region 8 (c) Clallam County of region 1. |
| | | (16) fanwort <i>Cabomba caroliniana</i> | (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except T8N, R3W of Cowlitz County. |
| | | (17) fieldcress, Austrian <i>Rorippa austriaca</i> | (a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River. |

PROPOSED

PROPOSED

| Name | Will be a "Class B designate" in all lands lying within: | Name | Will be a "Class B designate" in all lands lying within: |
|--|--|---|--|
| (18) floating heart, yellow <i>Nymphoides peltata</i> | (a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam. | (25) hedgeparsley <i>Torilis arvensis</i> | (a) regions 1, 2, 3, 4, 5, 6, 7, 8, 10 (b) Yakima, Benton, Franklin counties (c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E. |
| (19) gorse <i>Ulex europaeus</i> | (a) regions 3, 4, 6, 7, 9, 10 (b) Skagit and Whatcom counties of region 2 (c) Thurston, Pierce, and King counties of region 5 (d) Wahkiakum, Cowlitz, and Lewis counties of region 8 (e) Clallam County of region 1. | (26) helmet, policeman's <i>Impatiens glandulifera</i> | (a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Whatcom County (c) region 5 except Pierce and Thurston counties. |
| (20) hawkweed, mouseear <i>Hieracium pilosella</i> | (a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except Thurston County (c) Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4. | (27) herb-Robert <i>Geranium robertianum</i> | (a) regions 3, 4, 6, 7, 9, 10 |
| (21) hawkweed, orange <i>Hieracium aurantiacum</i> | (a) regions 3, 6, 9, 10 (b) Clallam County of region 1 (c) Skagit County of region 2 (d) Ferry County of region 4 (e) Thurston and King counties of region 5 (f) Lincoln and Adams counties of region 7 (g) Lewis County of region 8. | (28) houndstongue <i>Cynoglossum officinale</i> | (a) Kittitas County of region 6. |
| (22) hawkweed, polar <i>Hieracium atratum</i> | (a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 outside the boundaries of Mt. Rainier National Park. | (29) indigobush <i>Amorpha fruticosa</i> | (a) regions 1, 2, 3, 4, 5, 6 (b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream (c) regions 8, 9, and 10 except within 200 feet of the Columbia River. |
| (23) hawkweed, smooth <i>Hieracium laevigatum</i> | (a) regions 1, 3, 4, 5, 6, 7, 8, 9, 10 (b) San Juan, Island, and Skagit counties of region 2. | (30) knapweed, black <i>Centaurea nigra</i> | (a) regions 1, 2, 3, 4, ((5)) 7, 9, 10 (b) <u>region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties</u> (c) region 6 except Kittitas County |
| (24) hawkweed, yellow <i>Hieracium caespitosum</i> | (a) regions 1, 2, 3, 5, 6, 7, 8, 10 (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County (c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County. | (31) knapweed, brown <i>Centaurea jacea</i> | ((e)) region 8 except Clark County. (d) (a) regions 1, 2, 3, 4, ((5)) 7, 9, 10 (b) <u>region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties</u> (c) region 6 except Kittitas County ((e)) region 8 except Clark County. (d) |

| Name | Will be a "Class B designate" in all lands lying within: | Name | Will be a "Class B designate" in all lands lying within: |
|---|--|---|--|
| (32) knapweed, diffuse <i>Centaurea diffusa</i> | (a) regions 1, 2, 5, 8 (b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M. (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6 (d) Franklin County of regions 9 and 10. | (35) knapweed, spotted <i>Centaurea biebersteinii</i> | (d) Intercounty Weed District No. 52 (e) region 10 except Franklin County. |
| (33) knapweed, meadow <i>Centaurea jacea x nigra</i> | (a) regions 1, 2, 3, 4, ((5-)) 7, 9, 10 (b) <u>region 5 except that area below the ordinary highway mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties</u> (c) region 6 except Kittitas County ((e)) (d) region 8 except Clark County. | (36) knotweed, giant <i>Polygonum sachalinense</i> | (a) regions 1, 2, 3, 5, 6, 8, 9 (b) Ferry County of region 4 (c) Adams and Whitman counties of region 7 (d) region 10 except Garfield County. |
| (34) knapweed, Russian <i>Acroptilon repens</i> | (a) regions 1, 2, 5, 7, 8 (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County (c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26 | ((37)) (37) knotweed, Himalayan <i>Polygonum polystachyum</i> | (a) <u>Kittitas County of region 6.</u> (a) Kittitas County of region 6. |
| | | ((38)) (38) knotweed, Japanese <i>Polygonum cuspidatum</i> | (a) Kittitas County of region 6 (b) <u>Chelan County of regions 3 and 6</u> (c) <u>Pend Oreille County of region 4.</u> |
| | | ((39)) (39) kochia <i>Kochia scoparia</i> | (a) Clallam County of region 1 (b) Skagit and Whatcom counties of region 2 (c) Pend Oreille County of region 4 (d) King County of region 5 (e) Kittitas County of region 6. |
| | | ((40)) (40) lepyrodiclis <i>Lepyrodictis holosteoides</i> | (a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho. |
| | | ((41)) (41) loosestrife, garden <i>Lysimachia vulgaris</i> | (a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except King County (c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line. |
| | | ((42)) (42) loosestrife, purple <i>Lythrum salicaria</i> | (a) regions 1, 4, 7, 8 |

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| Name | Will be a "Class B designate" in all lands lying within: | Name | Will be a "Class B designate" in all lands lying within: |
|--|--|---|--|
| | (b) region 2 except Snohomish County | | (f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed |
| | (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside | | (g) region 9 except Benton County |
| | (d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5 | | (h) region 10 except Walla Walla County |
| | (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line | | (i) Intercounty Weed Districts No. 51 and No. 52. |
| | (f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections | (((43))) (44) nutsedge, yellow <i>Cyperus esculentus</i> | (a) regions 1, 2, 3, 4, 5, 7, 8 |
| | (g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed | | (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M. |
| | (h) region 9 except Benton County | | (c) region 9 except: |
| | (i) region 10 except Walla Walla County | | (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said |
| (((42))) (43) loosestrife, wand <i>Lythrum virgatum</i> | (j) Intercounty Weed Districts No. 51 and No. 52. | | |
| | (a) regions 1, 4, 7, 8 | | |
| | (b) region 2 except Snohomish County | | |
| | (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside | | |
| | (d) region 5 except King County | | |
| | (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line | | |

| Name | Will be a "Class B designate" in all lands lying within: | Name | Will be a "Class B designate" in all lands lying within: |
|---|---|---|---|
| <p>((44)) (45) oxtongue, hawkweed <i>Picris hieracioides</i></p> | <p>road to Highway 12 then Highway 12 to Parker Heights Road.</p> <p>(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County</p> <p>(d) region 10 except Walla Walla County.</p> <p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except Skamania County.</p> | <p>(51) Saltcedar <i>Tamarix ramosissima</i></p> | <p>State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.</p> <p>(a) <u>regions 1, 2, 3, 4, 5, 8</u></p> <p>(b) <u>region 6 except Grant County</u></p> <p>(c) <u>region 7 except Adams County</u></p> <p>(d) <u>region 9 except Benton and Franklin counties</u></p> <p>(e) <u>region 10 except Franklin County.</u></p> |
| <p>((45)) (46) parrotfeather <i>Myriophyllum aquaticum</i></p> | <p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.</p> | <p>((50)) (52) sandbur, longspine <i>Cenchrus longispinus</i></p> | <p>(a) regions 1, 2, 3, 4, 5, 7, 8</p> <p>(b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52</p> |
| <p>((46)) (47) pepperweed, perennial <i>Lepidium latifolium</i></p> | <p>(a) regions 1, 2, 3, 4, 5, 7, 8, 10</p> <p>(b) Intercounty Weed Districts No. 51 and 52</p> <p>(c) Kittitas County of region 6</p> <p>(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.</p> | <p>((51)) (53) skeletonweed, rush <i>Chondrilla juncea</i></p> | <p>(c) Intercounty Weed District No. 51</p> <p>(d) Kittitas County of region 6.</p> <p>(a) regions 1, 2, 3, 5, 8, 9</p> |
| <p>((47)) (48) primrose, water <i>Ludwigia hexapetala</i></p> | <p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except T8N, R3W, S14 of Cowlitz County.</p> | | <p>(b) Franklin County except T13N, R36E; and T14N, R36E</p> |
| <p>((48)) (49) puncturevine <i>Tribulus terrestris</i></p> | <p>(a) Skagit County of region 2</p> <p>(b) Kittitas County of region 6</p> <p>(c) Adams County</p> <p>(d) Clallam County of region 1.</p> | | <p>(c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.</p> |
| <p>((49)) (50) ragwort, tansy <i>Senecio jacobaea</i></p> | <p>(a) regions 3, 4, 6, 7, 9, 10</p> <p>(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along</p> | | <p>(d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road 1 Northwest</p> <p>(e) Stevens County north of Township 33 North of region 4</p> <p>(f) Ferry and Pend Oreille counties of region 4</p> |

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| Name | Will be a "Class B designate" in all lands lying within: | Name | Will be a "Class B designate" in all lands lying within: |
|---|---|--|---|
| | <ul style="list-style-type: none"> (g) Asotin County of region 10 (h) Garfield County south of Highway 12 (i) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road (j) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East. | | <ul style="list-style-type: none"> (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (d) Franklin County (e) region 9 except Klickitat County (f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and |
| <p>((52)) (54)sowthistle, perennial <i>Sonchus arvensis</i> <i>ssp. arvensis</i></p> | <ul style="list-style-type: none"> (a) regions 1, 2, 3, 4, 7, 8, 9, 10 (b) Adams County of region 6 (c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties. | | <ul style="list-style-type: none"> 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24; T8N, R47E, Sections 8, 17, 18, 19, 20, 29, 30, 31, and 32. |
| <p>((53)) (55)spurge, leafy <i>Euphorbia esula</i></p> | <ul style="list-style-type: none"> (a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except as follows: <ul style="list-style-type: none"> (i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County. | <p>((55)) (57)Swainsonpea <i>Sphaerophysa salsula</i></p> | <ul style="list-style-type: none"> (a) regions 1, 2, 3, 4, 5, 7, 8 (b) Columbia, Garfield, Asotin, and Franklin counties (c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning |
| <p>((54)) (56)starthistle, yellow <i>Centaurea solstitialis</i></p> | <ul style="list-style-type: none"> (a) regions 1, 2, 3, 5, 6, 8 (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25 | <p>((56)) (58)thistle, musk <i>Carduus nutans</i></p> | <ul style="list-style-type: none"> (d) Weed District No. 3 of Grant County (e) Adams County of region 6. (a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 |

| Name | Will be a "Class B designate" in all lands lying within: |
|---|---|
| | (b) Spokane and Pend Oreille counties. |
| ((57)) (59)thistle, plumeless <i>Carduus acanthoides</i> | (a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) region 4 except those areas within Stevens County lying north of State Highway 20. |
| ((58)) (60)thistle, Scotch <i>Onopordum acanthium</i> | (a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border |
| ((59)) (61)toadflax, Dalmatian <i>Linaria dalmatica ssp. dalmatica</i> | (c) Franklin County. (a) regions 1, 2, 5, 8, 10 (b) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E (c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E (d) Kittitas, Chelan, Douglas, and Adams counties of region 6 (e) Intercounty Weed District No. 51 (f) Weed District No. 3 of Grant County (g) Lincoln and Adams counties (h) The western two miles of Spokane County of region 7 (i) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County. |
| ((60)) (62)watermilfoil, Eurasian <i>Myriophyllum spicatum</i> | (a) regions 1, 9, 10 (b) region 7 except Spokane County |

| Name | Will be a "Class B designate" in all lands lying within: |
|------|--|
| | (c) region 8 except within 200 feet of the Columbia River |
| | (d) Adams County of region 6 |
| | (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4. |

AMENDATORY SECTION (Amending WSR 01-24-035, filed 11/28/01, effective 12/29/01)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

| Common Name | Scientific Name |
|-----------------------------|--|
| babysbreath | <i>Gypsophila paniculata</i> |
| beard, old man's | <i>Clematis vitalba</i> |
| bindweed, field | <i>Convolvulus arvensis</i> |
| canarygrass, reed | <i>Phalaris arundinacea</i> |
| cockle, white | <i>Silene latifolia ssp. alba</i> |
| cocklebur, spiny | <i>Xanthium spinosum</i> |
| cress, hoary | <i>Cardaria draba</i> |
| dodder, smoothseed alfalfa | <i>Cuscuta approximata</i> |
| goatgrass, jointed | <i>Aegilops cylindrica</i> |
| <u>groundsel, common</u> | <u><i>Senecio vulgaris</i></u> |
| hawkweed, nonnative species | ((Heiracium)) <i>Hieracium</i> sp., except species designated in the note in the left-hand column |

Note:

This listing includes all species of ((~~Heiracium~~)) *Hieracium*, except the following:

- Species designated as Class A noxious weeds in WAC 16-750-005;
- Species designated as Class B noxious weeds in WAC 16-750-011;
- native species designated below:
 - Canada hawkweed (*H. canadense*)
 - houndstongue hawkweed (*H. cynoglossoides*)
 - long-beaked hawkweed (*H. longiberbe*)
 - narrow-leaved hawkweed (*H. umbellatum*)
 - slender hawkweed (*H. gracile*)
 - western hawkweed (*H. albertinum*)
 - white-flowered hawkweed (*H. albiflorum*)
 - woolley-weed (*H. scouleri*)

| | |
|---------------------------------|-------------------------------------|
| henbane, black | <i>Hyoscyamus niger</i> |
| iris, yellow flag | <i>Iris pseudocorus</i> |
| ivy, English, 4 cultivars only: | <i>Hedera hibernica</i> 'Hibernica' |
| | <i>Hedera helix</i> 'Baltica' |
| | <i>Hedera helix</i> 'Pittsburgh' |

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| Common Name | Scientific Name |
|--|--------------------------------|
| mayweed, scentless | <i>Hedera helix 'Star'</i> |
| poison-hemlock | <i>Matricaria perforata</i> |
| reed, common, nonnative geno- types | <i>Conium maculatum</i> |
| rye, cereal | <i>Phragmites australis</i> |
| spikeweed | <i>Secale cereale</i> |
| Spurge, myrtle | <i>Hemizonia pungens</i> |
| St. Johnswort, common | <i>Euphorbia myrsinites L.</i> |
| tansy, common | <i>Hypericum perforatum</i> |
| thistle, bull | <i>Tanacetum vulgare</i> |
| thistle, Canada | <i>Cirsium vulgare</i> |
| toadflax, yellow | <i>Cirsium arvense</i> |
| water lily, fragrant | <i>Linaria vulgaris</i> |
| whitetop, hairy | <i>Nymphaea odorata</i> |
| wormwood, absinth | <i>Cardaria pubescens</i> |
| | <i>Artemisia absinthium</i> |

WSR 02-21-088
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed October 21, 2002, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-068 through 72 [02-18-072].

Title of Rule: WAC 139-35-010 Firearms certification—Licensing requirements, 139-35-015 Firearms certification—Application, 139-35-025 Firearms certification—Expiration and renewal, 139-30-015 Firearms certification—Application, and 139-30-025 Firearms certification—Expiration and renewal.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: WAC 139-35-010, this change will make the WAC language consistent with the language in chapter 18.165 RCW, Private investigators and chapter 308-17 WAC, Private investigative agencies and private investigators.

WAC 139-35-015, the change provides consistency with the language adopted in chapter 18.165 RCW, Private investigators, formerly private detectives. It includes a fee increase for initial certification. Private investigators are sometimes issued more than one weapon. This change requires a certification for each of those weapons carried. It establishes the responsibility of the employer to ensure that annual proficiency standards are met with each weapon the employee carries, and recognizes proof of annual firearm proficiency in lieu of a recertification process that was confusing and cumbersome for the applicants and those responsible for reissuing the license.

WAC 139-35-025, this change is required to eliminate the need for a person renewing their private investigator's license to take the same firearms certification course they took to get their initial firearms certification. It was intended to act as an annual proficiency requirement, and has turned

out to be cumbersome, expensive to monitor, and requires a duplication of the original testing even though the firearm has not changed. Requiring the employer to be responsible for tracking annual proficiency is much less expensive.

WAC 139-30-015, the change provides a fee increase for initial certification. Armed private security guards are sometimes issued more than one weapon. This change requires a certification for each of those weapons carried. It establishes the responsibility of the employer to ensure that annual proficiency standards are met with each weapon the employee carries, and recognizes proof of annual firearm proficiency in lieu of a firearms recertification process that was confusing and cumbersome for the applicants and those responsible for reissuing the license.

WAC 139-30-025, this change is required to eliminate the need for a person renewing their private security guard's license to take the same firearms certification course they took to get their initial firearms certification. It was intended to act as an annual proficiency requirement, and has turned out to be cumbersome, expensive to monitor, and requires a duplication of the original testing even though the firearm has not changed. Requiring the employer to be responsible for tracking annual proficiency is much less expensive.

Reasons Supporting Proposal: To improve effectiveness, clarity and intent in order to better serve clients, stakeholders, and citizens.

Name of Agency Personnel Responsible for Drafting and Enforcement: Doug Blair, Burien, (206) 835-7311; and Implementation: Michael D. Parsons, Burien, (206) 835-7347.

Name of Proponent: Criminal Justice Training Commission staff in negotiated rule making with private industry representatives and the Department of Licensing, private and governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required. RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, on December 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by December 9, 2002, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, fax (206) 439-3860, by December 9, 2002.

Date of Intended Adoption: December 11, 2002.

September 17, 2002

Sharon M. Tolton

Deputy Director

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-010 Firearms certification—Licensing requirement. (1) Any licensed private ~~((detective))~~ investigator desiring to be licensed as an armed private ~~((detective))~~ investigator by the department shall, as a precondition of being licensed as an armed private ~~((detective))~~ investigator, obtain a firearms certificate from the commission.

(2) An application for armed license must be submitted to the department within ~~((90))~~ ninety days following issuance of a firearms certificate by the commission. If application is not submitted within that time period, the firearms certificate will be deemed lapsed by the commission and shall not serve as the basis for an armed license.

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, principal corporate officer, or designated agent of the licensed private detective agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private detective license.

(d) Be accompanied by payment of a processing fee of ~~((thirty))~~ forty-five dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private investigator must obtain a separate firearm certificate for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private investigators in the performance of their duties must be owned by the employer.

(4) It shall be the responsibility of the principal partner or principal owner to insure that the armed private investigator maintains proficiency standards on an annual basis with each firearm that he/she is certified to use. Firearm proficiency standards shall be set by the commission.

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the

commission shall expire on the expiration date of any armed private detective license issued by the department.

~~(2) ((Renewal of any active armed license shall require firearms recertification within the three month period preceding expiration of the license. Recertification is valid until expiration of the renewed armed license.~~

~~(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.~~

~~(4) Firearms recertification shall require:~~

~~(a) Submission of an application to the commission on a form provided by the commission;~~

~~(b) Payment of a fee of twenty dollars to the commission; and~~

(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.) By renewing the armed private investigator license with the department, the principal partner or principal owner for the private detective company is making declaration that the armed private investigator has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private investigator company.

AMENDATORY SECTION (Amending WSR 92-02-040, filed 12/24/91, effective 1/24/92)

WAC 139-30-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or a principal corporate officer, of the licensed private security company employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private security guard license.

(d) Be accompanied by payment of a processing fee of ~~((thirty))~~ forty-five dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private security guard must obtain a separate firearm certificate for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private security guards in the performance of their duties must be owned by the employer.

(4) It shall be the responsibility of the principal partner or principal owner to insure that the armed private security guard maintains proficiency standards on an annual basis with each firearm that he/she is certified to use. Firearm proficiency standards shall be set by the commission.

AMENDATORY SECTION (Amending WSR 92-02-040, filed 12/24/91, effective 1/24/92)

WAC 139-30-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed security guard license issued by the department.

~~(2) ((Renewal of any active armed license shall require firearms recertification within the three month period preceding expiration of the license. Recertification is valid until expiration of the renewed armed license.~~

~~(3) If firearms recertification is not completed on or before the expiration of the armed license, the licensee is not eligible for firearms recertification, but instead must meet full requirements for firearms certification.~~

~~(4) Firearms recertification shall require:~~

~~(a) Submission of an application to the commission on a form provided by the commission;~~

~~(b) Payment of a fee of twenty dollars to the commission; and~~

~~(c) Satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the commission for firearms recertification purposes and conducted by a certified instructor.)~~ By renewing the armed private security officer license with the department, the principal partner or principal owner for the private security guard company is making declaration that the armed security guard has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private security company.

WSR 02-21-089
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed October 21, 2002, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-067.

Title of Rule: WAC 139-10-221 Scholastic performance requirements for basic corrections training.

Purpose: Making this change will bring the corrections standard in line with the standard for the basic law enforcement academy. The current WAC does not allow for flexibility in dealing with students with varying needs of remediation. This presents a hardship for stakeholders who cannot afford to send their student through the entire academy again to pass possibly one skill or examination. Proposed change will allow staff flexibility and insure the greatest possibility for students to successfully complete the academy with the required skills and knowledge.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: Stakeholders were contacted by letter to advise of the intended rule amendments. Proposals also listed on the agency website.

Name of Agency Personnel Responsible for Drafting and Enforcement: Al Isaac, Burien, (206) 835-7306; and Implementation: Michael D. Parsons, Burien, (206) 835-7347.

Name of Proponent: Criminal Justice Training Commission staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This change will increase the successful completion of basic corrections academies and will limit agencies from being required to send students through the academy a second time. Student success will increase, as staff will have the freedom to tailor retesting to ensure the specific skills or knowledge is gained. It will also provide a consistent standard for both the law enforcement and corrections academies.

Proposal Changes the Following Existing Rules: The change will allow for flexibility in dealing with students with varying needs of remediation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required. RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, on December 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by December 9, 2002, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, fax (206) 439-3860, by December 9, 2002.

Date of Intended Adoption: December 11, 2002.

September 17, 2002

Sharon M. Tolton

Deputy Director

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-10-221 Scholastic performance requirements for basic corrections training. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the basic academy process as prescribed by the Washington state criminal justice training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholastic achievement. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a minimum passing score for written examinations in each academy, as determined by the rules of the commission and include the availability of a retesting

~~procedure. ((Retesting of each trainee shall be limited to one retest for each written examination.))~~

(b) Skill proficiency. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of skill proficiency of each trainee. Such process shall include application of a minimum passing score of seventy percent for demonstration of all skill proficiencies identified by the commission and include the availability of a retesting procedure. ~~((Retesting shall be limited to one retest for each identified skill proficiency testing procedure.))~~

(c) Employing agencies will be notified of test results within twenty-four hours in the case of test failure. Agency authorization for retesting must occur before the retest examination is conducted. Subsequent failure of the retest will result in commission notification to the employing agency executive director, or designee, and removal of the affected trainee from the academy.

(2) In the event of retest failure, and subsequent academy removal, a letter of training attendance will be sent to the employing agency and a certificate of completion will not be awarded. The affected trainee will not be eligible for reentry into that same academy for a three-month period, if continually employed by the same agency.

Hours of successfully completed training will be recorded by the commission in the trainee's commission training record.

WSR 02-21-090
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed October 21, 2002, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-065.

Title of Rule: WAC 308-18-120 Armed private security guard applications—Conditions and 308-18-240 Required records.

Purpose: (1) The department needs to plug the gap in current law by passing a rule that will require aliens to produce their alien firearm licenses when applying for and renewing their armed security guard licenses. The department issues aliens armed security guard licenses and by doing so it implies that the alien is legal to be armed, which is not true because an alien commits a felony by carrying or possessing a firearm without an alien firearm license.

(2) Maintaining the annual shooting requirements at the security guard company level will reduce turn-around time and reduce workloads for armed security guard licensing renewals without compromising public safety.

Statutory Authority for Adoption: Chapter 18.170 RCW.

Summary: To require alien residents to provide proof of their alien firearm licenses when they submit original or renewal armed private security guard applications and to require that security guard company principals maintain

annual shooting requirements for armed security guards in the security guard company training files, or employee's files.

Reasons Supporting Proposal: The proposed changes will increase public protection and provide improved customer service for armed license application and renewals without compromising public safety.

Name of Agency Personnel Responsible for Drafting and Implementation: Mary Haglund, Olympia, (360) 664-6624; and Enforcement: Pat Brown, Olympia, (360) 664-6624.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) The department needs to plug the gap in current law by passing a rule that will require aliens to produce their alien firearm licenses when applying for their armed security guard licenses. The department issues aliens armed security guard licenses and by doing so it implies that the alien is legal to be armed, which is not true because an alien commits a felony by carrying or possessing a firearm without an alien firearm license. The department needs to enact measures to ensure that it is not granting a security guard license to an applicant who is committing a felony.

(2) Maintaining the annual shooting requirements at the security guard company level will streamline and reduce workloads for armed security guard licensing renewals without compromising public safety.

Proposal Changes the Following Existing Rules: See below.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not have an economic impact to the licenses or stakeholders.

RCW 34.05.328 does not apply to this rule adoption. Because the Department of Licensing (DOL) is not one of the named agencies to which this rule applies. Agencies that are not named can apply this rule to themselves voluntarily. DOL has chosen not to do this.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building #2, Room #102, Olympia, WA 98507, on November 26, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Haglund by November 25, 2002, TDD (360) 586-2788.

Submit Written Comments to: Mary Haglund, Department of Licensing, Public Protection Unit, P.O. Box 9649, Olympia, WA 98507-9649, (360) 664-6624, fax (360) 570-7888.

Date of Intended Adoption: November 27, 2002.

Pat Brown
Administrator

AMENDATORY SECTION (Amending WSR 97-17-050, filed 8/15/97)

WAC 308-18-120 Armed private security guard applications—Conditions. (1) Any person desiring to be an armed private security guard shall obtain a firearms certificate from the criminal justice training commission, make

application on a form prescribed by the director, and pay a nonrefundable fee as prescribed by WAC 308-18-150.

(2) If the applicant is an alien resident, the applicant must provide proof of their Alien Firearm License when they submit an application for original or renewal of their armed security guard license. Proof of Alien Firearm License may be provided by submitting a copy of their current Alien Firearm License.

AMENDATORY SECTION (Amending WSR 97-17-050, filed 8/15/97)

WAC 308-18-240 Required records. The minimum records the principal of a private security guard company shall be required to keep are:

(1) Preassignment training and testing records for each private security guard.

(2) Private security guard temporary registration card ledger showing the department-supplied registration number, applicant's name, date of issue, date of expiration and date card was forwarded to the director.

(3) The company principal shall maintain proof of annual shooting requirements for each armed security guard employed by the security guard company in the armed security guard's training files or employee's files.

These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

· WSR 02-21-094
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 21, 2002, 3:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-107.

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use fishing rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 220-12-020, clarifies that classified shellfish includes native marine clams. Delete old scientific family name. This will assist in establishing lower limits on unclassified freshwater clams and mussels.

WAC 220-56-105, define mouth of Cispus River. Distinguishes the river from Lake Scanewa.

WAC 220-56-129, sets limit on freshwater clams and mussels at 10 shellfish. Freshwater clams and mussels may be locally abundant, but are generally a poorly understood group, subject to over exploitation, with some populations extirpated. Some of the species are being considered for classification as sensitive, and a limited harvest will protect populations until further study is completed.

WAC 220-56-230 and 220-56-255, close bottomfish and halibut fishing in an approximately fifteen by twenty-mile rectangle about eight miles west of Cape Alava. Part of this

area was previously closed to halibut fishing to protect incidentally taken yelloweye rockfish. The closed area is expanded and closed to all bottomfish and halibut fishing for further yelloweye rockfish protection.

WAC 220-56-235, set aggregate bottomfish limit in Catch Areas 1 through 4 at 15 bottomfish, of which no more than 1 may be a canary rockfish and release all yelloweye rockfish. Prohibit retention of yelloweye and canary rockfish in Catch Areas 5 through 13. These measures are intended to protect rockfish and other bottomfish.

WAC 220-56-250, expand season for lingcod in ocean waters to provide additional fishing opportunity. The lingcod rebuilding schedule is successful, and there are additional fish for harvest.

WAC 220-56-265, set maximum mesh size for forage fish dip net gear. A maximum mesh size will prevent gilling of forage fish.

WAC 220-56-320, change escape ring size for crab gear in the Columbia River from 4-1/4 inches to 4 inches. The crab size in the Columbia River matches Oregon's, and a smaller escape ring allows retention of lawful size crab, while providing escapement for undersize crab.

WAC 220-56-325, establish Port Townsend Shrimp District and clarify openings. Shrimp openings in Discovery Bay, Hood Canal and Port Townsend are of such short duration that the season needs to be set by emergency rule. This allows for a season of up to 120 days, but eliminates the problem of an early closure inadvertently expiring and a season accidentally reopening.

WAC 220-56-350 and 220-56-380, housekeeping changes are needed to correct names and clarify open areas. These sections are also opened for the annual beach season settings which will be available before the public hearing.

WAC 232-12-619 and 232-28-619, extend statewide season in rivers, streams, and beaver ponds to November 30; change seasons in exceptions to statewide rules where season closes on October 31 to November 30. This will provide a fall fishing opportunity, particularly in "opening day" lakes. This change affects 272 openings in exceptions to statewide rules.

WAC 232-28-619, delete Cashmere and Nason Creek ponds, as the ponds were washed out; clarify Chehalis River boundary bridge as bridge at Boistfort School to reduce confusion among several bridges; Cle Elum river selective gear area does not include Tucquala Lake; Columbia River from Highway 395 to Pasco and Ringold Springs Rearing Facility release hatchery steelhead with only adipose fin clips as these are upriver fish; Cowlitz Falls Reservoir eliminate landlocked salmon rules, wild chinook release June 1 through July 31 and release wild coho in order to utilize hatchery plants; Cowlitz River, Mayfield Lake and Riffe Lake clarify Cowlitz River is below Mayfield Dam and above Cowlitz Falls Reservoir, all intermediate waters are either Mayfield Lake, Riffe Lake or Cowlitz Falls Reservoir (Lake Scanewa); Crabb Creek provide walleye opportunity with terminal gear restrictions March 1 through May 31 Highway 17 to Road 7; Dry Falls Lake season to open April 1 for additional opportunity; Grande Ronde selective gear rules end August 1 and barbless hooks begin September 1; Hamilton Creek to (new) statewide stream season as no hatchery steelhead or cutthroat

are available; East Fork Lewis close tributaries above Horseshoe Falls and mouth to Horseshoe Falls delete selective gear, allow gamefish other than trout retention, and close March 16 through May 31; Mayfield Lake eliminate landlocked salmon rules and salmon open only September 1 through December 31 with wild coho release to utilize hatchery plants; Mill Creek delete Punjab Bridge reference; Naches River trout catch and release in order to survey anglers and activity; North Silver Lake change from fly fishing only to split season (October closure), selective gear, trout limit 2 fish March 1 through September with marked fish release and catch and release November 1 through December 31; Skagit River allow motors during selective gear season at mouth; Skykomish River at rearing ponds prohibit fishing for any species from a floating device, not just gamefish; Snoqualmie River at Tokul Creek prohibit fishing for any species from a floating device, not just gamefish; Tye River whitefish gear rules apply December 1 through last day in February; Washougal River delete April 16 through May 31 additional season; plus housekeeping changes to comply with new November 30 closing date as well as housekeeping changes for clarification.

WAC 232-28-621, reduce size of terminal gear restricted area in Duwamish waterway to waters upstream from an east-west line through Southwest Hanford Street to a line projected east from the south tip of Harbor Island. This covers the area where snagging occurs, and allows different gear to be used elsewhere.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

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

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishers, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Skagit County PUD, 1415 Freeway Drive, Mount Vernon, WA, on December 6-7, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by November 22, 2002, TDD (360) 902-2207 or (360) 902-2449.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 29, 2002.

Date of Intended Adoption: February 7-8, 2003.

October 21, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-12-020 Shellfish—Classification. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

Abalone

Red abalone *Haliotis refescens*
Pinto abalone *Haliotis kamtschatkana*

Mussel

Blue mussel *Mytilis edulis*
California mussel *Mytilis californianus*

Scallops

Pacific pink scallop *Chlamys rubida*
Rock scallop *Crassadoma gigantea*
Spiny scallop *Chlamys hastata*
Weathervane scallop *Patinopecten caurinus*

Clams

Bent nose clam *Macoma secta*
All other macoma clams *Macoma spp.*
Butter clam *Saxidomus giganteus*
Common cockle *Clinocardium nuttalli*
Geoduck *Panope abrupta*
Horse or Gaper clam *Tresus nuttalli*,
Tresus capax
Mud or soft shell clam *Mya arenaria*
Manila clam *Tapes philippinarum*
Piddock *Zirfaea pilsbryi*
Razor clam *Siliqua patula*
Rock or native little neck clam *Protothaca staminea*
All other native marine clams ~~((Eulamellibranchia))~~

Oysters

Eastern oyster *Crassostrea virginica*
Olympia or native oyster *Ostrea lurida*
Pacific oyster *Crassostrea gigas*
Kumamoto oyster *Crassostrea gigas (kumamoto)*
European oyster *Ostrea edulis*
All other oysters (Ostreidae)

Squid

Pacific Coast squid *Loligo opalescens*
Nail squid *Onychoteuthis borealijaponica*

| | |
|---------------------------|--|
| Flying squid | <i>Ommastrephes bartramai</i> |
| All other squid | Sepioidea or Teuthoiden |
| Octopus | |
| Octopus | <i>Octopus dolfini</i> |
| Barnacles | |
| Goose barnacle | <i>Pollicipes polymerus</i> |
| Shrimp | |
| Coonstripe shrimp | <i>Pandalus danae</i> |
| Coonstripe shrimp | <i>Pandalus hypsinotus</i> |
| Ghost or sand shrimp | <i>Callinassa spp.</i> |
| Humpy shrimp | <i>Pandalus goniurus</i> |
| Mud shrimp | <i>Upogebia pugettensis</i> |
| Ocean pink shrimp | <i>Pandalus jordani</i> |
| Pink shrimp | <i>Pandalus borealis</i> |
| Sidestripe shrimp | <i>Pandalopsis dispar</i> |
| Spot shrimp | <i>Pandalus platyceros</i> |
| Crab | |
| Dungeness or Pacific crab | <i>Cancer magister</i> |
| Red rock crab | <i>Cancer productus</i> |
| Tanner crab | <i>Chionoecetes tanneri</i> |
| King and box crab | <i>Lopholithodes spp.</i> |
| Crawfish | |
| Crawfish | <i>Pacifastacus sp.</i> |
| Sea cucumber | |
| Sea cucumber | <i>Parastichopus californicus</i> |
| Sea cucumber | <i>Cucumaria miniata</i> |
| Sea urchin | |
| Green urchin | <i>Strongylocentrotus droebachiensis</i> |
| Red urchin | <i>Strongylocentrotus franciscanus</i> |
| Purple urchin | <i>Strongylocentrotus purpuratus</i> |

NEW SECTION

WAC 220-56-129 Unclassified freshwater invertebrates. (1) Definitions. For purposes of this section:

(a) "Daily limit" means individual animals retained, alive or dead.

(b) "Freshwater clams and mussels" means all freshwater bivalves existing in Washington in a wild state, except prohibited aquatic animal species classified under WAC 232-12-090.

(2) It is unlawful for any person to fail to comply with the following provisions regarding the take of freshwater clams and mussels:

- (a) The daily limit is ten freshwater clams and mussels.
- (b) The daily limit and the possession limit are the same.

(c) Freshwater clams and mussels may only be taken by hand. No tools or implements may be used to take freshwater clams and mussels.

(d) Each person taking freshwater clams and mussels must retain their take in a separate container.

(3) Violation of this rule is punishable under RCW 77.15.140.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

WAC 220-56-230 Bottomfish—Closed areas. It is unlawful to fish for or possess bottomfish taken for personal use from ~~((the San Juan Islands Marine Preserve Area))~~ within a rectangle defined by the following points: 48°N, 125°18'W; 48°18'N, 125°18'W; 48°18'N, 124°59'W; and 48°N, 124°59'W.

AMENDATORY SECTION (Amending Order 00-139, filed 8/3/00, effective 9/3/00)

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - ~~((April 4))~~ March 16 through ~~((September 30))~~ October 15, (b) Catch Record Card Area 4 - April 16 through ~~((September 30))~~ October 15.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15 by angling and May 21 through June 15 by spear fishing.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-255 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from:

(a) Catch Record Card Area 1: Open May 1 through September 30, unless closed earlier by emergency regulation. Minimum size limit 32 inches in length.

(b) Catch Record Card Area 2:
(i) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open May 2 through September 30, unless closed earlier by emergency regulation.

(ii) All other open waters in Area 2 - Open May 2 through September 30, unless closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(iii) The following waters are closed to halibut fishing: Inside a rectangle defined by the following four corners: 47°19'0"N, 124°53'0"W; 47°19'00"N, 124°48'0"W; 47°16'0"N, 124°53'0"W; 47°16'0"N, 124°48'0"W.

(c) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: Open May 1 through September 30 unless closed by emergency regulation. Closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. The following

PROPOSED

area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a rectangle defined by the following four corners: $48^{\circ}18'N$, (~~$125^{\circ}11'W$~~) $125^{\circ}18'W$; $48^{\circ}18'N$, $124^{\circ}59'W$; (~~$48^{\circ}04'N$, $125^{\circ}11'W$~~) $48^{\circ}N$, $125^{\circ}18'W$; (~~$48^{\circ}04'N$~~) $48^{\circ}N$, $124^{\circ}59'W$.

(d) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May 27 through July 12 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(2) Daily limit one halibut. The daily limit in Area 1 is the first halibut over 32 inches in length brought aboard the vessel.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chambers Creek - Burlington Northern Railroad Bridge.

Chehalis River - Highway 101 Bridge in Aberdeen.

Chelan River - Railroad Bridge.

Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.

Humptulips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

PROPOSED

White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.

Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 02-53A, filed 4/3/02, effective 5/4/02)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

- (a) Lingcod - 2 fish minimum length 24 inches.
- (b) Rockfish - 10 fish of which no more than ((2)) 1 may be a canary rockfish. Release all yelloweye rockfish.
- (c) Surfperch (excluding shiner perch) - 15 fish.
- (d) Wolf-eel - 0 fish from Catch Record Card Area 4.
- (e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.
- ~~((f) All other species—no limit.))~~

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

| | |
|--|---|
| <u>Rockfish, except canary and yelloweye rockfish except</u> | 1 fish |
| ((Rockfish)) May 1 through September 30 in Marine Area 5 west of Slip Point | 3 fish of which no more than 1 may be other than black rockfish, <u>and release canary and yelloweye rockfish</u> |
| Surfperch | 10 fish |
| Pacific cod | 2 fish |
| Pollock | 2 fish |
| Flatfish (except halibut) | 15 fish |
| Lingcod | 1 fish |
| Wolf-eel | 0 fish |
| Cabezon | 2 fish |

| | |
|--------------|--------|
| Pacific hake | 2 fish |
|--------------|--------|

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

| | |
|---|---------|
| <u>Rockfish, except canary and yelloweye rockfish</u> | 1 fish |
| Surfperch | 10 fish |
| Pacific cod | 2 fish |
| Flatfish (except halibut) | 15 fish |
| Lingcod | 1 fish |
| Wolf-eel | 0 fish |
| Cabezon | 2 fish |
| Pollock | 2 fish |
| Pacific hake | 2 fish |

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

| | |
|---|---------|
| <u>Rockfish, except canary and yelloweye rockfish</u> | 1 fish |
| Surfperch | 10 fish |
| Pacific cod | 0 fish |
| Pollock | 0 fish |
| Flatfish (except halibut) | 15 fish |
| Lingcod | 1 fish |
| Wolf-eel | 0 fish |
| Cabezon | 2 fish |
| Pacific hake | 0 fish |

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(h) It is unlawful to retain canary or yelloweye rockfish taken from Catch Record Card Areas 5 through 13.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-265 Forage fish—Lawful gear. It shall be unlawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use except with hand dip net gear not exceeding 36 inches across the bag frame having a maximum mesh size of one-half inch, and forage fish jigger gear having not more than three treble or nine single hooks. It is unlawful to use a dip bag net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water. It is unlawful to operate a dip bag net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time. Only persons with

a disability license may use a hand-operated gate on a dip net while fishing for forage fish. Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-325 Shrimp—Areas and seasons. (1) The following areas shall be defined as shrimp fishing districts:

(a) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(c) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(d) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(e) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point;

(f) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson, including Kilisut Harbor.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(a) Discovery Bay Shrimp District - Open 7:00 a.m. the first Saturday in June ((through September 5)) and open only on days set by emergency rule;

(b) Port Angeles Shrimp District - Open 7:00 a.m. the first Saturday in June through September 30;

(c) Hood Canal Shrimp District - Open 9:00 a.m. on the third Saturday in May and open only on days set by emergency ((regulation)) rule;

(d) Port Townsend Shrimp District and Marine Area 10 - Open 7:00 a.m. the third Saturday in April and open only on days set by emergency rule;

(e) All other areas - Open 7:00 a.m. the third Saturday in April through October 15 except:

(i) Closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(ii) Marine Areas 8-1, 8-2, and 9 ((and 10)) closed Monday through Wednesday of each week during the open period.

(3) During the general shrimp seasons described above, it is unlawful to retain spot shrimp except as provided below:

(a) Discovery Bay Shrimp District - ((First Saturday in June through third Saturday in August.)) Spot shrimp may be retained on Saturdays only.

(b) Port Angeles Shrimp District - ((First Saturday in June through first Saturday in September.)) Spot shrimp may be retained on Saturdays and Sundays only.

(c) Marine Areas 8-1, 8-2, and 9 ((and 10)) - ((Third Saturday in April through June 30.)) Spot shrimp may be retained ((each day)) only as set by emergency rule.

(d) All other areas - Spot shrimp may be retained each open day ((the third Saturday in April through October 15)).

AMENDATORY SECTION (Amending Order 02-193, filed 8/9/02, effective 9/9/02)

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) ~~((Ben Ure))~~ Ala Spit: Open May 1 through May 31.

(b) Brown Point (DNR 57-B): Open January 1 through June 30.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Open June 1 through June 30.

(e) Cline Spit: Closed the entire year.

(f) Cutts Island State Park: Open January 1 through June 15.

(g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(h) Dosewallips State Park: Open March 1 through September 15 only in area defined by boundary markers and signs posted on the beach.

(i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open March 1 through December 31.

(j) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.

(k) Eagle Creek: Open January 1 through May 31.

(l) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through June 30.

(m) Freeland County Park - Open January 1 through June 30.

(n) Frye Cove - Open January 1 through June 30.

(o) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(p) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(q) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

(r) Hope Island State Park (South Puget Sound): Open April 1 through April 30.

- (s) Illahee State Park: Closed the entire year.
- (t) Kayak Point County Park: Closed the entire year.
- (u) Kitsap Memorial State Park: Open May 15 through June 30.
- (v) Kopachuck State Park: Open June 1 through June 30.
- (w) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (x) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (y) Mukilteo State Park - Closed the entire year.
- (z) Mystery Bay State Park: Open October 1 through April 30.
- (aa) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.
- (bb) North Sequim Bay State Park - Open May 16 through June 15.
- (cc) Oak Bay County Park: Open July 1 through July 15.
- (dd) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:
- (i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.
- (ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.
- (iii) 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 the entire year.
- (iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (ee) Penrose Point State Park: Open April 1 through April 30.
- (ff) Picnic Point County Park: Closed the entire year.
- (gg) Pitship Point: Closed the entire year.
- (hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.
- (ii) Point Whitney (excluding Point Whitney Lagoon): April 1 through April 30.
- (jj) Point Whitney Lagoon: Open May 1 through May 31.
- (kk) Port Townsend Ship Canal/Portage Canal: Open January 1 through March 31.
- (ll) Potlatch DNR tidelands: Open April 1 through July 15.
- (mm) Potlatch East: Open April 1 through July 15.
- (nn) Potlatch State Park: Open April 1 through July 15.
- (oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (pp) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat

Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay (~~(defined by boundary markers and a sign on the beach)~~) north of the Quilcene Boat Haven are open April 1 through December 31 (~~(daily from official sunrise to official sunset only)~~).

- (qq) Rendsland Creek: Open January 1 through May 31.
- (rr) Saltwater State Park: Closed the entire year.
- (ss) Scenic Beach State Park - Open April 16 through June 15.
- (tt) Seahurst County Park: Closed the entire year.
- (uu) Sequim Bay State Park - Open May 1 through June 15.
- (vv) Shine Tidelands State Park: Open January 1 through May 15.
- (ww) South Indian Island County Park: Open May 1 through August 15.
- (xx) Spencer Spit State Park: Open March 1 through July 31.
- (yy) Triton Cove (~~(Oyster Farm)~~) Tidelands: Closed the entire year.
- (zz) Triton Cove State Park: Open April 1 through June 30.
- (aaa) Twanoh State Park: Closed the entire year.
- (bbb) West Dewatto: DNR Beach 44A is open January 1 through June 30.
- (ccc) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.
- (ddd) Wolfe Property State Park: Open January 1 through May 15.
- (2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.
- (3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Brown Point (DNR 57-B): Closed the entire year.
- (b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:
- (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
- (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open March 1 through September 15 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open to the harvest of oysters March 1 through December 31.

(e) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(f) Illahee State Park: Open May 1 through May 31.

(g) Kitsap Memorial State Park: Open May 15 through August 31.

(h) Kopachuck State Park: Open March 1 through June 30.

(i) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(j) Mystery Bay State Park: Open October 1 through April 30.

(k) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(l) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) 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 the entire year.

(ii) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(iii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(m) Penrose Point State Park: Open April 1 through April 30.

(n) Point Whitney (excluding Point Whitney Lagoon): Open April 1 through December 31.

(o) Potlatch East: Open April 1 through September 30.

(p) Potlatch State Park: Open April 1 through September 30.

(q) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay (~~defined by boundary markers and a sign at the beach~~) north of the Quilcene Boat Haven are open April 1 through December 31 (~~daily from official sunrise to official sunset, only~~).

(r) Scenic Beach State Park: Open April 16 through September 30.

(s) Triton Cove (~~Oyster Farm~~) Tidelands: Open May 1 through September 30.

(t) Triton Cove State Park: Open April 1 through June 30.

(u) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(v) Wolfe Property State Park: Open January 1 through May 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 01-24, filed 3/5/01, effective 5/1/01)

WAC 220-56-320 Shellfish gear—Unlawful acts. (1)

It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots:

(a) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, anti-freeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter in all waters except the Columbia River. In the Columbia River east of the Buoy 10 line the escape ring minimum size is 4 inches inside diameter. The minimum mesh size for crab pots is 1-1/2 inches.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-12-619 Permanent Washington statewide game fish rules. The following statewide rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead April 1st through the following March 31st of which no more than five may be wild steelhead from waters in which wild steelhead retention is allowed.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(6) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of five hooks may be used.

(11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(12) OPEN SEASONS:

LAKES, PONDS,
AND RESERVOIRS: YEAR AROUND, unless specified otherwise under exceptions to statewide rules.

RIVERS, STREAMS
AND BEAVER PONDS: JUNE 1 THROUGH ((OCTOBER 31))
NOVEMBER 30, unless specified otherwise under exceptions to statewide rules.

((Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.))

(13) Daily limits and minimum sizes:

| GAME FISH SPECIES | DAILY LIMIT | MINIMUM SIZE LIMIT |
|---|--|--|
| BASS | Five - release bass greater than twelve but less than seventeen inches in length, only one over seventeen inches may be retained Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession. | None |
| GRASS CARP.... It is TROUT (except Eastern Brook trout) | It is unlawful to fish for or retain grass carp. A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds. | None in Lakes, Ponds, and Reservoirs. |
| EASTERN BROOK TROUT (Salvelinus fontinalis) | No more than two of the trout daily catch limit of 5 may be Steelhead. Five - to be considered part of the trout daily catch limit. | Eight inches in Rivers, Streams, and Beaver Ponds. None |
| BURBOT | Five | None |
| CHANNEL CATFISH | Five. | None. |

(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) Wild steelhead release is required year-round except as provided in exceptions to statewide rules.

(c) All waters, statewide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

| | | |
|---------------------|---|----------------|
| WALLEYE | Five, not more than one over twenty-two inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession. | Sixteen inches |
| WHITEFISH | Fifteen | None |
| ALL OTHER GAME FISH | No Limit | None |
| BULLFROGS | No Limit | None |

(14) Daily wild steelhead limit: It is unlawful for any person to retain more than one wild steelhead per day from those waters in which wild steelhead retention is allowed.

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

PROPOSED

AMENDATORY SECTION (Amending Order 02-249, filed 9/30/02, effective 10/31/02)

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))~~ November 30 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Aldwell Lake (Clallam County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through ~~((October 31))~~ November 30, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 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: September 1 through ~~((October 31))~~ November 30 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.

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))~~ November 30 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))~~ November 30. 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))~~ November 30 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))~~ November 30 season. July 5 through ~~((October 31))~~ November 30, 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))~~ November 30 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))~~ November 30 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 season. July 5 through ~~((October 31))~~ November 30, 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))~~ November 30 season.

Black Lake (Stevens County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 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.

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))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30. 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))~~ November 30 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))~~ November 30 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))~~ November 30 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. Nonbuoyant 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))~~ November 30 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))~~ November 30 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through ~~((October 31))~~ November 30 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 September 16 through November 30. Daily limit 4 hatchery coho salmon.

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.

~~((Cashmore 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~~) November 30 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through (~~October 31~~) November 30 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~~) November 30 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 16 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September 16 through November 30, mouth to Porter Bridge, the daily limit may contain no more than one adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release 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 School: 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~~) November 30 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~~) November 30.

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~~) November 30 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~~) December 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. 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))~~ November 30 season.

Clear Lake (Chelan County): Last Saturday in April through ~~((October 31))~~ November 30 season. From July 5 through ~~((October 31))~~ November 30, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through ~~((October 31))~~ November 30 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Clear Lake (Thurston County): Last Saturday in April through ~~((October 31))~~ November 30 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, except Tucquala 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))~~ November 30 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 September 30, daily limit 2 salmon. 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 2 may be adult salmon. 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. 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 boating 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.

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 except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Ringold (~~Hatchery~~) Springs Rearing Facility 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~~) April 1 through (~~June~~) April 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)~~) having both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

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))~~ November 30 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Conger Pond (Pend Oreille County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis 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))~~ November 30 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 Mulholand 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 and salmon: ~~((Daily limit five;))~~ Minimum length eight inches. Trout: Release cutthroat. Salmon: ((Landlocked salmon rules apply except October 1 through December 31)) Daily limit 6 fish, of which not more than ((4)) 2 may be adult salmon ((and of which not more than five may be trout)). Release wild coho. Release wild chinook June 1 through July 31.

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 year-round. Daily limit 6 fish of which no more than 2 may be adult salmon, except 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 wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31.

From ~~((Mayfield Dam))~~ posted PUD sign on Peters Road 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. 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))~~ All species: Night closure and terminal gear limited to one single point hook measuring maximum three-quarter inch point to shank in mainstem and tributaries 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))~~ November 30 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Crescent Lake (Pierce County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Davis Lake (Ferry County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Deep Lake (Thurston County): Last Saturday in April through ~~((October 31))~~ November 30 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. 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))~~ November 30 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Deer Lake (Stevens County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Devil's Lake (Jefferson County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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 1 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 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~~) November 30 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~~) November 30 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~~) November 30 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 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. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through (~~October 31~~) November 30 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through (~~October 31~~) November 30 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))~~ November 30 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))~~ November 30 season.

Failor Lake (Grays Harbor County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Fish Lake (Okanogan County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 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. Release steelhead.

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.

Goldsbrough 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~~) November 30 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~~) November 30 season. Selective gear rules June 1 through August 31. Barbless hooks only September 1 through November 30. Additional season (~~November~~) December 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~~) November 30 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 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 16 through September 30. Nonbuoyant lure restriction and night closure September 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 16 through November 30. Salmon: Open only September 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.

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))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Haven Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through ~~((October 31))~~ November 30 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 Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except 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 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 release adult chinook.

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))~~ November 30 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through ~~((October 31))~~ November 30 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Howell Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Hozomeen Lake (Whatcom County): July 1 through ~~((October 31))~~ November 30 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. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release 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): Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional ~~((November))~~ December 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))~~ November 30 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through ~~((October 31))~~ November 30 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))~~ November 30 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 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 release adult chinook.

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~~) November 30 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. 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. Release steelhead in mainstem and tributaries.

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. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through (~~October 31~~) November 30 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~~) November 30 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~~) November 30 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~~) November 30 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

(~~Kiwanis~~) Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through (~~October 31~~) November 30 season(~~, except~~). Closed

waters: 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.

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 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. 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~~) November 30 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~~) November 30 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through (~~October 31~~) November 30 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~~) November 30 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 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. 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 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. 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~~) September 30. 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. Release chum and wild coho. Release wild chinook January 1 through 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: Closed waters.

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 including all tributaries above Horseshoe Falls.

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))~~ trout 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))~~ November 30 season. July 5 through ~~((October 31))~~ November 30, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger 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))~~ November 30 season.

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.

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))~~ November 30 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))~~ November 30 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ through November 30 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))~~ November 30 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through ~~((October 31))~~ November 30 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) Mayfield Dam to 400 feet below Mossyrock Dam: Trout and salmon: Minimum length eight inches. Salmon: ~~((Landlocked salmon rules apply))~~ open only September 1 through December 31.

Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

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))~~ November 30 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))~~ November 30 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))~~ November 30 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through ~~((October 31))~~ November 30 season. 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))~~ November 30 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 com-

bustion 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))~~ November 30. 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))~~ November 30: 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))~~ November 30 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))~~ November 30 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through ~~((October 31))~~ November 30 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))~~ November 30 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Munn Lake (Thurston County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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. Release trout June 1 through November 30 from confluence with Tieton River to mouth of Rattlesnake Creek. 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: June 1 through March 31 season, except sturgeon. 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: June 1 through last day in February season except sturgeon. Game fish: Selective gear rules ~~((:))~~ except nonbuoyant lure restriction and night closure August 16 through November 30. ~~((All game fish.))~~ Release ~~((all))~~ game 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 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 from mouth to Gheer Creek. Daily limit 6

fish of which no more than 2 may be adult salmon. Release adult chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure 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))~~ November 30 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 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. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 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))~~ November 30 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))~~ November 30 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. 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))~~ November 30 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))~~ November 30 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))~~ November 30 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through ~~((October 31))~~ November 30 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through ~~((October 31))~~ November 30 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through ~~((October 31))~~ November 30 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 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))~~ November 30 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))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Pattison Lake (Thurston County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Phillips Lake (Stevens County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Pine Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through ~~((October 31))~~ November 30 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))~~ November 30 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Renner Lake (Ferry County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Riffe Lake (Reservoir) (Lewis County) Mossyrock Dam to 400 feet below Cowlitz Falls Dam: 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~~) November 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through (~~October 31~~) November 30 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~~) November 30 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~~) November 30 season. June 1 through (~~October 31~~) November 30 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 from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through (~~October 31~~) November 30 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through (~~October 31~~) November 30 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~~) November 30 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 from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through (~~October 31~~) November 30 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~~) December 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 through ~~((October 31))~~ November 30 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

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))~~ November 30 season.

Satsop River, (Grays Harbor County): 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. Middle and West forks 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))~~ December 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional ~~((November))~~ December 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional ~~((November))~~ December 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))~~ December 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Shady Lake (King County): June 1 through ~~((October 31))~~ November 30 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through ~~((October 31))~~ November 30 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))~~ November 30 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season.

Silver Lake, North (Spokane County): ~~((Fly fishing only))~~ March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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 except lawful to fish from a floating device equipped with a motor. 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.

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 September 1 through December 31. Daily limit 2 salmon. 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 September 16 through December 31 Gilligan Creek to the Cascade River, daily limit two salmon. Release chinook.

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: June 1 through last day in February season. 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))~~ November 30 season.

Skookumchuck Reservoir (Thurston County): June 1 through ~~((October 31))~~ November 30 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 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 December 1 through the last day in February release adult wild coho. Release 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 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 September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

From the mouth of the 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 September 1 through December 31. Daily limit 2 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, 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 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 upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional (~~November~~) December 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 and October 12 through October 27 season. (~~September 1~~) October 12 through October (~~31~~) 27 - night closure. Trout: Minimum length fourteen inches. Game fish: Release game fish October 12 through October 27. Salmon: Open only October 12 through October 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~~) November 30 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. Sturgeon: Unlawful to fish for or retain sturgeon.

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. Sturgeon: Unlawful to fish for or retain sturgeon.

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~~) November 30 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))~~ November 30 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through ~~((October 31))~~ November 30 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cutthroat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Stickney Lake (Snohomish County): Last Saturday in April through ~~((October 31))~~ November 30 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 October 16 through December 31. Daily limit 2 chum salmon.

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 October 16 through December 31. Daily limit 2 chum salmon.

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))~~ November 30 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Summit Lake (Thurston County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through ~~((October 31))~~ November 30 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 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))~~ November 30 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))~~ November 30 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. 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))~~ November 30 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~~) December 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. Release chum and 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~~) November 30 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through (~~October 31~~) November 30 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional (~~November~~) December 1 through April 15 season. November 1 through April 15: 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~~) December 1 through April 15. 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.

Tucquala Lake (Kittitas County): June 1 through November 30 season.

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~~) November 30 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~~) November 30 season: Selective gear rules. Trout: Minimum length fourteen inches. (~~Whitefish~~) Additional (~~November~~) December 1 through last day in February season. (~~Release all fish other than~~) Whitefish gear rules apply. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through (~~October 31~~) November 30 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~~) November 30.

From mouth to lower bridge on the Old Belfair Highway, additional (~~November~~) December 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~~) November 30 season.

Van Winkle Creek (Grays Harbor County): June 1 through January 31 season. Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Release game fish December 1 through January 31. 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~~) November 30 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~~) November 30 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~~) November 30 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~~) December 1 through April 15. All species: Barbless hooks required and release all fish except up to two hatchery steelhead may be retained.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through (~~October 31~~) November 30 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~~) November 30 season.

Wapato Lake (Chelan County): Last Saturday in April through (~~October 31~~) November 30 season. From August 1 through (~~October 31~~) November 30: 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~~) November 30 season.

Ward Lake (Thurston County): Last Saturday in April through (~~October 31~~) November 30 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~~) November 30 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 Chitenden 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.

PROPOSED

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 season((s)). Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: ~~((Minimum length twelve inches-))~~ Release ((wild cutthroat)) all trout except up to 2 hatchery steelhead per day may be retained. 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-))~~ Release all fish except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through ~~((October 31))~~ November 30 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))~~ may not contain 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))~~ November 30 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through ~~((December 31))~~ November 30. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through ~~((October 31))~~ November 30 season~~((, except))~~. Closed waters: 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))~~ November 30 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))~~ December 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))~~ Year-round 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))~~ November 30 season.

Wildcat Lake (Kitsap County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Wilderness Lake (King County): Last Saturday in April through ~~((October 31))~~ November 30 season. Salmon: Land-locked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through ~~((October 31))~~ November 30 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, except sturgeon. 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. 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))~~ November 30. All species: Release all fish except up to two hatchery steelhead may be retained. Additional ~~((November))~~ December 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 October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

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~~) November 30 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through (~~October 31~~) November 30 season.

Wye Lake (Kitsap County): Last Saturday in April through (~~October 31~~) November 30 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. 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 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.

Wynoochee Reservoir (Grays Harbor County): June 1 through (~~October 31~~) November 30 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Land-locked 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~~) November 30. Daily limit 6 fish of which not more than 2 may be adult salmon. Non-buoyant 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~~) November 30 season.

AMENDATORY SECTION (Amending Order 02-158, filed 7/16/02, effective 8/16/02)

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 September 30 - Daily limit of 2 salmon, except release chum and wild coho salmon. Release chinook July 1 through July 7. Daily limit may contain not more than one chinook July 8 through September 30.

(c) October 1 through October 31 - Closed.

(d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

(e) December 1 through February 14 - Closed.

(f) February 15 through April 10 - Daily limit of 1 salmon.

(g) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) 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.

(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 - Daily limit of 2 coho salmon.

(d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

(e) December 1 through February 14 - Closed.

- (f) February 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.
- (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.
- (d) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.
- (e) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.
- (f) December 1 through January 31 - Closed.
- (g) February 1 through March 31 - Daily limit of one salmon.
- (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 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 1 through 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 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 February 14 - Closed.
- (e) February 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) May 1 through June 30 - Closed.
- (b) July 1 through September 30 - Daily limit of 2 salmon except release chinook and chum salmon.
- (c) October 1 through October 31 - Daily limit of 2 salmon except release chinook.
- (d) November 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.
- (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.
- (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.
- (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 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 July 12 through August 18 - Open Friday through Sunday only of each week - Daily limit of 2 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.
- (c) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.
- (d) December 1 through December 15 - Release all salmon.
- (e) December 16 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.
- (f) January 1 through last day in February - Daily limit of 1 salmon.
- (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 August 1 through September 15.
- (i) During salmon openings in the Duwamish Waterway 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~~) upstream 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~~) to a line projected due east from the south tip of Harbor Island.
- (8) Catch Record Card Area 11:

- (a) May 1 through June 30 - Closed.
- (b) July 1 through October 31 - Daily limit of 2 salmon.
- (c) November 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.
- (d) 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 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.
- (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 December 31 - Daily limit of 4 salmon, not more than one of which may be a chinook salmon.
- (f) January 1 through February 14 - Closed.
- (g) February 15 through April 10 - Daily limit of 1 salmon.
- (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.
- (k) The Hood Canal Bridge fishing pier is managed under Area 9.
- (10) Catch Record Card Area 13:
- (a) May 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.
- (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 14 - Release all salmon.
- (e) February 15 through April 10 - Daily limit of one salmon.
- (f) April 11 through April 30 - Release all salmon.
- (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 02-21-095
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 21, 2002, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-03-040.

Title of Rule: Amending WAC 388-470-0005 How do resources affect my eligibility for cash, medical, and food assistance?, 388-470-0012 Does the department look at the resources of people who are not getting benefits?, 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs? and 388-470-0055 How do my resources county toward the resource limit or food assistance?; and repealing WAC 388-470-0010 How to determine who owns a resource, 388-470-0015 Availability of resources, 388-470-0020 Excluded resources, 388-470-0025 Excluded resources for cash assistance, 388-470-0030 Excluding a home as a resource, 388-470-0035 Excluded resources for food assistance, 388-470-0050 Resources that count, and 388-470-0065 Individual development accounts for TANF recipients.

Purpose: These rules explain how the department treats assets that clients may own.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: These rules are being simplified and consolidated to make it easier for clients to understand department policy regarding any resources they may own.

Reasons Supporting Proposal: Prior to this change, clients had to read many different WACs to find out how resources affect their eligibility for assistance. This change will simplify that process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, 1009 College S.E., Lacey, WA 98504, (360) 413-3071.

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: Rule(s): See Title of Rule above.

Purpose and Effect: The following WACs are being revised to clarify and consolidate existing policy: WAC 388-470-0005, 388-470-0012, 388-470-0045, and 388-470-0055.

PROPOSED

The following WACs are being repealed as this information is now contained in the other WACs listed above: WAC 388-470-0010, 388-470-0015, 388-470-0020, 388-470-0025, 388-470-0030, 388-470-0035, 388-470-0050, and 388-470-0065.

Proposal does not change existing rules. The only policy change being made with this simplification is to change how the department treats real property for cash and family medical programs. The policy for cash and family medical programs now mirrors the food assistance policy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rule changes do not have an economic impact on small businesses, they only affect DSHS clients by simplifying and consolidating rules to make it easier for clients to understand department policy regarding any resources they may own.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 22, 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., November 26, 2002.

Date of Intended Adoption: Not earlier than November 27, 2002.

October 21, 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 388-470-0005 How do resources affect my eligibility ((and limits)) for cash, medical, and food assistance?

~~(1) ((A resource is personal property or real property or certain types of payments that are not considered income that is owned by and available to a client.~~

~~(2) A client may own and keep excluded resources or countable resources up to the resource limit.~~

~~(3) For SSI related medical a resource is considered available when the client or spouse:~~

- ~~(a) Owns the resource; and~~
- ~~(b) Has the authority to convert the resource to cash; and~~
- ~~(c) Is not legally restricted from using the resource for the person's support and maintenance.~~

~~(4) For an SSI related client a resource is available on the first day of the month following receipt of the resource.~~

~~(5) Available resources may be:~~

~~(a) Excluded which means it is not counted toward the resource limit;~~

~~(b) Partially excluded:~~

~~(i) The resource is not counted up to a specified dollar amount; but~~

~~(ii) Any amount over that amount is counted toward the resource limit; or~~

~~(c) Countable which means the entire value is counted toward the resource limit.~~

~~(6) For medical programs, if the household consists of more than one medical assistance unit (MAU), the resources for each MAU are considered according to the related program.~~

~~(7) An assistance unit's resources are determined by:~~

~~(a) Disregarding all excluded resources;~~

~~(b) Adding the value of:~~

~~(i) Resources that are in excess of the excluded dollar amounts; and~~

~~(ii) Resources that are countable; and~~

~~(c) Comparing the total countable resources to the applicable resource limit for the assistance unit;~~

~~(d) If the total resources exceed the applicable resource limit, the assistance unit's benefits are denied or terminated except for institutional medical programs as described in WAC 388-513-1395.~~

~~(8) The value of a resource is the equity value. The equity value is the amount a person could receive for the resource (fair market value) minus the legal amount still owing. Limits for countable resources are:~~

~~(a) For cash assistance and TANF related medical, an eligible assistance unit's countable resources must be at or below one thousand dollars;~~

~~(b) For food assistance, an eligible assistance unit's countable resources must be at or below:~~

~~(i) Three thousand dollars for any household with an elderly member; or~~

~~(ii) Two thousand dollars for all other households.~~

~~(9) For food assistance, assistance units in which all members are receiving cash assistance or SSI do not have to meet the resource limits in subsection (8)(b) of this section))~~

~~The following definitions apply to this chapter:~~

~~(a) "We" means the department of social and health services.~~

~~(b) "You" means a person applying for or getting benefits from the department.~~

~~(c) "Fair market value (FMV)" means the price at which you could reasonably sell the resource.~~

~~(d) "Equity value" means the FMV minus any amount you owe on the resource.~~

~~(e) "Community property" means a resource in the name of the husband, wife, or both.~~

~~(f) "Separate property" means a resource of a married person that one of the spouses:~~

~~(i) Had possession of and paid for before they were married;~~

~~(ii) Acquired and paid for entirely out of income from separate property; or~~

~~(iii) Received as a gift or inheritance.~~

(2) We count a resource to decide if your assistance unit (AU) is eligible for cash assistance, medical programs for families, or food assistance when:

(a) It is a resource we must count under WAC 388-470-0045 and 388-470-0055;

(b) You own the resource. We consider you to own a resource if:

(i) Your name is on the title to the property; or

(ii) You have property that doesn't have a title.

(c) You have control over the resource, which means the resource is actually available to you; and

(d) You could legally sell the resource or convert it into cash within twenty days.

(3) When you apply for assistance, we count your resources as of:

(a) The date of your interview, if you are required to have an interview; or

(b) The date of your application, if you are not required to have an interview.

(4) If your total countable resources are over the resource limit in subsection (5) and (11) of this section, you are not eligible for benefits.

(5) For cash assistance and medical programs for families, we use the equity value as the value of your resources.

(a) Applicants can have countable resources up to one thousand dollars.

(b) Recipients of cash assistance can have an additional three thousand dollars in a savings account.

(c) Recipients of medical programs for families do not have a resource limit.

(6) We do not count your resources for children's medical or pregnancy medical benefits.

(7) For SSI-related medical assistance, see chapter 388-475 WAC.

(8) For clients receiving institutional or waived services, see WAC 388-475-0250, chapter 388-513 WAC and 388-515 WAC.

(9) If your household consists of more than one medical assistance unit (MAU), we look at the resources for each MAU separately.

(10) If your AU is categorically eligible (CE) as described in WAC 388-414-0001, you do not have a resource limit for food assistance.

(11) If your AU is not CE under WAC 388-414-0001, your AU may have countable resources up to the following amount and be eligible for food assistance:

(a) Three thousand dollars if your AU has either an elderly or disabled individual; or

(b) Two thousand dollars for all other AUs.

(12) If you own a countable resource with someone who is not in your AU, we count the portion of the resource that you own. If we cannot determine how much of the resource is yours:

(a) For cash and medical assistance, we count an equal portion of the resource that belongs to each person who owns it.

(b) For food assistance, we count the entire amount.

(13) We assume that you have control of community property and you can legally sell the property or convert it to cash unless you can show that you do not.

(14) We may not consider an item to be separate property if you used both separate and community funds to buy or improve it.

(15) We do not count the resources of victims of family violence when:

(a) The resource is owned jointly with members of the former household;

(b) Availability of the resource depends on an agreement of the joint owner; or

(c) Making the resource available would place the client at risk of harm.

(16) You may give us proof about a resource anytime, including when we ask for it or you disagree if you disagree with a decision we made, about:

(a) Who owns a resource;

(b) Who has legal control of the resource;

(c) The value of a resource;

(d) The availability of a resource; or

(e) The portion of a property you or another person owns.

AMENDATORY SECTION (Amending WSR 99-09-053, filed 4/19/99, effective 5/20/99)

WAC 388-470-0012 ((~~How do~~) Does the department look at the resources of ((~~an ineligible or disqualified person effect eligibility for cash assistance~~)) people who are not getting benefits? ((1) As used in this section, ineligible, disqualified and financially responsible persons are defined in WAC 388-450-0100.

(2) When determining the cash eligibility of an assistance unit, the department includes the countable resources of a financially responsible person who lives in the home even when the person is ineligible or disqualified from receiving cash assistance)) Yes we do. We count the resources of certain people who live in your home, even if they are not getting assistance. Their resources count as part of your resources.

(1) For cash assistance, we count the resources of ineligible, disqualified, or financially responsible people as defined in WAC 388-450-0100.

(2) For food assistance, we count the resources of ineligible assistance unit (AU) members as defined in WAC 388-408-0035.

(3) For family and SSI-related medical assistance, we count the resources of financially responsible people as defined in WAC 388-408-0055.

(4) For long term care services, we count the resources of financially responsible people as defined in WAC 388-506-0620.

(5) For cash, medical, and food assistance, we also count the resources of an immigrant's sponsor as described in WAC 388-470-0060.

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

WAC 388-470-0045 How do my resources ((~~that are counted~~)) count toward the resource limits for cash((

~~food)) assistance and ((TANF/SFA-related)) family medical programs((:)) ? (1) We count the following resources ((are counted)) toward ((the resource)) your assistance unit's resource limits for cash((-, food)) assistance and ((TANF/SFA-related)) medical programs((:~~

~~(a) Liquid resources such as cash on hand, monies in checking or savings accounts; or~~

~~(b) Stocks or bonds minus any early withdrawal penalty.~~

~~(2) For TANF/SFA, GA, and TANF/SFA-related medical, the entire value of a motor home is counted as a resource when not used as a residence. For food assistance, a motor home is treated as a vehicle as described in WAC 388-470-0075.~~

~~(3) A resource owned with a person other than a spouse, contract vendor, mortgage or lien holder (jointly owned) is counted as follows:~~

~~(a) For cash assistance and TANF-related medical, the client's share of the equity value; or~~

~~(b) For food assistance, resources jointly owned by separate assistance units are considered available in their entirety to each assistance unit.~~

~~(4) A client may provide evidence that all or a portion of a jointly owned resource:~~

~~(a) Belongs to the other owner; and~~

~~(b) Is held for the benefit of the other owner)) to decide if you are eligible for benefits under WAC 388-470-0005:~~

~~(a) Liquid resources are resources that are easily changed into cash. Some examples of liquid resources are:~~

~~(i) Cash on hand;~~

~~(ii) Money in checking or savings accounts;~~

~~(iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;~~

~~(iv) Keogh plans that do not involve a contractual agreement with someone outside of the assistance unit, less any withdrawal penalty;~~

~~(v) Individual Retirement Accounts (IRAs) less any withdrawal penalty;~~

~~(vi) Simplified Employer Pension Plans (SEPs) less any withdrawal penalty;~~

~~(vii) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;~~

~~(viii) Available trusts; or~~

~~(ix) Lump sum payments as described in chapter 388-455 WAC.~~

~~(b) The cash surrender value (CSV) of whole life insurance policies.~~

~~(c) The CSV over fifteen hundred dollars of revocable burial insurance policies or funeral agreements.~~

~~(d) The amount of a child's irrevocable educational trust fund that is over four thousand dollars per child.~~

~~(e) Funds withdrawn from an individual development account (IDA) if they were removed for a purpose other than those specified in RCW 74.08A.220.~~

~~(f) Sales contracts, real estate mortgages, and security interest.~~

~~(g) Any real property like a home, land or buildings not specifically excluded in subsection (2) below.~~

~~(h) The equity value of vehicles as described in WAC 388-470-0070.~~

(i) Resources of a sponsor as described in WAC 388-470-0060.

(2) The following types of real property do not count when we determine your eligibility:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) Natural disaster or casualty.

(c) Property that:

(i) You are making a good faith effort to sell;

(ii) You intend to build a home on, if you do not already own a home;

(iii) Produces income consistent with its fair market value, even if used only on a seasonal basis; or

(iv) A household member needs for employment or self-employment.

(d) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

(3) If you sell your home, you have ninety days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within ninety days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

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

WAC 388-470-0055 **How do my resources ((that are counted)) count toward the resource limit for food assistance((:)) ? ((The net value of the following resources are counted toward an assistance unit's resource limit:**

(1) Excluded funds that are deposited in an account with countable funds (commingled) for more than six months from the date of deposit.

(2) Lump sums such as insurance settlements, refunded cleaning and damage deposits.

(3) Resources of ineligible household members, as described in WAC 388-408-0035(9)) (1) If your AU is not categorically eligible (CE) for food assistance under WAC 388-414-0001, we count the following resources toward your

AU's resource limit for food assistance to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources are resources that are easily changed into cash. We consider the following types of resources to be liquid resources:

- (i) Cash on hand;
- (ii) Money in checking or savings accounts;
- (iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;
- (iv) Keogh plans that do not involve a contractual agreement with someone outside of the assistance unit, less any withdrawal penalty;
- (v) Individual Retirement Accounts (IRAs) less any withdrawal penalty;
- (vi) Simplified Employer Pension Plans (SEPs) less any withdrawal penalty;
- (vii) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;
- (viii) Available trusts; or
- (ix) Lump sum payments. A lump sum payment is money owed to you from a past period of time that you get but do not expect to get on a continuing basis.

(b) Nonliquid resources, personal property, and real property not specifically excluded in subsection (2) below.

(c) Vehicles as described in WAC 388-470-0075.

(d) The resources of a sponsor as described in WAC 388-470-0060.

(2) The following resources do not count toward your resource limit:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

- (i) Employment;
 - (ii) Training for future employment;
 - (iii) Illness; or
 - (iv) Natural disaster or casualty.
- (c) Property that:
- (i) You are making a good faith effort to sell;
 - (ii) You intend to build a home on, if you do not already own a home;
 - (iii) Produces income consistent with its fair market value, even if used only on a seasonal basis;
 - (iv) Is essential to the employment or self-employment of a household member;
 - (v) Is essential for the maintenance or use of an income-producing vehicle; or
 - (vi) Has an equity value of fifteen hundred dollars or less.

(d) Household goods

(e) Personal effects;

(f) Life insurance policies;

(g) One burial plot per household member;

(h) One funeral agreement per household member, up to fifteen hundred dollars;

(i) Pension plans or retirement funds not specifically counted in subsection (1) above;

(j) Sales contracts, if the contract is producing income consistent with its fair market value;

(k) Government payments issued for the restoration of a home damaged in a disaster;

(l) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs;

(m) Nonliquid resources that have a lien placed against them;

(n) Earned Income Tax Credits (EITC);

(i) For twelve months, if you were a food assistance recipient when you got the EITC and you remain on food assistance for all twelve months; or

(ii) The month you get it and the month after, if you were not getting food assistance when you got the EITC.

(o) Energy assistance payments or allowances;

(p) The resources of a household member who gets SSI, TANF/SFA, or GA benefits; and

(q) Resources specifically excluded by federal law.

(3) If you sell your home, you have ninety days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within ninety days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|------------------|--|
| WAC 388-470-0010 | How to determine who owns a resource. |
| WAC 388-470-0015 | Availability of resources. |
| WAC 388-470-0020 | Excluded resources. |
| WAC 388-470-0025 | Excluded resources for cash assistance. |
| WAC 388-470-0030 | Excluding a home as a resource. |
| WAC 388-470-0035 | Excluded resources for food assistance. |
| WAC 388-470-0050 | Resources that count. |
| WAC 388-470-0065 | Individual development accounts for TANF recipients. |

WSR 02-21-096
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)
 [Filed October 21, 2002, 4:41 p.m.]

Original Notice.

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

Title of Rule: Amending WAC 388-720-0050 Powers of the administrative law judge.

Purpose: The proposed rule requires administrative law judges (ALJs) of the Office of Administrative Hearings (OAH) to enter final orders on Juvenile Rehabilitation Administration (JRA) cases determining parent/guardian financial responsibility to pay for support, treatment, and confinement.

Other Identifying Information: This proposed rule is being amended in coordination with the department changes to chapter 388-02 WAC, amending provisions related to Board of Appeals reviews. The proposed rule is being filed without prior filing of a CR-101 preproposal statement of inquiry. A CR-101 is not required for rules that "adopt, amend or repeal... a procedure, practice or requirement relating to agency hearings," RCW 34.05.310 (4)(g)(i).

Statutory Authority for Adoption: RCW 34.05.020, 13.40.220.

Statute Being Implemented: RCW 13.40.220, section 211, chapter 371, Laws of 2002.

Summary: See Purpose and Other Identifying Information above.

Reasons Supporting Proposal: This change in rule helps reduce the number of review petitions heard by the DSHS Board of Appeals. This change helps the department reduce expenditures as directed by section 211, chapter 371, Laws of 2002.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cheryl Sullivan-Colglazier, Program Administrator, P.O. Box 45720, 14th and Jefferson, Olympia, 98504-5720, (360) 902-8081.

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 proposed rule requires administrative law judges (ALJs) of the Office of Administrative Hearings (OAH) to enter final orders on Juvenile Rehabilitation Administration (JRA) cases determining parent/guardian financial responsibility to pay for support, treatment, and confinement. Previously the ALJ entered an initial decision and a party could petition DSHS for review. This change in rule helps reduce the number of review petitions heard by the DSHS Board of Appeals. This change helps the department reduce expenditures as directed by section 211, chapter 371, Laws of 2002.

Proposal Changes the Following Existing Rules: See Summary, Other Identifying Information, and Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rules amend procedures for entry and review of final orders for DSHS hearings, which does not create costs for small businesses.

RCW 34.05.328 does not apply to this rule adoption. The rules are "procedural rules" related to agency hearings and do not meet the definition of significant legislative rules, RCW 34.05.328 (5)(c)(i) and (iii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by November 22, 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., November 26, 2002.

Date of Intended Adoption: Not earlier than November 27, 2002.

October 21, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-22-019, filed 10/20/00, effective 11/20/00)

WAC 388-720-0050 Powers of the administrative law judge. The administrative law judge in the ~~((initial decision))~~ final order rendered after the hearing conducted in accordance with WAC 388-720-0030 shall include the name and age of the juvenile in that ~~((decision))~~ final order. The administrative law judge shall also indicate the parent's or other legally obligated person's monthly liability amount for the period of the juvenile's confinement beginning with the date the child enters the custody of the department. The administrative law judge shall not establish in the ~~((decision))~~ final order any amount constituting a repayment figure of any accrued obligation of the parent but shall indicate in the ~~((decision))~~ final order that any accrued obligation shall be paid by the parent to the department's office of financial recovery (OFR) and that OFR will be responsible for determining the method of repayment of the parent's accrued obligation.

The administrative law judge shall also include a statement in the ~~((decision))~~ final order that the parent's financial obligation is collectible by OFR and that should the parent fail to comply with any payment plan entered into by OFR and the parent, or the parent fails to pay the amount set out in the ~~((decision))~~ final order, OFR shall be authorized to take legal collection action to recover the amounts due from the parent. Legal collection action can include, but is not limited to:

(1) The filing of liens against the real and personal property of the parent; or

(2) The issuance of a garnishment order against the wages, bank accounts, or other property of the responsible persons.

WSR 02-21-102
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 22, 2002, 12:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-136.

Title of Rule: Chapter 296-19A WAC, Vocational rehabilitation.

Purpose: Proposed chapter 296-19A WAC will make amendments and revisions to the existing chapter 296-19A WAC to clarify language and make technical and original changes. The proposed chapter will be the basis for vocational rehabilitation for industrial insurance.

The new section WAC 296-19A-025 moves language from the existing WAC 296-19A-020 to define criteria the department considers when determining whether vocational rehabilitation services will be offered to industrially injured or ill workers.

New section WAC 296-19A-065 establishes ability to work assessment (AWA) services criteria.

New section WAC 296-19A-125 clarifies the purpose of forensic services.

New section WAC 296-19A-135 sets forth the department's reporting requirements for forensic services.

New section WAC 296-19A-137 establishes the department's requirements for a stand alone job analysis referral type.

New section WAC 296-19A-191 establishes prejob accommodations available for injured workers.

New section WAC 296-19A-192 establishes funding available for prejob accommodations.

New section WAC 296-19A-193 establishes service requirements for prejob accommodations.

New section WAC 296-19A-245 moves provider protest appeal rights from WAC 296-19A-240.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110.

Statute Being Implemented: RCW 51.32.095, 51.36.100, 51.36.110.

Summary: The proposed revisions to existing chapter 296-19A WAC will:

- Spell out additional detail on provider qualifications, billing processes and L&I auditing.
- Explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department contain and when they will be submitted.
- Address how providers are to be held accountable for the services they deliver (corrective actions and performance measurement).

Reasons Supporting Proposal: In 1998-99, the Department of Labor and Industries (L&I) conducted a study of its vocational purchasing practices. Based on the recommendation of the department's project consultant, William H. Mercer, Inc., L&I concluded that its purchasing method of contracting with private sector vocational providers should be discontinued and the requirements of the contract should be placed in WAC. In addition, the Joint Legislative Audit and Review Committee conducted a performance audit of the department's workers' compensation activities. JLARC (21A) recommended that the department to "move toward higher standards of private vocational rehabilitation providers." In addition, other program improvements recommended both by JLARC and Mercer warranted significant changes to the vocational rehabilitation chapter 296-18A WAC. The department conducted a rule making and subsequently adopted chapter 296-19A WAC. A petition to repeal/amend chapter 296-19A WAC was filed with the Joint Administrative Rules Review Committee (JARRC). JARRC reviewed the petition and determined that the department has not provided an opportunity for meaningful input by department employees. JARRC recommended that the department review the chapter of rules and reopen the rules for further comment. Based on this recommendation, the department initiated a rule making by filing a CR-101. The department sought input from the public and its employees during the CR-101 phase. The input received was reviewed and considered during the preparation of the proposed amendments to chapter 296-19A WAC.

Name of Agency Personnel Responsible for Drafting: Roy Plaeger-Brockway, Tumwater, Washington, (360) 902-5052; Implementation and Enforcement: Linda Murphy, Program Manager, Tumwater, Washington, (360) 902-6699 or Jody Moran, Program Manager, Tumwater, Washington, (360) 902-4300.

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: The proposed revisions to existing chapter 296-19A WAC will:

- Spell out additional detail on provider qualifications, billing processes and L&I auditing.
- Explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department must contain and when they must be submitted.
- Address how providers are to be held accountable for the services they deliver (corrective actions and performance measurement).

The anticipated effects of the proposed revisions to existing chapter 296-19A WAC will include:

- More efficient service delivery through more detailed billing requirements.
- More highly qualified vocational providers delivering better quality service to injured workers.

- More consistent application of the rules through better, more consistent definitions and easier to understand language.
- Increased level of provider accountability for services rendered.

Proposal Changes the Following Existing Rules: The current proposal will make revisions to chapter 296-19A WAC on vocational rehabilitation. The proposed revisions will make several changes to existing rule:

- It organizes the rules more clearly, places the rules in clear rule-writing format and defines terms used in the rules more clearly and consistently.
- Defines more clearly specific types of vocational rehabilitation services.
- Makes technical changes and corrections to chapter 296-19A WAC.
- Clarifies where providers can find their protest and appeal rights.

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

Small Business Economic Impact Statement

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 02-23 issue of the Register.

A copy of the statement may be obtained by writing to Carmen Moore, Rules Coordinator, phone (360) 902-4206, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. The proposed revisions to chapter 296-19A WAC constitute significant legislative rules of the Department of Labor and Industries.

Hearing Location: Yakima Double Tree, Naches Room, 1507 North First Street, Yakima, WA 98901, on January 2, 2003, at 11:30 a.m. - 1:30 p.m.; at the Vancouver Red Lion, West River Rooms 1 & 2, 100 Columbia Street, Vancouver, WA 98660, on January 3, 2003, at 11:00 a.m. - 1:00 p.m.; at the Everett Howard Johnson, Shaw/Lopez Room, 3105 Pine Street, Everett, WA 98201, on January 7, 2003, at 8:00 a.m. - 10:00 a.m.; at the Sea-Tac Double Tree, Room Cascade 11, 18740 Pacific Highway South, Seattle, WA 98188, on January 7, 2003, at 3:00 p.m. - 5:00 p.m.; at the Spokane West-Coast RidPath, Legend B Room, 515 West Sprague Avenue, Spokane, WA 99201, on January 8, 2003, at 11:00 a.m. - 1:00 p.m.; and at the Tumwater L&I Service Location, Auditorium, 7273 Linderson Way, Tumwater, WA 98501, on January 10, 2003, at 11:00 a.m. - 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jamie Scibelli by December 20, 2002, TDD (360) 902-5797, or (360) 902-4791.

Submit Written Comments to: Jamie Scibelli, Research Analyst, Department of Labor and Industries, P.O. Box 44322, Tumwater, WA 98501, e-mail Scij235@lni.wa.gov, fax (360) 902-4249, by January 10, 2003, by 5:00 p.m.

Date of Intended Adoption: March 18, 2003.

October 22, 2002

Gary Moore
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-23 issue of the Register.

WSR 02-21-106
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 22, 2002, 12:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-139.

Title of Rule: Chapter 296-130 WAC, Family care.

Purpose: The purpose of this rule making is to make changes to the family care rules (chapter 296-130 WAC) in response to the passage of chapter 243, Laws of 2002 (SSB 6426) from the 2002 legislative session.

These changes are necessary to:

- Update the rules to reflect legislative changes.
- Make necessary changes to reflect current department practices.
- Make necessary housekeeping changes.

AMENDED SECTIONS:

WAC 296-130-010 Purpose. Clarifies that a minimum standard is established to allow an employee to use sick leave or other paid time off to care for a sick family member.

WAC 296-130-020 Definitions. Added a new definition of "child" to clarify when leave may be used for a child under the age of 18 or 18 years of age and older. Deleted old language for "accrued sick leave." Added new definition of "parent," "grandparent," "parent-in-law," "spouse," "serious health condition," "emergency condition," "incapable of self-care," and "physical or mental disability." Lastly, made housekeeping changes to definitions of "infraction" and "administrative law judge."

WAC 296-130-030 Employee rights. Changes were made to this section to reflect the statutory changes to allow employee's choice of sick leave or other paid time off to care for minor and adult children as defined in WAC 296-130-020, and for other family members with a serious health condition or emergency condition, also defined in WAC 296-130-020. Specifies that an employee may not take leave until it has been earned and that taking of leave must comply with the terms of the collective bargaining agreement or employer policy, except for any terms relating to choice of leave.

WAC 296-130-035 Employee complaints. The requirements found in the current WAC 296-130-040 was moved to this section and minor edits were done to reflect clear rule-writing principles.

WAC 296-130-040 Prohibited action. The requirements found in the current WAC 296-130-035 was moved to this section and minor edits were done to reflect clear rule-writing principles.

WAC 296-130-050 Posting. Minor edits made to reflect clear rule-writing principles.

WAC 296-130-060 Notices of infraction. Housekeeping changes and minor edits to reflect clear rule-writing principles.

WAC 296-130-065 Service on employers. Housekeeping changes and minor edits to reflect clear rule-writing principles.

WAC 296-130-070 Appeal of infraction notice. Housekeeping changes and minor edits to reflect clear rule-writing principles. In addition, established that the department must notify the employee who filed the initial complaint that resulted in the notice of infraction.

WAC 296-130-080 Penalty assessment. Housekeeping changes and minor edits to reflect clear rule-writing principles.

NEW SECTION:

WAC 296-130-100 Collective bargaining not impaired. The requirements found in the current WAC 296-130-900 was moved to this section and minor edits were done to reflect clear rule-writing principles.

REPEALED SECTION:

WAC 296-130-500 Collective bargaining not impaired. These requirements were moved to a new section, WAC 296-130-100.

Statutory Authority for Adoption: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, and chapter 243, Laws of 2002 (SSB 6426).

Statute Being Implemented: Chapter 49.12 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Josh Swanson, Tumwater, (360) 902-6411; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

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: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the proposed changes are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries Building, 7273 Linderson Way S.W., Room S117, Tumwater, WA, on December 2, 2002, at 1:00 p.m.; and at the Yakima School District (Administration Offices), 104 North

4th Avenue, Yakima, WA, on December 3, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by November 25, 2002, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, fax (360) 902-5292, by December 3, 2002. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: December 4, 2002.

October 22, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-010 ((Declaration of) Purpose. It is in the public interest for employers to accommodate employees by providing reasonable leaves from work for family reasons. This chapter serves to establish a minimum standard allowing an employee to use the employee's ((accrued)) sick leave or other paid time off to care for a ((child of the employee)) sick family member.

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-020 Definitions. (1) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees. Employer also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(2) "Employee" means a worker who is employed in the business of an employer. "Employee," for the purposes of this chapter, also includes workers performing in an executive, administrative, professional, or outside sales capacity.

(3) "Employ" means to engage, suffer, or permit to work.

(4) ~~((“Accrued sick leave” means leave which the employee has accumulated by earning a certain number of hours or days per month or per year which the employee is entitled to use to continue his or her normal compensation during absences due to illness, accident, or other conditions which require medical treatment or supervision, and which is provided for by a collective bargaining agreement, employer/employee agreement, employer policy, ordinance, or civil service rule.~~

~~It does not include annual leave, vacation leave, or personal leave. It does not include any benefit which includes leave granted by short term or long term disability plans except in a case where those plans include a separate and identifiable component which allows the employee to accumulate by earning a certain number of hours or days per month or per year which the employee is entitled to use to continue his or her normal compensation in absence due to illness, accident, or other conditions which require medical~~

treatment or supervision which is provided for by a collective bargaining agreement, employer/employee agreement, employee/employer policy, ordinance, or civil service rule. In a case where a short-term or long-term disability plan includes a separate and identifiable component which allows the employee to accumulate leave by earning a certain number of hours or days per month or per year which the employee is entitled to use to continue his or her normal compensation in absence due to illness, accident, or other conditions which require medical treatment or supervision, only that separate identifiable portion shall be considered accrued sick leave.

(5) "Child of the employee" means any child under the age of eighteen who is:

- (a) The natural offspring of the employee;
- (b) The adopted child of the employee;
- (c) The natural or adopted child of the employee's spouse; or

(d) Is under the employee's legal guardianship, legal custody, or foster care.

(6)) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is:

- (a) Under eighteen years of age; or
- (b) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(5) "Grandparent" means a parent of a parent of an employee.

(6) "Parent" means a biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.

(7) "Parent-in-law" means a parent of the spouse of an employee.

(8) "Sick leave or other paid time off" means time allowed under the terms of an appropriate collective bargaining agreement or employer policy, as applicable, to an employee for illness, vacation, and personal holiday. It does not include any benefit which includes leave granted by short-term or long-term disability plans or policies.

(9) "Spouse" means a husband or wife, as the case may be.

(10) "Health condition that requires treatment or supervision" ((shall)) includes:

(a) Any medical condition requiring treatment or medication that the child cannot self ((medicate)) administer;

(b) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

(c) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.

((7)) (11) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection

with such inpatient care; or continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).

(12) "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

(13) "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(14) "Physical or mental disability" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.

(15) "Infraction" means an alleged violation of RCW ((49.12.____ (chapter 236, Laws of 1988))) 49.12.270 through 49.12.295 as cited by the department.

((8)) (16) "Administrative law judge" means any person appointed by the chief administrative law judge, as defined in RCW 34.12.020(2) to preside at contested cases convened under RCW ((49.12.____ (chapter 236, Laws of 1988))) 49.12.270 through 49.12.295.

((9)) (17) "Department" means the department of labor and industries.

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-030 Employee rights. ((An employer shall allow an employee to use the employee's accrued sick leave, when such benefit exists, to care for the child of the employee under the age of eighteen with a health condition that requires treatment or supervision as defined in WAC 296-130-020(6). In all other instances the same benefits and requirements that would govern the employee's personal use of accrued sick leave shall apply to the use of sick leave for the child's treatment or supervision. Nothing in this section requires an employer to provide sick leave.)) (1) If, under the terms of a collective bargaining agreement or employer policy applicable to an employee, the employee is entitled to sick leave or other paid time off, then an employer must allow an employee to use any or all of the employee's choice of sick leave or other paid time off to care for:

(a) A child of the employee with a health condition as defined in WAC 296-130-020(10); or

(b) A spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency condition, also defined in WAC 296-130-020 (11) and (12).

(2) An employee may not take leave until it has been earned. The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applica-

ble to the leave, except for any terms relating to the choice of leave. Use of leave other than sick leave or other paid time off to care for a child, spouse, parent, parent-in-law, or grandparent under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

AMENDATORY SECTION (Amending Order 88-29, filed 11/23/88)

WAC 296-130-035 ((Employee complaints.)) Prohibited action. ~~((1) An employee who believes that his or her employer has not complied with RCW 49.12. (chapter 236, Laws of 1988), or with the rules promulgated thereto, may file a complaint with the department within six months of the alleged violation. The complaint should contain the following:~~

- ~~(a) The name and address of the employee making the complaint;~~
- ~~(b) The name, address, and telephone number of the employer against whom the complaint is made;~~
- ~~(c) A statement of the specific fact which constitute the alleged violation, including the date(s) on which the alleged violation occurred.~~

~~(2) Upon receipt of a complaint, the department shall forward written notice of the complaint to the employer, along with a warning of prohibited actions as stated in WAC 296-130-040.~~

~~(3) The department may investigate any complaint it deems appropriate. If the department determines that a violation of this chapter has occurred, it may issue a notice of infraction pursuant to WAC 296-130-060.)) An employer must not discharge, threaten to discharge, demote, suspend, discipline, or otherwise discriminate against an employee because the employee:~~

- ~~(1) Has exercised, or attempted to exercise, any right provided under RCW 49.12.270 through 49.12.295; or~~
- ~~(2) Has filed a complaint, testified, or assisted in any proceeding under RCW 49.12.270 through 49.12.295.~~

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-040 ((Prohibited action.)) Employee complaints. ~~((No employer shall discharge or in any other way discriminate against or penalize any employee because he/she sought any information about family leave provisions, has filed a complaint alleging a violation of the chapter or exercised any right granted under the law. Nothing in this section however, shall prohibit an employer from applying its attendance policies.)) (1) An employee who believes that his or her employer has not complied with RCW 49.12.270 through 49.12.295, or this chapter, may file a complaint with the department within six months of the alleged violation. The complaint should contain the following:~~

- ~~(a) The name and address of the employee making the complaint;~~
- ~~(b) The name, address, and telephone number of the employer against whom the complaint is made; and~~

~~(c) A statement of the specific fact which constitutes the alleged violation, including the date(s) on which the alleged violation occurred.~~

~~(2) Upon receipt of a complaint, the department will forward written notice of the complaint to the employer, along with a warning of prohibited actions as stated in WAC 296-130-035.~~

~~(3) The department may investigate any complaint it deems appropriate. If the department determines that a violation of this chapter has occurred, it may issue a notice of infraction pursuant to WAC 296-130-060.~~

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-050 Posting. (1) The department ~~((shall))~~ will furnish each employer a poster describing an employee's rights and an employer's obligations provided in this chapter.

(2) The employer ~~((shall))~~ must keep posted a current edition department poster stipulating the provisions of this chapter. The employer ~~((shall))~~ must display this poster in a conspicuous place.

(3) The employer ~~((shall))~~ must post its leave policies, if any, in a conspicuous place accessible to the employees at the employer's place of business.

(4) The posting requirement for employees whose leave policies are specified by individual contracts may be satisfied by stating that leave for such employees will be governed by the terms of such contracts.

(5) Employers with informal leave policies which are established on a case-by-case basis may satisfy the posting requirement by posting a statement explaining that policy.

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-060 Notices of infraction. The department may issue a notice of infraction to an employer who violates RCW ~~((49.12. (chapter 236, Laws of 1988)))~~ 49.12.270 through 49.12.295. The employment standards supervisor ~~((shall))~~ will direct that notices of infraction contain the following when issued((-):

(1) A statement that the notice represents a determination that the infraction has been committed by the employer named in the notice and that the determination ~~((shall))~~ will be final unless contested;

(2) A statement that the infraction is a noncriminal offense for which imprisonment ~~((shall))~~ will not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of the penalty involved if the infraction is established;

(5) A statement informing the employer of the right to a hearing conducted pursuant to chapter ~~((34.04))~~ 34.05 RCW if requested within twenty days of issuance of the infraction;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed,

and that the employer may subpoena witnesses including the agent that issued the notice of infraction;

(7) If a notice of infraction is personally served upon a supervisory or managerial employee of a firm or corporation, the department ~~((shall))~~ will within ten days of service send a copy of the notice by certified mail to the employer; and

(8) Constructive service may be made by certified mail directed to the employer named in the notice of infraction.

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-065 Service on employers. (1) If an employer is a corporation or a partnership, the department ~~((need not))~~ is not required to serve the employer personally. In such a case, if no officer or partner of a violating employer is present, the department may issue a notice of infraction to any supervisor or managerial employee.

(2) If the department serves a notice of infraction on a supervisory or managerial employee, and not on an officer, or partner of the employer, the department ~~((shall))~~ will mail by certified mail a copy of the notice of infraction to the employer or registered agent of the company. The department ~~((shall))~~ will mail a second copy by ordinary mail.

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-070 Appeal of infraction notice. (1) If an employer desires to contest the notice of infraction issued, the employer ~~((shall))~~ will file two copies of a notice of appeal with the department at the office designated on the notice of infraction, within twenty days of issuance of the infraction.

(2) The department ~~((shall))~~ must:

(a) Conduct a hearing in accordance with chapter ~~((34.04))~~ 34.05 RCW and chapter 10-08 WAC; and

(b) Notify the employee who filed the initial complaint that resulted in the notice of infraction.

(3) Employers may appear before the administrative law judge through counsel, or may represent themselves. The department ~~((shall))~~ must be represented by the office of the attorney general.

(4) All relevant evidence shall be admissible in a hearing convened pursuant to RCW ~~((49.12. (chapter 236, Laws of 1988))~~ 49.12.270 through 49.12.295. Admission of evidence is subject to ~~((RCW 34.04.100 and 34.04.105 of))~~ the Administrative Procedure Act ~~((of Washington))~~, chapter 34.05 RCW.

(5) The administrative law judge ~~((shall))~~ will issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate, any legal penalty. The proposed decision ~~((shall))~~ will be served by certified mail or personally on the employer and the department. The employer or department may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal

must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director ~~((shall))~~ or his/her designee will review the proposed decision in accordance with the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director ~~((shall))~~ or his/her designee will serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to the Administrative Procedure Act, chapter 34.05 RCW ~~((34.04.130))~~ unless the final decision affirms an unappealed proposed decision. If no party appeals within ~~((the period set by RCW 34.04.130))~~ twenty days, the director's decision is conclusive and binding on all parties.

AMENDATORY SECTION (Amending Order 88-20, filed 8/31/88)

WAC 296-130-080 Penalty assessment. An employer found to have committed an infraction under RCW ~~((49.12. (chapter 236, Laws of 1988))~~ 49.12.270 through 49.12.295 may be assessed the maximum penalty of a fine of two hundred dollars for the first noncompliance violation. An employer that continues to violate the terms of the statute may be subject to a fine not to exceed one thousand dollars for each violation.

NEW SECTION

WAC 296-130-100 Collective bargaining not impaired. Nothing in this chapter will be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish leave benefits in excess of the applicable provisions of this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-130-500

Collective bargaining not impaired.

WSR 02-21-113
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed October 22, 2002, 1:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-029.

Title of Rule: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Purpose: To consider amendments to the 2001 Edition of the Washington State Energy Code, chapter 51-11 WAC, as it relates to residential multiple unit buildings (Group R-1 Occupancies), and to clarify requirements for use of duct tapes.

Statutory Authority for Adoption: RCW 19.27A.025 and 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

Summary: The proposed changes would provide additional prescriptive compliance paths for apartments, congregate residences, and hotels, allowing weighted averaging within components to provide some additional flexibility. Additional changes are proposed to clarify restriction on the use of tapes to seal ducts and to update the suggested software list in Chapter 8.

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 48350, Olympia, WA 98504, (360) 725-2964; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amends chapter 51-11 WAC, the Washington State Energy Code. The purpose is to amend the 2001 Washington State Energy Code to provide additional compliance paths for Group R-1 Occupancies, specifically creating new prescriptive paths that allow for increased glazing area in these occupancies. The proposal also amends the language under duct sealing to clarify allowable uses of tapes.

Regulatory Review: In compliance with Executive Order 97-02, Regulatory Improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. **Need.** This rule is authorized by RCW 19.27A.025 and 19.27A.045. The council regularly reviews statewide amendment proposals to the Washington State Energy Code, and adopts the amendments as deemed appropriate. The purpose and objective of this review, as given in RCW 19.27-020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction

standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by persons with physical disabilities. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. **Effectiveness and Efficiency.** The mission of the council is to adopt building codes for uniform application throughout the state. In this special rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for statewide adoption of building codes.

3. **Clarity.** This amendment simplifies compliance with the State Energy Code for apartments, congregate residences and hotels.

4. **Intent and Statutory Authority.** The proposed rule is consistent with the legislative intent of the statute chapters 19.27 and 19.27A RCW. These statutes give the council sufficient authority to maintain the state building code, and to adopt amendments to the Washington State Energy Code.

5. **Coordination.** The council rule-making process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the departments of social and health services, health, labor and industries, and the state fire marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. **Cost.** The council appointed a technical advisory group to examine the costs and benefits associated with the revisions to the energy code.

7. **Fairness.** The state amendments to the Washington State Energy Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of a technical advisory group, made up of the individuals, organizations and businesses impacted by the energy code, to review code changes and proposals.

Proposal Changes the Following Existing Rules: 1. **Prescriptive Paths (Tables 6-1 and 6-2, Sections 601, 602.6):** These tables have been amended to include two additional paths for Group R-1 Occupancies. These paths allow for an increase in glazing area, and also provide for weighted averaging of U-factors within each component. An exception is added to Section 601 to allow for area weighted U-factors within components. Section 602.6 is amended to clarify that the exempt door is per unit in multi-family buildings.

2. **Duct Sealing (Sections 503, 108):** Section 503.10.2 is amended to provide clarification on the use of tapes to seal supply and return ducts. A new definition, transverse joint, is added to Chapter 2 to support this clarification. Additional editorial amendments are provided in Section 108, and throughout the rest of Section 503.

3. Suggested Software (Chapter 8): WATTSUN 5.7 is removed from the list of suggested software to demonstrate compliance with Chapter 4. This software is no longer compliant with the code and is no longer published or supported by its designer.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes would allow for more glazing options under Chapter 6 than the previous rule and does not provide additional restrictions.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: WestCoast SeaTac Hotel, Seattle Room, 18220 International Boulevard South, SeaTac, WA, on November 26, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Patti Thorn by November 13, 2002, at (360) 725-2966, TDD (360) 753-2200.

Submit Written Comments to: Jim Lewis, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, received by November 24, 2002.

Date of Intended Adoption: November 26, 2002.

October 11, 2002

Tim Nogler

for James M. Lewis

Council Chair

AMENDATORY SECTION (Amending WSR 95-01-126, filed 12/21/94, effective 6/30/95)

WAC 51-11-0108 Conflicts with other codes. In addition to the requirements of this Code, all occupancies shall conform to the provisions included in the State Building Code (chapter 19.27 RCW) and Uniform Building Code and Standards Adoption and Amendment rules (chapter 51-30 WAC). In case of conflicts among codes enumerated in RCW 19.27.031 (1), (2), (3), and (4) and this Code, the first named code shall govern over the following. Provided, in the case of conflict between the duct insulation requirements of this Code and the duct sealing and insulation requirements of Table 6-D of the ((Uniform)) State Mechanical Code (chapter 51-32 WAC), the duct insulation requirements of this Code, or where applicable, a local jurisdiction's energy code shall govern.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Wherever in this Code reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0201 Scope. The following definitions shall apply to chapters 1 through 20.

201.1 Application of Terms: For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

Addition: See the Washington State Building Code.

Advanced framed ceiling: Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing and Section 1007.2 of this Code.)

Advanced framed walls: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See Standard Framing and Section 1005.2 of this Code.)

AFUE. Annual fuel utilization efficiency: Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

Air conditioning, comfort: The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

ARI: Air-Conditioning and Refrigeration Institute.

ASHRAE: American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM: American Society for Testing and Materials

Automatic: Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See **Manual**.)

Below grade walls: Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

Boiler capacity: The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

Building envelope: For Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1. For other than Group R Occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from

the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

Building, existing: See the Washington State Building Code.

Building official: The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

Building project: A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

Conditioned floor area: (See Gross conditioned floor area.)

Conditioned space: A cooled space, heated space (fully heated), heated space (semi-heated) or indirectly conditioned space.

Cooled space: An enclosed space within a building that is cooled by a cooling system whose sensible capacity

a. exceeds 5 Btu/(h • ft²), or

b. is capable of maintaining space dry bulb temperature of 90°F or less at design cooling conditions.

COP - Coefficient of performance: The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

Daylighted zone:

a. Under overhead glazing: the area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

b. At vertical glazing: the area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

Daylight sensing control (DS): A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

Deadband: The temperature range in which no heating or cooling is used.

Design cooling conditions: The cooling outdoor design temperature from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Design heating conditions: The heating outdoor design temperature from the 0.6% column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Door: All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

Door area: Total area of door measured using the rough opening and including the door and frame.

Dwelling unit: See the Washington State Building Code.

EER. Energy efficiency ratio: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

Economizer, air: A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

Economizer, water: A system by which the supply air of a cooling system is cooled directly, indirectly or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

Efficiency, HVAC system: The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

Emissivity: The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

Energy: The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See **New energy**.)

Energy, recovered: (See **Recovered energy**.)

Exterior envelope: (See **Building envelope**.)

Facade area: Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

Floor over unconditioned space: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

F-Factor: The perimeter heat loss factor expressed in Btu/hr • ft • °F.

F-Value: (See **F-Factor**.)

Garden window: A multi-sided glazing product that projects beyond the plane of the wall.

Glazed wall system: A category of site assembled fenestration products used in the NFRC 100 and NFRC 200 rating procedures that include curtainwalls.

Glazing: All areas, including the frames, in the shell of a conditioned space that let in natural light including win-

dows, clerestories, skylights, sliding or swinging glass doors and glass block walls.

Glazing area: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the door area.

Gross conditioned floor area: The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

Gross exterior wall area: The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system and which separates conditioned space from: Unconditioned space, or semi-heated space, or exterior ambient conditions or earth; includes opaque wall, vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, vertical glazing areas and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. (See Below grade wall.)

Gross floor area: The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

Gross roof/ceiling area: A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

Guest room: See the Washington State Building Code.

Heat: The form of energy that is transferred by virtue of a temperature difference.

Heat storage capacity: The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

Heated space (Fully heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

- a. Capable of maintaining a space dry-bulb temperature of 45°F or greater at design heating conditions; or
- b. 8 Btu/(h • ft²) or greater in Climate Zone 1 and 12 Btu/(h • ft²) or greater in Climate Zone 2.

Heated space (Semi-heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

- a. whose output capacity is 3 Btu/(h • ft²) or greater in Climate Zone 1 and 5 Btu/(h • ft²) or greater in Climate Zone 2; and
- b. is not a Heated Space (Fully Heated).

HSPF. Heating season performance factor: The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in Standard RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

Humidistat: A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC: Heating, ventilating and air conditioning.

HVAC system components: HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See **HVAC system equipment**.)

HVAC system efficiency: (See **Efficiency, HVAC system**.)

HVAC system equipment: HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modifying adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

Indirectly conditioned space: An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See **Heated Space, Cooled Space and Unconditioned Space**.)

Infiltration: The uncontrolled inward air leakage through cracks and interstices in any building element and

PROPOSED

around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

Insulation baffle: A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

Insulation position:

a. **Exterior Insulation Position:** a wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.

b. **Integral Insulation Position:** a wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

c. **Interior Insulation Position:** a wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

IPLV—Integrated part-load value: A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air-Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

Manual: Capable of being operated by personal intervention. (See **Automatic**.)

Microcell: A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

NFPA: National Fire Protection Association.

NFRC: National Fenestration Rating Council.

Net heat output: The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

Net heat removal: The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

New energy: Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

Nominal R-value: The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

Nonrenewable energy sources: All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

Nonresidential: All buildings and spaces in the Uniform Building Code (UBC) occupancies other than Group R.

Occupancy: See the Washington State Building Code.

Occupancy sensor: A device that detects occupants within an area, causing any combination of lighting, equipment or appliances to be turned on or shut off.

Opaque envelope areas: All exposed areas of a building envelope which enclose conditioned space, except openings for doors, glazing and building service systems.

Open blown: Loose fill insulation pneumatically installed in an unconfined attic space.

Outdoor air (outside air): Air taken from the outdoors and, therefore, not previously circulated through a building.

Overhead glazing: A glazing surface that has a slope of less than 60° from the horizontal plane.

Packaged terminal air conditioner: A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-10.)

Permeance (perm): The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour • ft² • inches of HG). Permeance may be measured using ASTM E-96-72 or other approved dry cup method as specified in RS-27.

Personal wireless service facility: A Wireless Communication Facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

Pool cover: A vapor-retardant cover which lies on or at the surface of the pool.

Power: In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

Process energy: Energy consumed in support of a manufacturing, industrial, or commercial process other than the maintenance of building comfort or amenities for building occupants.

Radiant slab floor: A slab floor assembly on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a floor or portion thereof for complete or partial heating of the structure.

Readily accessible: See the Washington State Mechanical Code.

Recooling: The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

Recovered energy: Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

Reheat: The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

Renewable energy sources: Renewable energy sources of energy (excluding minerals) are derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Reset: Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

Roof/ceiling assembly: (See Gross roof/ceiling area.)

SEER - Seasonal Energy Efficiency Ratio: The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

Semi-heated space: Sub-category of **Heated Space.** (See **Heated Space.**)

Sequence: A consecutive series of operations.

Service systems: All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

Service water heating: Supply of hot water for domestic or commercial purposes other than comfort heating.

Shaded: Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

Shading coefficient: The ratio of solar heat gain occurring through nonopaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8 inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter 28 of Standard RS-27, listed in Chapter 7 of this Code.

Shall: Denotes a mandatory code requirement.

Single family: One and two family residential dwelling units with no more than two units in a single building.

Skylight: (See Overhead glazing.)

Slab-below-grade: Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

Slab-on-grade, exterior: Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

Small business: Any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and

which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

Solar energy source: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

Solar heat gain coefficient (SHGC): The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

Split system: Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

Standard framing: All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall and Section 1005.2 of this Code.)

Substantial contact: A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

System: A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

Tapering: Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

Thermal by-pass: An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

Thermal conductance (C): Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions ($\text{Btu/hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$).

Thermal resistance (R): The reciprocal of thermal conductance ($\text{hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$).

Thermal transmittance (U): The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($\text{Btu/hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$).

Thermal transmittance, overall (U_o): The overall (average) heat transmission of a gross area of the exterior building envelope ($\text{Btu/hr} \cdot \text{ft}^2 \cdot ^\circ\text{F}$). The U_o -factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

Thermostat: An automatic control device actuated by temperature and designed to be responsive to temperature.

Total on-site energy input: The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

Transmission coefficient: The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

Transverse joint: The primary connection between air distribution system fittings.

U-factor: (See thermal transmittance.)

U-Value: (See U-factor.)

Uniform Building Code (UBC): (See Washington State Building Code.)

Uniform Mechanical Code (UMC): (See Washington State Mechanical Code.)

Uniform Plumbing Code (UPC): (See Washington State Plumbing Code.)

Unitary cooling and heating equipment: One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Unitary heat pump: One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Vapor retarder: A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also meets this definition.

Vaulted ceilings: All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

Ventilation: The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

Ventilation air: That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

Vertical glazing: A glazing surface that has a slope of 60° or greater from the horizontal plane.

Walls (exterior): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

Washington State Building Code: The building code as modified by the Washington State Building Code Council.

Washington State Mechanical Code: The mechanical code as modified by the Washington State Building Code Council.

Washington State Plumbing Code: The plumbing code as modified by the Washington State Building Code Council.

Zone: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0503 Building mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct ((~~construction~~)) sealing. For all other duct construction requirements, refer to the State Mechanical Code (chapter 51-42 WAC).

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than two hundred percent (200%) of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is

a. 40,000 Btu/h or less is exempt from the sizing limit,
b. larger than 40,000 Btu/h may exceed the two hundred (200%) percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than ninety (90%) percent.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling

shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the 1987 National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input

to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Reserved.

503.8.3.4 Control Setback and Shut-off:

Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of nonuse or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Ducts (~~Construction—All duct work shall be constructed in accordance with Standards RS-15, RS-16, RS-17, RS-18, RS-19 or RS-20, as applicable, and the Uniform Mechanical Code~~).

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the ~~((applicable standards in Chapter 7 of this Code))~~ 1985 Edition of the SMACNA HVAC Air Duct Leakage Test Manual with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: All low-pressure supply and return ~~((including))~~ duct transverse joints, and enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), or mastic-plus-embedded-fabric systems ((or tapes)) installed in accordance with the manufacturer's installation instructions. ~~((Tapes and mastics used with rigid fibrous glass ducts shall be listed and labeled in accordance with UL 181A. Tapes and mastics used with flexible air~~

~~ducts shall be listed and labeled in accordance with UL 181B. Duct tape is not permitted as a sealant on any ducts.))~~

- EXCEPTIONS:
1. Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.
 2. UL 181A listed tapes used with listed rigid fibrous glass ducts may be used as the primary sealant, when installed in accordance with the listing.
 3. UL 181B listed tapes used with listed flexible air ducts may be used as the primary sealant, when installed in accordance with the listing.
 4. Where enclosed stud bays or joist cavities/spaces are used to transport air sealing may be accomplished using drywall, drywall tape plus joint compound.
 5. Tapes installed in accordance with the manufacturer's installation instructions, providing detailed information specific to application on ducts, including approved duct materials and required duct surface cleaning.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

~~((503.10.4 Duct Insulation: Ducts shall meet the insulation requirements specified in Table 5-11.))~~

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter 51-46 WAC).

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0601 Scope.

601.1 General: This chapter establishes design criteria in terms of prescribed requirements for building construction.

The provisions of this chapter are applicable to all Group R Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

For wood frame assemblies, the building envelope requirements of this chapter may be met by installing one of the prescriptive packages in Table 6-1 or 6-2. Installed components shall meet the requirements of section 602. Compliance with nominal R-Values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members. Other than wood frame assemblies with continuous insulation uninterrupted by framing shall also be allowed to comply with nominal R-values.

For metal frame assemblies, compliance shall be demonstrated in accordance with Chapter 4 or Chapter 5 based on the assemblies in Chapter 10. Compliance with nominal R-values is not allowed, unless the full nominal R-value of the

insulation is installed either inside or outside of the framing and is uninterrupted by framing.

EXCEPTION: Group R-1 occupancy buildings may use a maximum area weighted average U-factor for components not exceeding those prescribed in Paths III and V in Table 6-1 or Paths IV and VI in Table 6-2.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0602 Building envelope requirements for Group R Occupancy.

602.1 Roof/Ceiling: Ceilings below vented attics and single-rafter, joist-vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in Table 6-1 or 6-2 as applicable.

602.2 Exterior Walls Both Above and Below Grade: Above grade exterior walls shall be insulated to not less than the nominal R-value specified in Table 6-1 or 6-2 as applicable. The following walls should be considered to meet R-21 without additional documentation:

1. 2 x 6 framed and insulated with R-21 fiberglass batts.
2. 2 x 4 framed and insulated with R-15 fiberglass batts plus R-4.0 foam sheathing.
3. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-5.0 foam sheathing.

602.3 Exterior Walls (Below Grade): Below grade exterior walls surrounding conditioned space shall be insulated to not less than the nominal R-value specified for below grade walls in Table 6-1 or 6-2 as applicable.

602.4 Slab-on-grade Floors: Slab-on-grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in Table 6-1 or 6-2 as applicable. Slab insulation shall be installed in compliance with section 502.1.4.8. See Chapter 5, section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space: Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in Table 6-1 or 6-2.

602.6 Exterior Doors: Doors shall comply with Sections 602.6.1 and 602.6.2.

EXCEPTIONS:

1. Doors whose area and U-factor are included in the calculations for compliance with the requirements for glazing in section 602.7 shall be exempt from the door U-factor requirements prescribed in Table 6-1 or 6-2.
2. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed per unit for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

602.6.1 Exterior Door Area: For half-lite and full-lite doors, the glazing area shall be included in calculating the allowed total glazing area in Section 602.7.1. Single glazing

used for ornamental, security or architectural purposes shall be calculated using the exception to Section 602.7.2.

602.6.2 Exterior Door U-Factor: Doors, including fire doors, shall have a maximum area weighted average U-factor not exceeding that prescribed in Table 6-1 or 6-2.

602.7 Glazing:

602.7.1 Glazing Area: The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in Table 6-1 or 6-2. This area shall also include any glazing in doors.

602.7.2 Glazing U-Factor: The total glazing area as defined in Chapter 2 shall have an area weighted average U-factor not to exceed that specified in Table 6-1 or 6-2. U-factors for glazing shall be determined in accordance with section 502.1.5. These areas and U-factors shall also include any doors using the exception of section 602.6.

If the U-factors for all vertical and overhead glazing products are below the appropriate U-factor specified, then no calculations are required. If compliance is to be achieved through an area weighted calculation, then the areas and U-factors shall be included in the plans submitted with a building permit application.

EXCEPTION: Single glazing for ornamental, security, or architectural purposes and double glazed garden windows with a wood or vinyl frame shall be exempt from the U-factor calculations but shall have its area tripled and shall be included in the percentage of the total glazing area as allowed for in Table 6-1 or 6-2. The maximum area (before tripling) allowed for the total of all single glazing and garden windows is one percent of the floor area.

602.8 Air Leakage For Group R Occupancy: The minimum air leakage control measures shall be as specified in section 502.4 as applicable.

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01, effective 7/1/02)

WAC 51-11-0625 Table 6-1.

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1**

| Option | Glazing Area ¹⁰ : % of Floor | Glazing U-Factor | | Door ⁹ U-Factor | Ceiling ² | Vaulted Ceiling ³ | Wall ¹² Above Grade | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁶ on Grade |
|------------------------------|--|------------------|------------------------|-------------------------------|----------------------|------------------------------|-----------------------------------|---------------------------------------|---------------------------------------|----------------------|-------------------------------|
| | | Vertical | Overhead ¹¹ | | | | | | | | |
| I. | 12% | 0.35 | 0.58 | 0.20 | R-38 | R-30 | R-15 | R-15 | R-10 | R-30 | R-10 |
| II.* | 15% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| III. | 25% Group R-1 Occupancy only | 0.40 | 0.58 | 0.20 | R-38/ U≧ 0.031 | R-30/ U≧ 0.034 | R-21/ U≧ 0.060 | R-15 | R-10 | R-30/ U≧ 0.029 | R-10 |
| (III.) IV. | Unlimited Group R-3 Occupancy only | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| V. | Unlimited Group R-1 Occupancy only | 0.35 | 0.58 | 0.20 | R-38/ U≧ 0.031 | R-30/ U≧ 0.034 | R-21/ U≧ 0.060 | R-15 | R-10 | R-30/ U≧ 0.029 | R-10 |

* Reference Case

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 2**

| Option | Glazing Area ¹⁰ : % of Floor | Glazing U-Factor | | Door ⁹ U-Factor | Ceiling ² | Vaulted Ceiling ³ | Wall ¹² Above Grade | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁶ on Grade |
|-------------|--|------------------|------------------------|-------------------------------|----------------------|------------------------------|--|---------------------------------------|---------------------------------------|----------------------|-------------------------------|
| | | Vertical | Overhead ¹¹ | | | | | | | | |
| I. | 10% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-21 Int ⁷ | R-21 | R-12 | R-30 | R-10 |
| II.* | 15% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-19 +R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| III. | 17% | 0.37 | 0.58 | 0.20 | R-38 | R-30 | R-19 +R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| IV. | 25% Group R-1 Occupancy only | 0.35 | 0.58 | 0.20 | R-38/ U≧ 0.031 | R-30/ U≧ 0.034 | R-21 int ⁷ / U≧ 0.054 | R-15 | R-12 | R-30/ U≧ 0.029 | R-10 /F≧ 0.54 |

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| | | | | | | | | | | | |
|------------|------------------------------------|------|------|------|----------------------|----------------------|---|------|------|----------------------|---------------------|
| ((IV-)) V. | Unlimited Group R-3 Occupancy only | 0.35 | 0.58 | 0.20 | R-38 | R-30 | R-21 Int ⁷ | R-21 | R-12 | R-30 | R-10 |
| VI. | Unlimited Group R-1 Occupancy only | 0.32 | 0.58 | 0.20 | R-38/ U≡ 0.031 | R-30/ U≡ 0.034 | R-21 int ⁷ / U≡ 0.054 | R-15 | R-12 | R-30/ U≡ 0.029 | R-10 /F≡ 0.54 |

- * Reference Case
- Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
 - Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
 - Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
 - Requirement applicable only to single rafter or joist vaulted ceilings.
 - Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
 - Floors over crawl spaces or exposed to ambient air conditions.
 - Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
 - Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-5 insulation.
 - This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
 - Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
 - Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
 - Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
 - Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

Program Name: Source
 MICROPAS ENERCOMP
 1721 Arroyo Drive
 Auburn, CA 95603
 (800) 755-5903

SUNDAY ECOTOPE
 2812 East Madison St.
 Seattle, WA 98112
 (206) 322-3753

((WATTSUN-5.6 WSU Extension
 925 Plum Street
 Building 4
 Olympia, WA 98504-3165
 (360) 956-2000))

WSR 02-21-114
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 22, 2002, 2:36 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 02-18-108.

Title of Rule: Marine fin fish aquaculture rules.
 Purpose: Establish marine fin fish aquaculture escape and recapture plan.

Statutory Authority for Adoption: RCW 77.12.047, 77.125.030.

Statute Being Implemented: RCW 77.125.030.

Summary: Establishes marine fin fish aquaculture plan for prevention of escapes and mitigation after escapes.

Reasons Supporting Proposal: Protection of native stocks from competing aquaculture species.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: 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: In response to escapes of Atlantic salmon, the legislature passed HB 1499 in 2001. This bill instructs the department to work with industry to establish a marine fin fish aquaculture escape prevention program, and to have plans for

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0800 Section 0800—Suggested software for chapter 4 systems analysis approach for Group R Occupancy.

Program Name: Source
 CALPAS 3 BSG Software
 40 Lincoln Street
 Lexington, MA 02173
 (617) 861-0109

DOE 2 ACROSOFT/CAER Engineers
 1204-1/2 Washington Avenue
 Golden, CO 80401
 (303) 279-8136

F-LOAD F-CHART SOFTWARE
 4406 Fox Bluff Rd.
 Middleton, WI 53562
 (608) 836-8531

PROPOSED

recapture of escaped fish and eradication of spawning escaped marine fin fish. The proposed rules define marine fin fish, require a marking mechanism to determine the origin of escaped fish, require an escape prevention plan, require an escape reporting and recapture plan, provide for reasonable inspections, and establish an Atlantic salmon watch program. Additionally there is an education program contingent on funding. The proposed rules contain a two-year moratorium on use of transgenic fish in marine fin fish aquaculture. The purpose of these proposals is to minimize the effects of escaped aquaculture fish on native stocks and state and tribal hatchery production. It is anticipated that a reduction in competition for food and breeding sites, and a reduction in potential interbreeding will result from reducing escapes and recapturing escaped aquaculture fish. These proposals will allow the marine fin fish aquaculture program in Washington state to continue, while reducing potentially harmful inter-species competition.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Aquatic farmers will be required to obtain a species, stock and race permit prior to commencing aquaculture. An escape prevention plan and an escape reporting and recapture plan will be required for all operations.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Cost of marking fish. Using thermal marking, the cost is \$.03/1,000 fish. With an expectation of 12,000,000 fish to be marked, the cost will be \$360.00.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

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

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

There is only one business in the state that will be required to comply with this rule. With sixty employees, the cost is \$6 per employee.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: Allowing use of thermal marking has significantly reduced the cost. The department has accepted NPDES documents as the escape prevention and rapid recovery plan documents, thereby reducing costs to the grower. Mitigating for escaped fish has been accomplished by providing for seasons on escapes.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The bill required negotiations with industry, and industry helped draft the rule.

8. A List of Industries That Will Be Required to Comply with the Rule: Marine fin fish net pen operators.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Skagit County P.U.D., 1415 Freeway Drive, Mount Vernon, WA, on December 6-7, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by November 22, 2002, TDD (360) 902-2207 or (360) 902-2449.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 27, 2002.

Date of Intended Adoption: December 6, 2002.

October 22, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-76-100 Marine fin fish aquaculture—Approval permit for marine fin fish aquaculture. (1) It is unlawful for any aquatic farmer to possess any species, stock or race of marine fin fish, defined as fin fish being raised in marine waters, in net pens, cages or other rearing vessels without having first obtained and possessing a valid marine fin fish aquaculture permit from the director for that species, stock and race at that specific location of rearing or holding. The director will approve, condition, or deny a permit within sixty days after a completed application containing all requested information is received by the department's aquaculture coordinator. The application must be accompanied by an escape prevention plan and the escape reporting and recapture plan as required by this chapter. A permit may be denied based on the determination by the director of significant genetic, ecological or fish health risks of the proposed fish rearing program on naturally occurring fish and wildlife, their habitat or other existing fish rearing programs. The use of transgenic fish (as defined by the actual transfer of genes from one species to another) is prohibited for a period of two years from the effective date of this rule. Each permit application must contain a means mutually agreed to by the department and the aquatic farmer to individually identify to the aquatic farmer all marine fin fish in aquaculture hatched after December 31, 2003. A permit will be valid for a period of five years from the date of approval. The department will comply with the procedures of any appropriate federal court order in processing permit applications. Any change in species, stock, or race at a specific location of rearing or holding will require reapproval of the marine fin fish rearing operation. In the event of denial, the affected person may appeal the decision to the director. The department will advise the person of the appeals process. Additional appeals may be

made through the Administrative Procedure Act (chapter 34.05 RCW).

(2) Any person who imports marine fin fish into the state for aquaculture or transports marine fin fish within the state for aquaculture and who does not have an approved marine fin fish aquaculture permit is guilty of unlawfully transporting fin fish. Violation of this section shall be enforced under RCW 77.15.290.

NEW SECTION

WAC 220-76-110 Marine fin fish aquaculture—Escape prevention plan required. A fish escape prevention plan is required with each application for a marine fin fish aquaculture permit and approval by the department of the fish escape prevention plan is required before issuance of a marine fin fish aquaculture permit.

(1) The escape prevention plan must include:

(a) Routine procedures and best management procedures used to minimize the risk of escapement from pens during normal day-to-day operations.

(b) Procedures to minimize escapements in the event the net-pens need to be moved, repaired, or manipulated in any manner, or during stocking or harvesting operations, which could result in a release of fish to state waters. At a minimum, prior to the net-pens being moved, a bathymetric analysis should be made along the intended travel route(s) to ensure adequate depth and the absence of underwater hazards or obstructions.

(c) Procedures for routine training of employees and contractors in escape prevention.

(d) Procedures for routinely determining and tracking the number of fish in each pen lost due to predation and mortality, and the number of fish lost due to escapement.

(e) Procedures for monitoring the implementation of (a) through (d) of this subsection.

(2) The permittee shall submit, by the last day in February, an annual fish escape report to the department, covering the previous calendar year. The report shall summarize, by month and pen site, the number, age class, disease and medication history, and cause of all fish escapes to waters of the state. The permittee shall summarize the actions taken over the previous year to prevent the escape of fish to state waters.

(3) For the purpose of meeting the requirements of this section, plans and manuals required by the department of ecology through the National Pollutant Discharge Elimination System (NPDES) permit process may be submitted for approval.

(4) Marine fin fish aquaculture farmers are required to implement the provisions of their approved fish escape prevention plan. Failure to implement the provisions of an approved escape prevention plan may result in invalidation of the marine fin fish aquaculture permit. A notice of failure to comply with the fish escape prevention plan requirements will be given prior to invalidation of the permit, and the aquaculture farmer will have not less than seven nor more than ninety days to correct the conditions or status that caused the notice to be given. If the marine fin fish aquaculture permit is invalidated, any transportation of fin fish shall be treated as a violation of RCW 77.15.290.

NEW SECTION

WAC 220-76-120 Marine fin fish aquaculture—Escape reporting and recapture plan required. (1) It is the responsibility of aquatic farmers to report an escape of marine fin fish and to attempt to recapture escaped fish. Escaped marine fin fish will be treated by the department the same as feral fish, and the department may augment capture and removal of such fish by scheduling recreational or commercial fisheries.

(2) An escape reporting and recapture plan is required with each application for a marine fin fish aquaculture permit and approval by the department of the fish escape reporting and recapture plan is required before issuance of a marine fin fish aquaculture permit.

(3) The escape reporting and recapture plan must include:

(a) Reporting procedure. Procedures for determining what constitutes a reportable fish escape. An emergency contact list in the event of a reportable fish escape from the permittee's net-pens, including local government, the department and the Washington department of ecology.

(b) Procedures requiring the permittee to report any reportable fish escape, within twenty-four hours of the permittee having knowledge of that escape, to local government, the department, and ecology. The report shall include the location, number, age class, disease and medication history, and cause of escape.

(c) Procedures to recapture escaped fish. Each marine aquatic farming location shall have a procedure for attempting recapture of escaped fish. The plan may include the use of facilities' skiffs, seines or nets and/or tribal and commercial fishers acting under contract with the aquaculture facility. For all reportable escapes, the permittee shall also submit a follow-up report describing all fish recovery efforts initiated in response to the escape, and effectiveness of the recovery efforts.

(d) Emergency procedures that will be taken to minimize the number of escaped fish.

(e) In the event the escaped fish were being treated with antibiotics or other drugs subject to USFDA withdrawal requirements and the withdrawal periods had not expired at the time of the escape, the permittee shall also include this information in the report required by (b) of this subsection, and shall provide a copy of the report to the Washington state department of health.

(4) For the purpose of meeting the requirements of this section, plans and manuals required by the department of ecology through the National Pollutant Discharge Elimination System (NPDES) permit process may be submitted for approval.

(5) Marine fin fish aquaculture farmers are required to implement the provisions of their approved fish escape reporting and recapture plan. Failure to implement the provisions of an approved escape reporting and recapture plan may result in invalidation of the marine fin fish aquaculture permit. A notice of failure to comply with the fish escape recapture and reporting requirements will be given prior to invalidation of the permit, and the aquaculture farmer will have not less than seven nor more than ninety days to correct the con-

ditions or status that caused the notice to be given. If the marine fin fish aquaculture permit is invalidated, any transportation of fin fish shall be treated as a violation of RCW 77.15.290.

NEW SECTION

WAC 220-76-130 Marine fin fish aquaculture—Aquaculture facility inspection authority. Authorized department employees shall, at reasonable times and in a reasonable manner, have access to marine aquatic farming locations to conduct inspections to determine conformity with the law and the rules of the department relating to preventing escaped fin fish and/or the recapture of escaped fin fish.

NEW SECTION

WAC 220-76-140 Marine fin fish aquaculture—Atlantic salmon watch program established. Contingent on funding, the director shall develop and implement an Atlantic salmon watch program which will include the following elements:

(1) Establish an Atlantic salmon watch coordinator position whose responsibilities include providing a focal point for consolidation of scientific information and implementation of subsections (2) through (5) of this section.

(2) Develop and maintain a system to record and report observations and catch of Atlantic salmon in waters of the state, including modification of the recreational catch data reporting system, the commercial fish ticket reporting system, education of volunteers to identify and report spawning sites, and monitoring of selected watersheds to detect spawning Atlantic salmon.

(3) Model the impact of Atlantic salmon on naturally produced and cultured fin fish stocks by estimates of identification of Atlantic salmon standing crop or populations in the wild, detailed life history requirements, and estimates of niche overlap.

(4) Coordination with marine fin fish aquatic farmers under WAC 220-76-110 for the reporting of escapes of Atlantic salmon from marine aquatic farming locations, and adjustment of escape prevention plans filed with the department under WAC 220-76-100 to prevent future escapes.

(5) Provide public information on recreational opportunity in the event of an escape, assist the public in understanding the effect of Atlantic salmon escapes on native populations, and provide a public contact for all department efforts regarding Atlantic salmon.

NEW SECTION

WAC 220-76-150 Marine fin fish aquaculture—Educational program for marine fin fish aquatic farmers. Contingent on funding, the director shall develop and implement an educational program with marine aquatic farmers which will include the following elements:

(1) WDFW will notify aquatic farmers of upcoming WDFW hatchery workshops, meetings or tours with regard to hatchery disease control procedures and prevention, feeding

and waste control at hatcheries and programs investigating raising marine fin fish species.

(2) Annual "workshop" co-hosted by the industry, WDFW and other interested parties reviewing new containment technologies, or other environmental developments affecting the aquaculture industry.

(3) Information sharing by WDFW from any regional or international symposiums attended by WDFW staff covering aspects of marine fin fish aquaculture.

**WSR 02-21-115
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed October 22, 2002, 2:38 p.m.]

Supplemental Notice to WSR 02-13-134.

Preproposal statement of inquiry was filed as WSR 02-18-105.

Title of Rule: Direct retail sales rules.

Purpose: Establish rules for direct retail sales by salmon and crab fishers. Conform reporting requirements with direct retail sales by wholesale fish dealers.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.125.030.

Summary: Establishes reporting requirements and clarifies statutory provisions.

Reasons Supporting Proposal: Assist in retail sales as required by RCW 77.65.510.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 02-13-134. This supplemental filing makes no changes to the duties and responsibilities of fishers with a direct retail sale endorsement, but makes housekeeping changes to the duties of wholesale dealers. The major change is a mechanism for fishers selling under a wholesale dealer's license to create a fish ticket at the inception of a day's sales that contains an approximation of the total fish on board a vessel, and to file an amended fish ticket at the conclusion of the day's sales that defines with specificity the amount of sales. This conforms the activities of a wholesale dealer selling at retail with the requirements of a fisher selling at retail under RCW 77.65.510(5). This change was made to accommodate the tuna fleet selling under a wholesale dealers license, and should have no impact on the small business economic impact statement previously prepared.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Previously filed with WSR 02-13-134.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Skagit County P.U.D., 1415 Freeway Drive, Mount Vernon, WA, on December 6-7, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by November 22, 2002, TDD (360) 902-2207, or (360) 902-2449.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by November 27, 2002.

Date of Intended Adoption: December 6, 2002.

October 22, 2002

Evan Jacoby

Rules Coordinator

2936, FAX to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Salmon or Dungeness crab sold under a retail sale endorsement may only be sold to a consumer. Sale is not allowed to any person who will resell the product, such as a restaurant. Dungeness crab must be sold uncooked.

(7) If salmon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of subsections (2), (3), and (7) of this section are punishable under RCW 77.15.640.

(9) Violations of subsections (4), (5), and (6) of this section are punishable under RCW 77.15.540.

AMENDATORY SECTION (Amending Order 01-32, filed 3/13/01, effective 4/13/01)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from ~~((fishermen))~~ fishers, firms, or individuals, ~~((regardless of whether or not the receiver or purchaser holds a license as))~~ except purchases or receipts made by individuals or consumers at retail, is required ((under Title 77 RCW)) to be a licensed wholesale fish dealer or fish buyer, and must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

~~((2))~~ (3) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

NEW SECTION

WAC 220-20-080 Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person and, after 2002, will only be issued upon renewal of a qualifying license. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon or crab for retail sale must complete a fish receiving ticket for all salmon or crab aboard the harvesting vessel before the product is offered for retail sale. The price shown on the fish receiving ticket must be the price at which the fisher is offering the salmon or crab for sale.

(3) Any fisher selling salmon or crab at retail, which salmon or crab are taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Salmon and crab offered for retail sale must be landed in the round. Salmon may not be cleaned or headed until the fish ticket documenting the landing is completed.

(5) In order to allow inspection and sampling, each fisher offering salmon or crab for retail sale must notify the department forty-eight hours prior to sale and identify the location of the fisher's temporary food service establishment. The only acceptable notification is by telephone to (360) 902-

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

~~((3))~~ (4) State of Washington fish receiving tickets are not required for:

(a) ~~(Purchases or receipts made by individuals or consumers at retail.~~

~~(b))~~ Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial ~~((fisherman or shellfish gatherer))~~ fisher shall complete the appropriate fish receiving ticket ~~((regardless of whether the commercial fisherman or shellfish gatherer possesses a wholesale dealer's license))~~ if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

~~((e))~~ (b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

~~((d))~~ (c) Private sector cultured aquatic products.

~~((4) Fishermen, fishermen-wholesalers))~~ (d) Processed fish or shellfish.

(5) Fishers, fisher-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such ~~((fishermen, fishermen-wholesalers))~~ fishers, fisher-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

~~((5))~~ (6) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

~~((6))~~ (7) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone (360) 466-4345 ext. 243.

~~((7))~~ (8) It is unlawful for any person receiving or purchasing geoducks from ~~((fishermen))~~ fishers, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

~~((8))~~ (9) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

~~((9))~~ (10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Such report must be by telephone call to the Point Whitney Shellfish Laboratory or by facsimile transmission (FAX) to the Point Whitney Shellfish Laboratory. All reports must specify the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

~~((10))~~ (11) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

~~((11))~~ (12) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report a summary of all salmon offered for retail sale on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) FAX transmission to (360) 902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) FAX transmission to (360) 902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 664-0689

(ii) E-mail to harborfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 906-6776 or (360) 906-6777

(ii) E-mail to crfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1281

~~((12))~~ (13) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (FAX) transmission to (360) 586-8408 or by telephone to (360) 796-4601, extension 500. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

(14) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-241 Duties of commercial ~~((fisherman))~~ fishers. (1) Every ~~((fisherman))~~ fisher selling ~~((his))~~ food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every ~~((fisherman))~~ fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to ~~((a))~~ possess a valid wholesale dealer's license or a direct retail endorsement. Such fishers must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in ~~((his))~~ their own name for each ~~((retail sale or out of state shipment so made, or~~

~~((b))~~ At the close of each day's business, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in his own name for the total day's activities, or) landing or delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon landing or delivery. The fisher selling at retail must complete a fish receiving ticket before offering fish or shellfish for retail sale. If it is impracticable to enter

the correct number or weight of fish or shellfish, the fisher must complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail. The price shown on the fish ticket must be the price at which the fisher is offering the fish or shellfish for sale.

(2) In the commercial geoduck fishery, a vessel operator so designated by the geoduck tract holder must be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, the designated operator must legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the ~~((fisherman))~~ fisher.

WSR 02-21-126

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 23, 2002, 10:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-113.

Title of Rule: New rule sections related to determining penalties, WAC 16-200-7401 through 16-200-7407.

Purpose: To establish a procedure to uniformly and fairly assess penalties for violations of the fertilizer law (chapter 15.54 RCW) and the rules adopted under it.

Statutory Authority for Adoption: Chapter 15.54 RCW, Fertilizers, minerals and limes and chapter 34.05 RCW, the Administrative Procedure Act.

Statute Being Implemented: RCW 15.54.474.

Summary: The proposed rules establish how the department will assess penalties for violation of chapter 15.54 RCW and the rules adopted under it. It is similar to the pesticide penalty language found in WAC 16-228-110 [16-228-1010] through 16-228-1150 and includes a penalty assignment schedule to determine appropriate penalties.

Reasons Supporting Proposal: The proposed rules ensure a uniform and fair process for determining penalties.

Name of Agency Personnel Responsible for Drafting and Implementation: Ted Maxwell, 1111 Washington Street, Olympia, WA 98504, (360) 902-2026; and Enforcement: Ted Maxwell, (360) 902-2026, and Ali Kashani, (360) 902-2027, 1111 Washington Street, Olympia, WA 98504.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department currently has the authority to assess civil penalties up to \$7,500.00 and deny/cancel a bulk fertilizer distribution license, for violations of the fertilizer law or rules adopted under it. The proposed rule establishes the process by which the department will determine the amount of the civil penalty, as well as when a bulk fertilizer license may be cancelled or denied.

The proposed language is very similar to that found in the general pesticides regulations, WAC 16-228-1100 through 16-228-1150.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule amendments establish how the department will assess penalties for violations of chapter 15.54 RCW, Fertilizers, minerals and limes, and the rules adopted under it. There is no economic impact for persons complying with the fertilizer law or rules. The proposed amendments impact only those persons who violate state law or regulations.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

Hearing Location: Three DIS Interactive Technology sites simultaneously via videoconference: 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA; 1101 North Argonne, Suite 109, Spokane, WA; and 8551 Gage Boulevard, Suite H, Kennewick, WA 99336, on December 3, 2002, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by November 19, 2002, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail lmauerman@agr.wa.gov, fax (360) 902-2093, by 5:00 p.m., December 4, 2002.

Date of Intended Adoption: January 2, 2003.

October 23, 2002

Bob Arrington

Assistant Director

NEW SECTION

WAC 16-200-7401 Statement of purpose—Penalty assignment. For the purpose of fair, uniform determination of penalty as set forth in WAC 16-200-7401 through 16-200-7407, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the Fertilizer Regulation Act and rules adopted under it, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 15.54 RCW and/or rules adopted under it shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter and in adherence with the Administrative Procedure Act (chapter 34.05 RCW).

NEW SECTION

WAC 16-200-7402 Definitions—Penalty assignment.

In addition to the definitions set forth in RCW 15.54.270 and WAC 16-200-695, the following shall apply to WAC 16-200-7401 through 16-200-7407.

(1) "Adverse effect(s)" means that the effects resulting from violations of chapter 15.54 RCW or the rules adopted under it actually causes, or creates the possibility of damage or injury to humans, animals, plants, property or the environment, or causes or creates the possibility of a threat to public health.

(2) "Level of violation" means that the alleged violation is a first, second, third, fourth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior violation within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior violation within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three or more prior violations within three years of committing the current alleged violation.

(e) For purposes of calculating the level of violation, prior violations will be measured from the date that a final action was taken by the department and not from the date that the violation(s) occurred.

(3) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(4) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(5) "Violation" means commission of an act or acts prohibited by chapter 15.54 RCW, and/or rules adopted under it.

(6) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums, taxes owed, interest or late fees on any existing obligation.

(7) "Notice of correction" means a document issued by the department that describes a condition or conduct that is not in compliance with chapter 15.54 RCW, or the rules adopted under it and is not subject to civil penalties as provided for in RCW 43.05.110. A notice of correction is not a formal enforcement action, is not subject to appeal and is a public record.

(8) "Notice of intent" means a document issued by the department that alleges specific violations of chapter 15.54 RCW, or any rules adopted under it. A notice of intent is a formal enforcement document issued with the intent to assess civil penalties to the alleged violator and/or to deny or cancel a license issued under the authority of chapter 15.54 RCW.

NEW SECTION

WAC 16-200-7403 Application of RCW 43.05.100 and 43.05.110— Issuance of a civil penalty without first issuing a notice of correction. (1) Pursuant to RCW

43.05.100, a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC 16-200-7402(2), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC 16-200-7404(2).

(2) Prior to issuing a civil penalty for a violation of chapter 15.54 RCW and/or the rules adopted under it, the department shall comply with the requirements of RCW 43.05.110. RCW 43.05.110 allows the department of agriculture to issue a civil penalty provided for by law without first issuing a notice of correction if:

(a) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given a previous notice of the same or similar type of violation of the same statute or rule; or

(b) Compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or

(c) The violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or

(d) The violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months.

NEW SECTION

WAC 16-200-7404 Calculation of a civil penalty. (1) In the disposition of administrative cases, the department shall use the penalty assignment schedules listed in WAC 16-200-7407 to determine the appropriate penalty. The department shall calculate the appropriate penalty based on the level of violation and the adverse effect(s) or potential adverse effects at the time of the incident(s) giving rise to the violation. The median penalty shall be assessed unless an adjustment is warranted due to aggravating or mitigating factors. The median penalty may be adjusted to a level greater than the maximum penalty listed for the violation in the penalty assignment schedule table, but shall not exceed seven thousand five hundred dollars per violation. The median penalty may be adjusted to a lesser amount due to mitigating factors, but not less than the minimum penalty listed for the violation.

(2) Adjustment of median penalty.

(a) The department reserves the right to increase the civil penalty when certain aggravating factors are present. Such aggravating factors include, but are not limited to:

(i) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation;

(ii) The number of separate alleged violations contained within a single notice of intent;

(iii) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s);

(iv) The similarity of the current alleged violation to previous violations committed within the last three years;

(v) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

(b) The department also reserves the right to decrease the civil penalty when certain mitigating factors are present. Such mitigating factors include, but are not limited to:

(i) Situations involving voluntary disclosure of a violation;

(ii) Situations involving a low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation;

(iii) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(3) The department considers each violation to be a separate and distinct event. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate civil penalty. The penalties are added together.

(4) Violation(s) committed during the period when a bulk fertilizer distribution license is denied or canceled shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or cancellation of the bulk fertilizer distribution license for a period of up to five years.

NEW SECTION

WAC 16-200-7405 Denial or cancellation of a bulk fertilizer distribution license. (1) The department retains the sole discretion to determine when a bulk fertilizer distribution license should be canceled. Cancellation of a license shall be an option for the department in those circumstances where:

- (a) The penalty schedule allows for cancellation; and/or
- (b) One or more aggravating factors are present.

(2) In circumstances where the department determines cancellation to be appropriate, the period of cancellation shall be determined at the discretion of the department, but in no instance shall exceed five years.

(3) The department may deny an applicant a license when the applicant has committed a violation(s) of chapter 15.54 RCW and/or the rules adopted under that chapter. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(4) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

NEW SECTION

WAC 16-200-7406 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a civil penalty or bulk fertilizer distribution license denial or cancellation.
- (2) Issuing a notice of correction in lieu of pursuing a civil penalty, or bulk fertilizer distribution license denial or cancellation.
- (3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

- (4) Referring violations or alleged violations to any federal, state or county authority with jurisdiction over the activities in question.

NEW SECTION

WAC 16-200-7407 Penalty assignment schedule.

This assignment schedule shall be used for violations of chapter 15.54 RCW and rules adopted under it.

| Level of Violation | Adverse Effects Not Probable | | | Adverse Effects Probable | | |
|--------------------|--|--|--|--|--|--|
| | Minimum | Median | Maximum | Minimum | Median | Maximum |
| First | \$400 | \$600 | \$1000 | \$700 | \$900 | \$1100 |
| Second | \$700 | \$1000 | \$2000 | \$1200 | \$2600 | \$4000 and/or license denial or cancellation |
| Third | \$1400 | \$2000 | \$4000 | \$1600 and/or license denial or cancellation | \$4800 and/or license denial or cancellation | \$7500 and/or license denial or cancellation |
| Fourth or more | \$1800 and/or license denial or cancellation | \$4000 and/or license denial or cancellation | \$6000 and/or license denial or cancellation | \$2000 and/or license denial or cancellation | \$7500 and/or license denial or cancellation | \$7500 and license denial or cancellation |

WSR 02-21-127
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed October 23, 2002, 10:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-062 and 99-21-063.

Title of Rule: Chapter 246-205 WAC, Decontamination of illegal drug manufacturing or storage sites.

Purpose: These rules detail contractor certification requirements, clean-up standards for decontamination of drug sites, and local health officer responsibilities.

Other Identifying Information: In May 2000, the State Board of Health delegated rule-making authority to the department under RCW 43.30.050(3) for the purpose of updating the rules implementing chapter 292, Laws of 1999.

Statutory Authority for Adoption: RCW 64.44.070.

Statute Being Implemented: Chapter 64.44 RCW.

Summary: The proposed rule defines decontamination standards for clandestine drug lab (CDL) sites and addresses local health officer authority to allow property owner decontamination of CDL sites. The proposed rule also addresses sampling performance standards, clarifies certification requirements, and is rewritten to improve clarity, usability, and consistency with chapter 64.44 RCW.

Reasons Supporting Proposal: The proposal implements chapter 292, Laws of 1999, and improves the clarity and usability of the chapter.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carolyn Comeau, Tumwater, (360) 236-3381.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule protects public health by providing for the decontamination of illegal drug manufacturing and storage sites and reducing the probability of negative health effects associated with them. The primary focus of this rule revision is to comply with the changes made to chapter 64.44 RCW during the 1999 legislature by defining decontamination standards for clandestine drug lab (CDL) sites and addressing local health officer authority to allow property owner decontamination of CDL sites. The proposed rule also addresses recommendations of the 1998 rule review required by Executive Order 97-02, Regulatory Improvement, by including sampling performance standards; clarifying certification requirements; and rewriting the rule to improve clarity, usability, and consistency with chapter 64.44 RCW. The proposed rule incorporates ongoing Department of Health policy on CDL decontamination standards, sampling performance standards, and certification of supervisors. The department expects the proposed rule will provide more consistent decontamination of CDL sites, decreased costs to homeowners of decontamination as a result of local health officers exercising their authority to allow homeowner decontamination, and more consistent compliance with the requirements

PROPOSED

of the proposed rule as a result of the changes made for clarity, consistency, and usability.

Proposal Changes the Following Existing Rules: In 1999, the legislature revised chapter 64.44 RCW, mandating the department to establish specific numeric decontamination standards for hazardous chemicals found at clandestine drug labs, specifically naming methamphetamine, lead, mercury, and volatile organic compounds (VOCs). These standards are included in the proposed rule. One of the 1999 revisions to chapter 64.44 RCW gives local health officers the authority to allow property owners to decontaminate their own properties. The proposed rule incorporates this change in statute as well. Proper sampling is necessary for accurate analysis and subsequent determinations of contamination or decontamination. The department proposes to adopt standards that provide a basic framework for conducting sampling. Currently, individuals who conduct initial site assessment, sample collection, transportation, and provide testing services are exempt from certification under the existing rule, WAC 246-205-070(2). The proposed rule removes these exemptions because they are contradictory to many other requirements within the chapter for contractor and supervisor certification. Improved coordination of CDL rule requirements with other agencies enables the regulated community to comply with the regulations. This proposed rule removes an inaccurate training requirement and references L&I rules directly. Other revisions to the chapter improve consistency with the authorizing statute and reorganize the rule for clarity and usability.

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

Small Business Economic Impact Statement

This small business economic impact statement is required for chapter 19.85 RCW for proposed chapter 246-205 WAC, Decontamination of illegal drug manufacturing or storage sites. This document summarizes the information and data that was used to make the determination and describes the mitigating measures included in the draft rule.

Introduction: The primary focus of this rule revision is to comply with chapter 64.44 RCW by establishing decontamination standards for clandestine drug lab (CDL) sites and addressing local health officer authority to allow property owner decontamination of CDLs. The proposed rule also addresses recommendations of the 1998 rule review required by Executive Order 97-02, Regulatory Improvement, by including sampling performance standards; clarifying certification requirements; and rewriting the rule to improve clarity, usability, and consistency with chapter 64.44 RCW. The proposed rule incorporates ongoing Department of Health policy on CDL decontamination standards, sampling performance standards, and certification of supervisors.

Most of the proposed changes to chapter 246-205 WAC are made for clarification only and do not impose costs to the regulated community. The changes considered significant are the decontamination standards, sampling performance standards, and supervisor certification clarifications, which are addressed in the accompanying significant analysis. Of these significant rule changes, decontamination standards

and supervisor certification requirements are expected to financially impact small business.

Costs: The proposed decontamination standards and supervisor certification requirements of chapter 246-205 WAC are expected to increase costs to business in some areas identified in chapter 19.85 RCW. The department expects compliance, professional services, equipment, labor, and administrative costs to increase as a result of this rule amendment. These costs are quantified below. None of the changes in the proposed rule amendment are expected to increase costs relating to reporting, record keeping, supplies, or lost sales or revenue.

• **Decontamination Standards:** In 1999, the legislature revised chapter 64.44 RCW, mandating the department to establish specific numeric decontamination standards for hazardous chemicals found at clandestine drug labs; specifically naming methamphetamine, lead, mercury, and volatile organic compounds (VOCs). The proposed decontamination standards are:

| | |
|-----------------|---|
| Methamphetamine | 0.1 µg/100 cm ² |
| Lead | 20 µg/ft ² |
| Mercury | 50 ng/m ³ in air |
| VOCs | 1 part per million total hydrocarbons and VOCs in air |

The businesses expected to incur costs as a result of establishing this standard in rule are medical laboratories, standard industrial classification (SIC) code 8071, and certified CDL contractors, SIC 1521.

Medical Laboratories (SIC 8071): In February 2002, the department surveyed five medical laboratories that provide the majority of testing services in Washington to determine whether they could accurately test samples to determine compliance with the proposed decontamination standards. All of the laboratories reported the ability to meet the requirement for lead, mercury, and VOCs. At that time, two of the five laboratories surveyed were unable to meet the analytical requirement for methamphetamine.

The two laboratories that were not able to accurately measure for the proposed methamphetamine decontamination standard were able to measure to 0.2 µg/100 cm² accurately for individual samples without making any business practice changes. They were able to measure to 0.1 µg/100 cm² using composite sampling at that time. Composite sampling is an approved method of sampling; however, there are circumstances where single samples are preferred. In these cases, laboratories unable to measure to 0.1 µg/100 cm² would not be able to provide testing services without a business change.

In a follow-up survey conducted in July 2002 to determine costs associated with the proposed methamphetamine standard, the same three laboratories that reported being able to meet the standard earlier in the year had no increased cost associated with the new standard. One of the two labs unable to meet the new standard earlier in the year reported the need to make some business practice changes, but did not identify any costs associated with those changes. The other lab

reported costs associated with meeting the methamphetamine decontamination standard, which are discussed below.

The lab that reported having greater costs associated with the proposed decontamination standard identified increases in labor and equipment costs. Labor costs for the additional time necessary to analyze samples and calculate the level of contamination to the more stringent standard is estimated at \$12.50 per sample. Equipment costs associated with the more stringent standard are for additional calibration and repair of equipment, and replacement of worn parts. Equipment costs are expected to increase by \$12.50 per sample. This lab estimates analyzing 1,800 to 2,400 samples per year, averaging 2,100 samples per year. Of these samples, approximately 10% are single samples that would require the additional effort and associated costs to meet the more stringent standard. The average number of single samples is 210. The average increase in cost per year as a result of this proposed amendment is expected to be \$5,250.

Though the amount of the increase is high, the lab does not expect to increase prices for testing due to existing market conditions and competition from other medical labs. The lab also does not expect this cost to dramatically impact their net income because testing for methamphetamine is a very small part of the laboratory services they provide as a whole, and the lab projects a net income in excess of 1.5 million dollars in 2002. The main reason the lab offers methamphetamine testing is to serve the communities of Washington because of the rising number of illegal drug labs and the adverse health effects associated with them. The lab plans to continue offering this service regardless of the additional costs imposed by this proposed amendment.

CDL Contractors (SIC 1521): Currently contractors consistently decontaminate CDL sites for methamphetamine to $0.5 \mu\text{g}/100 \text{ cm}^2$. The proposed standard for methamphetamine decontamination is $0.1 \mu\text{g}/100 \text{ cm}^2$. To estimate the increased cost to contractors for this change, the department surveyed Oregon and Washington CDL contractors.

The department surveyed Oregon CDL contractors in 2001 to assist in determining the cost of decontaminating CDL sites to $0.1 \mu\text{g}/100 \text{ cm}^2$. The similarities between the two states are significant including economy, type of CDLs, and training. The same training provider is used for contractors in both states. Dissimilarities include Oregon's lower decontamination standard ($0.05 \mu\text{g}/100 \text{ cm}^2$), higher certification fees, fewer CDL sites, mandatory decontamination of all CDLs, and significantly lower prices for decontaminating CDL sites. Based on the lower price of decontamination with a lower decontamination standard, the department assumes the difference in cost between Oregon and Washington is market driven. The department further assumes that any increased costs to Washington CDL contractors that might result from the proposed standard will be temporary and quickly eliminated as contractors learn to meet the proposed standard.

Specific costs associated with the proposed methamphetamine decontamination standard are not available from Washington CDL contractors. To estimate these costs, possible scenarios were presented to a randomly selected group of contractors in July of 2002. The contractors reviewed and

provided input to accurately portray what is likely to happen as a result of the proposed methamphetamine decontamination standard.

Two basic assumptions were made to come to the conclusions on costs identified in the scenarios below. The first is that recleaning to meet the new standard is likely to include only labor costs because the site assessment and workplan preparation and approval has been done, bulk hazardous materials have been removed, decontamination materials have been purchased, and garbage disposal costs have been paid during the initial decontamination. Labor costs include time for a supervisor and worker to clean. The average worker's salary is \$21 per hour, and the average supervisor's salary is \$31 per hour. The other assumption is that the site almost meets the $0.1 \mu\text{g}/100 \text{ cm}^2$ standard after the initial cleaning and recleaning takes minimal time and effort. To reclean, one or two wash and rinses decontaminates the site to meet the proposed standard.

Scenario One: An experienced CDL contractor learns over the course of two houses how to efficiently clean. In the first house, workers must go back and clean half the house a second time. The second cleaning takes two hours. The labor costs are calculated for one worker and one supervisor to clean for two hours ($\$52/\text{hr} \times 2 \text{ hrs} = \104).

The next house needs one room cleaned a second time taking one hour. The only cost is labor ($\$52/\text{hr} \times 1 \text{ hrs} = \52).

Scenario Two: A second experienced CDL contractor also improves efficiency over cleaning two houses. The first contract is for extensive contamination and the entire house must be cleaned a second time. The second decontamination effort takes four hours and the only cost is labor ($\$52/\text{hr} \times 4 \text{ hours} = \208).

The second house requires only cleaning one room a second time and takes only 1 hour. The costs are for labor only ($1 \text{ hrs} \times \$52/\text{hr} = \52).

The total cost of scenario one is \$156, averaging \$78 per house. The total cost of scenario two is \$260, averaging \$130 per house. Based on these scenarios, the average overall cost increase per contractor is \$208 and \$52 per house.

• **Supervisor Certification:** According to WAC 246-205-070(2), individuals who conduct site assessment, sample collection, transportation (of samples), and provide testing services for CDL contractors are exempt from the certification and training requirements of chapter 246-205 WAC. Elsewhere in the rule there are five supervisor and contractor certification requirements: The five sites that contradict the exemption are supervisor certification requirements described in WAC 246-205-050; supervisor training course requirements described in WAC 246-205-040(3); contractor employment requirements in WAC 246-205-070(3) and WAC 246-205-100(9); and finally, worker and supervisor certification requirements in WAC 246-205-050. Persons providing testing services are not regulated by this rule thus the exemption for this service from certification is not applicable. Certification is stressed for all work performed at CDL sites, including initial site assessment, sample collection, and transportation (of samples). These requirements are in place to protect public health from the hazards found in

clandestine drug labs. For public health protection and consistency, the exemptions to supervisor certification are removed in the proposed rule.

In practice, contractors operate as though the exemptions do not exist. This conclusion is based on a survey of all Department of Health certified CDL contractors. We are aware of one person who performs sample collection for local health jurisdictions that is not certified.

The requirements to become certified as a CDL supervisor are submittal of: An application and fee; and evidence of a valid decontamination worker certificate, forty or more hours of on-site experience in hazardous material or illegal drug manufacturing or storage site decontamination projects, satisfying of the requirements of WAC 296-62-30415, successfully completing an approved basic decontamination supervisor course, and passing the supervisor examination with a score of 70% or higher.

The costs associated with removing the exemptions to supervisor certification include all the costs of meeting the requirements of certification. These costs are listed below:

| Requirement | Cost |
|---|---|
| Application costs: Time, Copying, and Postage | Administrative costs: Time: 1 X average worker wage = \$21 Copying: 4 @ \$.09 = \$.36 Postage: \$.37 Total: \$21.73 |
| 16 hour CDL worker training | Professional services cost: \$375 |
| Time | Compliance cost: \$336 (16 X average worker wage \$21) |
| 8 hour CDL supervisor training | Professional services cost: \$225 |
| Time | Compliance cost: \$248 (8 X average worker wage \$31) |
| Fee | Compliance cost: \$28 |
| Total Cost | \$1,233.73 |

The department has identified approximate costs of \$1,234 per CDL supervisor certification. This cost is typically borne by the individual seeking certification, and in this circumstance would not warrant an SBEIS. However, some contractors may choose to provide advancement and training opportunities for employees. In that case, businesses would expect to incur at least part of the costs associated with CDL supervisor certification.

Disproportionate Costs: The costs imposed by this proposed rule are disproportionate between large and small businesses. This determination is based on the ratios of cost per employee described below.

• Decontamination Standards:

Medical Laboratories (SIC 8071): There are 139 medical laboratories in Washington state employing 3,412 people as reported in the first quarter 2000 SIC. The average number of people employed by the largest 10% of firms is 127.2, and the average number of people employed by the smallest 90% of firms is 9.4, also reported in the first quarter 2000 SIC. To calculate the indirect cost ratio on a per employee basis, the cost of the rule change (\$5,250) was divided by the average number of people employed by the top 10% of medical laboratories

(127.2) and again by the average number of people employed by the smallest 90% of medical laboratories (9.4). The indirect cost of the proposed decontamination for large medical laboratories is \$41.27 per employee and for small medical laboratories is \$558.51 per employee.

CDL Contractors (SIC 1521): There are twenty-six department certified CDL contractors in Washington state. There is only one large business CDL contractor in the state, and that contractor employs sixty people. Since we know there is only one business with more than fifty employees performing CDL decontamination, this business was chosen to represent the largest 10% of business affected by these proposed rule amendments. The remaining twenty-five businesses employ between three and five people each (per contractor survey, June 2002), resulting in a conservative average of 3.5 employees per business.

To calculate the cost ratio on a per employee basis, the cost of the rule change (\$312) was divided by the average number of people employed by the top 10% of CDL certified contractors (60) and again by the average number of people employed by the smallest 90% of CDL certified contractors (3.5). The cost of the proposed decontamination standards for large CDL certified contractors is \$3.47 per employee and for small CDL certified contractors is \$59.43 per employee.

• Supervisor Certification:

CDL Contractors (SIC 1521): The same average number of employees was used to calculate the CDL certified contractor cost ratio for the proposed supervisor certification rule amendment as was used for the decontamination standards rule amendment. The cost of the rule change (\$1,154) was divided by the average number of people employed by the top 10% of CDL certified contractors (60) and again by the average number of people employed by the smallest 90% of CDL certified contractors (3.5). The cost of the proposed supervisor certification amendment for large CDL certified contractors is \$19.23 per employee and for small CDL certified contractors is \$329.71 per employee.

Evaluating the cost ratios per employee for the proposed decontamination standards and supervisor certification amendments shows that the costs are disproportionately high for small business. As a result of the determination of disproportionate cost to small business, the department determined that mitigation where legal and feasible is required.

Mitigation Measures: The department is able to provide two mitigating measures as part of the proposed rule changes. One mitigation measure reduces training requirements and one eliminates certification requirements and delays compliance timetables. The department is not able to modify record keeping or reporting requirements, or reduce inspections without jeopardizing public health.

• Eliminating a substantive regulatory requirement and delaying compliance timetables: The second mitigation measure included in the proposed rule eliminates supervisor certification requirements and delays compliance timetables by offering grandfathering for three months after the effective date of the rule to applicants seeking supervisor certification. To qualify for grandfathering, an applicant must demonstrate that their work experience and training is equivalent to the worker and supervisor certification requirements

PROPOSED

specified in the rule. They must also submit an application and the supervisor certification fee of \$28. The department assumes the applicant would also incur the administrative costs of applying for certification (\$21.73). The total cost per grandfathered supervisor certification is \$49.73, resulting in a total cost saving of \$1,184 per certification. The department used the formula described above in the disproportionate costs section for CDL certified contractors to calculate the cost savings per employee for large and small business. Based on this calculation, the department determined that eliminating this regulatory requirement and delaying the compliance timetable resulted in a cost savings ratio per employee for large business CDL certified contractors of \$19.73, and for small business CDL contractors of \$338.29.

• Reducing a substantive regulatory requirement:

One of the elements of the existing rule requires a person applying for worker certification to obtain eighty or more hours of hazardous material training satisfying the requirements of the Department of Labor and Industries (L&I) WAC 296-62-3040. Some time ago, the Department of Health and L&I staff determined that the minimum training required by the L&I rule for CDL decontamination workers is forty hours. The CDL rule requirement of eighty hours of training is inconsistent with WAC 296-62-3040. The Department of Health implements the chapter 246-205 WAC consistent with the L&I requirement of forty hours of training. Consistent with this approach, this proposed rule removes the eighty-hour minimum training requirement and relies on the L&I reference alone. This change results in a potential cost saving of \$840 (forty hours of training time multiplied by the average worker wage of \$21) and \$575 in course fees for a total of \$1,415. The department used the formula described above in the disproportionate costs section for CDL certified contractors to calculate the cost savings per employee for large and small business. Based on this calculation, the department determined that reducing this regulatory requirement could result in a cost savings per employee to large CDL contractors in the SIC of \$23.58 and to small business CDL contractors in the SIC of \$404.29.

• Reducing fine schedules for noncompliance: RCW 64.44.060 does not specifically detail fine schedules for non-compliance. The proposed rule does not change existing rule text regarding assessing fines; however, it allows flexibility so that violations and fines can be addressed on a case-by-case basis. For the purposes of mitigation for small businesses, fines may be reduced as appropriate given the circumstances of the violation. The potential cost savings of this mitigation measure is not quantifiable given the array of potential circumstances that could be presented.

The mitigation measures provided in the proposed rule lower the costs by approximately \$43 per employee for large business and approximately \$743 per employee for small business. Applying the mitigation measures results in net cost to large business of \$20.66 per employee and to small business of \$205.07 per employee. The table below illustrates these statements.

| | Large Business | Small Business |
|------------------------------------|----------------|----------------|
| Overall costs of the proposed rule | \$63.97 | \$947.65 |
| Less mitigation measures | \$43.31 | \$742.58 |
| Net cost | \$20.66 | \$205.07 |

Some proposals that were considered for this rule amendment, but ultimately rejected because they imposed more burden on affected parties than the benefit justified were establishing a more stringent decontamination standard and requiring third party testing. No other mitigation measures are legal or feasible for the rule proposal.

Small Business Involvement in Rule Making: Small business has been involved in modifying this rule as part of the CDL steering committee. The steering committee assisted in drafting proposed legislation to amend chapter 246-205 WAC in 1998, which passed the Washington state legislature in 1999. Small business has been active in this rule development through the steering committee and by providing information via surveys. Those businesses that did not directly participate in steering committee activities were provided copies of draft rules as they became available and contributed comments regularly. Public hearings will be held as part of the regular rule-making process and all CDL contractors and medical laboratories in Washington state will receive notification of the hearing and how to provide comments.

A copy of the statement may be obtained by writing to Carolyn Comeau, Washington State Department of Health, P.O. Box 47825, Olympia, WA 98504, phone (360) 236-3381, fax (360) 236-2261.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 provides certain exemptions from the requirement to prepare a significant analysis. Parts of the rule are exempt from this requirement because they "...clarify language of a rule without changing its effect." The proposed rule has been carefully reviewed and significant and other analyses have been prepared.

Hearing Location: Department of Labor and Industries Building, Room S 118, 7273 Linderson Way S.W., Tumwater, WA 98501, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jo Marie Brauner by November 19, 2002, TDD (800) 833-6388 or (360) 236-3064.

Submit Written Comments to: Carolyn Comeau, Department of Health, P.O. Box 47825, Olympia, WA 98504, fax (360) 236-2261, by November 26, 2002.

Date of Intended Adoption: December 3, 2002.

October 23, 2002

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-010 Definitions. For the purposes of this chapter, the following words and phrases shall have the

following meanings unless the content clearly indicates otherwise.

((1)) "Authorized contractor" means any person or persons:

((a)) • Registered under chapter 18.27 RCW; and

((b)) • Certified by the department to decontaminate, demolish, or dispose of contaminated property as required by chapter 64.44 RCW and this chapter.

((2)) "Basic course" means a training course which has been sponsored or approved by the department for workers and supervisors who perform or supervise decontamination on illegal drug manufacturing or storage sites.

((3)) "Certificate" means a department issued written approval under this chapter.

((4)) "Certified" means a person who has department issued written approval under this chapter.

((5)) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated, but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

((6)) "Decontamination" means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

((7)) "Department" means the Washington state department of health.

((8)) "Disposal of contaminated property" means the disposition of contaminated property under the provisions of chapter 70.105 RCW.

((9)) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs:

((a)) • Hazardous substances as defined in RCW 70.105D.020; and

((b)) • Precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

((10)) "Illegal drug manufacturing or storage site" means any property where a person illegally manufactures or stores a controlled substance or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance.

((11)) "Initial site assessment" means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

((12)) "List of contaminated properties" means a list of properties contaminated by illegal drug manufacturing or the storage of hazardous chemicals.

((13)) "Local department" means the jurisdictional local health department or district.

((14)) "Local health officer" means a health officer or authorized representative as defined under chapters 70.05, 70.08, and 70.46 RCW.

((15)) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

((16)) "Posting" means attaching a written or printed announcement conspicuously on property which may be, or

is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

((17)) "Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to:

((a)) • Single-family residences;

((b)) • Units or multiplexes;

((c)) • Condominiums;

((d)) • Apartment buildings;

((e)) • Motels and hotels;

((f)) • Boats;

((g)) • Motor vehicles;

((h)) • Trailers;

((i)) • Manufactured housing;

((j)) • Any ship, booth, or garden; or

((k)) • Any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.

((18)) "Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

((19)) "Refresher course" means a department sponsored or approved biennial training course for decontamination workers and supervisors. An approved refresher course:

((a)) • Reviews the subjects taught in the initial training course; and

((b)) • Includes updated information on emerging decontamination technology.

((20)) "Storage site" means any property used for the storage of hazardous chemicals or illegally manufactured controlled substances (~~or hazardous chemicals~~).

~~((21) "Subcontractor" means a person hired by an authorized contractor for the purpose of providing on-site services.~~

((22)) "Supervisor" means a person certified by the department and employed by an authorized contractor who is on site during the decontamination of an illegal drug manufacturing or storage site and who is responsible for the activities performed.

((23)) "Worker" means a person certified by the department and employed by an authorized contractor who performs decontamination of an illegal drug manufacturing or storage site.

"Warning" means a sign posted by the local health officer conspicuously on the site of an illegal drug manufacturing or storage site informing potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe.

NEW SECTION

WAC 246-205-021 Training provider certification.

(1) Persons wanting to become an illegal drug lab decontamination training provider must obtain department approval of instructors and courses. The types of drug lab decontamination courses that may be approved by the department are:

(a) Basic worker;

(b) Basic supervisor; and

(c) Refresher worker and supervisor.

(2) To obtain approval of instructors, the applicant must demonstrate that the person has the breadth of knowledge and experience necessary to properly train workers and supervisors.

(3) To obtain approval of course work, the applicant must demonstrate the:

- (a) Adequacy and accuracy of content; and
- (b) Adequacy of training techniques.

(4) Applicants for training provider certification shall:

(a) Submit a completed training provider application as specified under subsection (5) of this section;

(b) Submit the required fee as specified under WAC 246-205-990; and

(c) Ensure the department receives the application sixty or more days before the requested approval date.

(5) A training provider application includes, but is not limited to:

(a) A completed training provider application form provided by the department;

(b) A list of all personnel involved in course presentation and a description of their qualifications;

(c) Copies of course handouts;

(d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods;

(f) A list of all audio-visual materials proposed for use;

(g) A list of two hundred questions for development of an examination; and

(h) Copies of all audio-visual materials proposed for use, when requested from the department.

(6) Training provider certification is valid for two years from the date of issuance.

(7) Training provider certification may be terminated if the training provider fails to:

(a) Maintain the course content and quality as approved by the department; and

(b) Make changes to a course as required by the department.

NEW SECTION

WAC 246-205-031 Basic training course content.

Department approved basic worker and supervisor training courses shall provide at a minimum:

(1) Information on state and federal laws, rules, and regulations applicable to illegal drug manufacturing or storage sites including, but not limited to, Contaminated properties, chapter 64.44 RCW; Precursor drugs, chapter 69.43 RCW; Uniform Controlled Substances Act, chapter 69.50 RCW; Washington Industrial Safety and Health Act, chapter 49.17 RCW; the Federal Occupational Health and Safety Act, 29 U.S.C. 651 et seq.; and this chapter.

(2) Chemical terminology, classifications, and properties related to illegal drug manufacturing.

(3) Illegal drug laboratory characteristics.

(4) First aid.

(5) Adverse health effects of exposure related to illegal drug manufacturing including, but not limited to:

(a) Toxicology; and

(b) Symptomology.

(6) Incompatibility of chemicals related to decontamination.

(7) Techniques and equipment used for decontamination of property.

(8) Handling unknown substances.

(9) State and federal requirements for dealing with hazardous materials including, but not limited to, chapter 173-303 WAC related to:

(a) Disposal;

(b) Transportation;

(c) Storage; and

(d) Reporting.

(10) Training for supervisors must also include, but not be limited to:

(a) Obtaining necessary information for making site assessments;

(b) Initial site assessment;

(c) Initial site sampling;

(d) Work plan development;

(e) Final site sampling;

(f) Report completion; and

(g) Penalties and liabilities.

NEW SECTION

WAC 246-205-041 Refresher training course. (1) A refresher training course is required every two years for workers and supervisors.

(2) Department approved refresher worker and supervisor training courses shall provide at a minimum:

(a) A thorough review of the subjects required under WAC 246-205-031;

(b) An update of information on state-of-the-art procedures and equipment;

(c) A review of regulatory changes and interpretation; and

(d) Other subjects if required by the department to update information on new technology and procedures.

NEW SECTION

WAC 246-205-051 Certified training provider responsibilities. (1) Prior to any training, the training provider shall:

(a) Notify the department in writing thirty or more days before training is scheduled to begin. The notification shall include the date, time, and address of the location where training will be conducted;

(b) Limit each class to a maximum of thirty participants;

(c) Incorporate into training any required subject matter developed by the department;

(d) Obtain department approval in advance of any changes to the training; and

(e) Maintain the course content and quality as approved by the department.

(2) Within ten days after a training is completed, the training provider shall provide the department with a list of the names, addresses, and social security numbers of all persons completing a basic or refresher training course.

(3) At the department's request, the training provider shall allow a department representative to attend a training course as an observer to verify that the training provider conducts the training in accordance with the training approved by the department.

(4) Training providers conducting training outside the state of Washington shall:

(a) Reimburse the department at current state of Washington per diem and travel allowance rates for travel expenses associated with department observance of the training courses; and

(b) Submit reimbursement to the department within thirty days of receipt of the billing notice.

NEW SECTION

WAC 246-205-061 Training provider certification renewal. Training providers seeking renewal certification shall submit the following to the department thirty or more days before expiration of the current certificate:

(1) A completed training provider application as described in WAC 246-205-021(5); and

(2) A fee as prescribed in WAC 246-205-990.

NEW SECTION

WAC 246-205-071 Worker and supervisor certification. (1) Applicants seeking certification as a decontamination worker shall ensure the department receives the following within sixty days of completing the basic worker course:

(a) A completed decontamination worker application;

(b) A fee as prescribed in WAC 246-205-990;

(c) Evidence of satisfying the requirements of WAC 296-62-30410;

(d) Evidence of successful completion of a department sponsored or approved basic decontamination worker course; and

(e) Evidence of passing the basic decontamination worker examination administered by the department with a score of seventy percent or higher.

(2) Applicants seeking certification as a decontamination supervisor shall ensure the department receives the following within sixty days of completing the basic supervisor course:

(a) A completed decontamination supervisor application;

(b) A fee as prescribed in WAC 246-205-990;

(c) Evidence of a valid Washington state decontamination worker certificate;

(d) Evidence of forty or more hours of on-site experience in hazardous material or illegal drug manufacturing or storage site decontamination projects;

(e) Evidence of satisfying the requirements of WAC 296-62-30415.

(f) Evidence of successful completion of a department sponsored or approved basic decontamination supervisor course; and

(g) Evidence of passing the basic decontamination supervisor examination administered by the department with a score of seventy percent or higher.

(3) Applicants for decontamination supervisor certification who can demonstrate that their work experience and training has resulted in experience and training equivalent to the requirements in WAC 246-205-031 and 246-205-071 (1)(c) and (2)(c), (d), and (e) may be certified as a CDL supervisor when they apply prior to May 1, 2003.

(a) For purposes of this subsection, an application includes:

(i) A completed decontamination supervisor application form;

(ii) A fee as prescribed in WAC 246-205-990; and

(iii) Evidence of meeting the requirements of this subsection.

(b) All other decontamination supervisor certification requirements of this chapter apply.

(4) Worker and supervisor certificates are valid for two years from the date of issuance.

(5) Workers and supervisors shall make certificates available for inspection at all times during an illegal drug manufacturing or storage site decontamination project.

(6) The certificate may be denied, suspended, or revoked as described in WAC 246-205-121.

NEW SECTION

WAC 246-205-081 Worker and supervisor certification renewal. (1) Worker and supervisor certification is valid for two years from the date of issuance.

(2) Certified workers and supervisors seeking certificate renewal shall submit to the department thirty or more days before expiration of the current certificate:

(a) A completed application form for certificate renewal;

(b) A fee prescribed in WAC 246-205-990; and

(c) Evidence of successful completion of a department sponsored or approved refresher training course.

(3) If a previously certified worker applies for certification following expiration of the previous certificate, but less than two years after expiration of the previous certificate, the worker shall:

(a) Submit to the department a completed application form for certificate renewal;

(b) Submit to the department a fee prescribed in WAC 246-205-990; and

(c) Retake the entire basic worker course.

(4) If a previously certified supervisor applies for certification following expiration of the previous certificate, but less than two years after expiration of the previous certificate, the supervisor shall:

(a) Submit to the department a completed application form for certificate renewal;

(b) Submit to the department a fee prescribed in WAC 246-205-990; and

(c) Retake the entire basic supervisor course.

NEW SECTION

WAC 246-205-091 Contractor certification. (1) A contractor may advertise, offer to undertake, or perform decontamination, demolition, or disposal work at an illegal

drug manufacturing or storage site only after securing a certificate from the department.

(2) Applicants for department certification as an authorized contractor, shall submit to the department:

(a) Evidence of being licensed, bonded, and insured as a general contractor under the provisions of chapter 18.27 RCW;

(b) Evidence of department certification for each employee who will do work on an illegal drug manufacturing or storage site;

(c) Documentation that the contractor has at least one department certified supervisor and one department certified worker;

(d) A completed decontamination contractor application form; and

(e) A fee as prescribed in WAC 246-205-990.

NEW SECTION

WAC 246-205-101 Reciprocity. (1) The department may provide reciprocal certification for contractors, supervisors, and workers trained and certified in another state if standards and training are substantially equivalent to those of this chapter.

(2) Applicants for reciprocity shall submit to the department:

(a) A completed application form for the type of certification being requested;

(b) Documentation of specialized training for illegal drug manufacturing or storage site decontamination;

(c) Evidence of successful completion of training required by the Federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq.; Washington Industrial Safety and Health Act regulations, chapter 49.17 RCW; and

(d) A fee as prescribed in WAC 246-205-990.

(3) Prior to certificate approval, the applicant may be required to:

(a) Submit additional information;

(b) Successfully complete a refresher course; or

(c) Pass a department-administered examination with a score of seventy percent or more.

NEW SECTION

WAC 246-205-111 Performance standards. Authorized contractors, including workers and supervisors, working at a decontamination site shall, at a minimum:

(1) Perform all decontamination work only with department certified workers and supervisors;

(2) File a work plan with and obtain approval from the local health department;

(3) Perform work in accordance with the approved work plan;

(4) Station on site a contractor-employed certified supervisor to oversee the activities performed;

(5) Perform work meeting applicable requirements of state and local building codes;

(6) Comply with applicable Federal Occupational Safety and Health Act, Public Law 91-596, 84 stat. 1590; and Wash-

ington Industrial Safety and Health Act regulations and requirements, chapter 49.17 RCW;

(7) Comply with applicable requirements of chapter 70.105 RCW, Hazardous waste management; and chapter 173-303 WAC, Dangerous waste regulations;

(8) Comply with applicable requirements of department of ecology and Environmental Protection Agency regulations;

(9) Comply with applicable contractor regulations;

(10) Notify the state and local jurisdictional health department of all work performed within ten days after completion of the project;

(11) Comply with all other applicable laws and regulations; and

(12) Comply with this chapter.

NEW SECTION

WAC 246-205-121 Denial, suspension, revocation of certification, and civil penalties. (1) An initial, renewal, or reciprocal illegal drug manufacturing or storage site decontamination worker, supervisor, or contractor certificate will be denied when an applicant fails to meet the requirements of WAC 246-205-071, 246-205-081, 246-205-091 or 246-205-101.

(2) Disciplinary action against a decontamination worker, supervisor, or contractor may be taken for failing to comply with the requirements of chapter 64.44 RCW, or any rule adopted under chapter 64.44 RCW. Disciplinary action may be taken on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department;

(e) Obtaining a certificate by error, fraud, or misrepresentation; or

(f) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(3) Disciplinary action against a decontamination worker, supervisor, or contractor may include, but not be limited to, denial, suspension, or revocation of certification.

(4) A contractor may be assessed a civil penalty not to exceed five hundred dollars for each violation in addition to certification denial, suspension, or revocation pursuant to this rule. Each day the violation continues shall be considered a separate violation.

(5) Adjudicative proceedings are governed by chapter 34.05 RCW, the Administrative Procedure Act; chapter 246-10 WAC; and this chapter.

NEW SECTION

WAC 246-205-131 Certified contractor list. (1) The department shall maintain a list of authorized illegal drug manufacturing or storage site decontamination contractors.

(2) The department's authorized contractor list shall be made available to local health officials and other appropriate agencies semiannually, and to the public upon request.

NEW SECTION

WAC 246-205-510 Local health officer responsibilities. As required by chapter 64.44 RCW, the local health officer's responsibilities shall include, but not be limited to:

- (1) Posting property;
- (2) Inspecting property;
- (3) Determining contamination;
- (4) Reporting contaminated property;
- (5) Notification of contaminated property;
- (6) Determining whether a contractor is required for decontamination;
- (7) Verifying decontamination; and
- (8) Recording decontamination.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-520 Posting ~~((of))~~ property. (1) Within one working day of notification ~~((by))~~ from a law enforcement agency ~~((or property owner that a property may be contaminated by hazardous chemicals))~~ of potential contamination, the local health officer shall ~~((notify the public of the potential contamination by causing a posting of a notice on the premises))~~ post a written warning on the premises. The warning shall inform potential occupants that hazardous chemicals may exist on, or have been removed from the property and that entry is unsafe.

(2) Within fourteen days of notification, the local health officer ~~((s initial notice))~~ shall ~~((~~

~~((a) Warn the public that entry to the property may be unsafe; and~~

~~((b) Not declare the property unfit for use unless in the local health officer's opinion an immediate public health threat exists))~~ inspect the property.

(3) ~~((, in the local health officer's opinion, an immediate public health threat exists))~~ the property is contaminated, the local health officer shall ~~((cause a posting of))~~ post a written notice on the premises declaring that the officer intends to issue an order prohibiting use of ~~((all or portions of))~~ the property as ~~((required under WAC 246-205-560))~~ long as the property is contaminated.

~~((The local health officer shall cause the posting, but, based on applicable local regulations or agreements, actual physical attachment of the written notice to the property may be effected by the:~~

- ~~((a) Health officer;~~
- ~~((b) Law enforcement personnel;~~
- ~~((c) Fire department personnel; or~~
- ~~((d) Other local health officer designee))~~ Within ten working days of determining the property is contaminated.

the local health officer shall cause to be served an order prohibiting use as required under WAC 246-205-560.

(5) Within one working day of issuance of the order, the local health officer shall post the order in a conspicuous place on the property.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-530 ~~((Environmental assessment))~~ Inspecting property. ~~((H))~~ Within fourteen days after a law enforcement agency or property owner notifies the local health officer of potential property contamination, the local health officer shall ~~((cause an inspection of))~~ inspect the property ~~((to commence)).~~

(1) To enable the local health officer to determine contamination, the property inspection shall include, but not be limited to, an acquisition of data such as evidence of:

(a) Hazardous chemical use or storage on site ~~((, the presence of));~~

(b) Chemical stains ~~((, or the presence of));~~

(c) Release or spillage of hazardous chemicals on the property; or

(d) Glassware or other paraphernalia associated with the manufacture of illegal drugs on site.

(2) As part of the property's inspection, the local health officer ~~((shall))~~ may request copies of any law enforcement reports, forensic chemist reports, and any department of ecology hazardous material transportation manifests needed to evaluate:

(a) The length of time ~~((a person used))~~ the property was used as an illegal drug manufacturing or storage site;

(b) The size of the site actually used for the manufacture or storage of illegal drugs;

(c) What chemical process was involved in the manufacture of illegal drugs;

(d) What chemicals were removed from the scene; and

(e) The location of the illegal drug manufacturing or storage site in relation to the habitable areas of the property.

(3) The local health officer may coordinate the property's inspection with other appropriate agencies. At the request of the local health officer, the Washington state department of ecology may conduct an environmental assessment and may sample the property's ground water, surface water, septic tank water, soil, and other media as necessary to enable the local health officer to evaluate the long-term public health threats.

~~((4) If the local health officer determines law enforcement and ecology documents do not provide enough data to determine whether the property is contaminated, the local health officer may conduct a site visit or use other methods of obtaining information, to include a review of the analytical results obtained through sampling of the property by an authorized contractor or by the local health officer.))~~

NEW SECTION

WAC 246-205-531 Sampling procedures. (1) Sampling may be used as a method to determine contamination. Types of sample collection include, but are not limited to:

- (a) Nonporous surface;

- (b) Porous surface;
- (c) Air;
- (d) Drinking water;
- (e) Ground water;
- (f) Surface water;
- (g) Soil; and
- (h) Septic system.

(2) Collection of samples shall be performed by department of ecology staff; department of health certified CDL supervisors; or local health officers using:

- (a) Standards and protocols to ensure accuracy and the ability to produce similar results with repeated sampling;
- (b) Proper swabbing techniques to collect a representative sample of the area being sampled; and
- (c) Proper care and prudent action to avoid contamination during sampling.

(3) All samples collected, transported, stored, and analyzed under the provisions of this section must be secured to assure an unbroken chain-of-custody as described in the American Society of Testing Materials Standard D 4840.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-540 ((Evaluation)) Determining contamination. (1) ~~((In making a determination of contamination, the local health officer shall follow guidelines developed by the Washington state department of health or other more stringent guidelines as deemed appropriate. If the local health officer determines that a contaminant is present for which no guidelines exist, and further finds that the contaminant presents a potential immediate or long term health hazard, then the local health officer shall find that the property is unfit for use.))~~ The local health officer shall make a determination of contamination when the inspection reveals the property is contaminated.

(2) If designated ~~((unfit for use))~~ contaminated, the local health officer shall ~~((cause a posting of))~~ post and cause to be served an order prohibiting use of all or portions of the property as required under WAC 246-205-520 and 246-205-560.

(3) If the local health officer determines the property is not contaminated ~~((and is fit for use))~~, the local health officer shall document the findings ~~((for future use))~~. The local health officer's documentation shall include:

- (a) Findings;
- (b) Conclusions;
- (c) Name of the property owner;
- (d) Mailing and street address of the property owner;
- (e) Parcel identification number and legal description of the property; and
- (f) Clear directions for locating the property.

NEW SECTION

WAC 246-205-541 Decontamination standards. The decontamination standards include:

- (1) Methamphetamine of less than or equal to 0.1 micro grams per 100 square centimeters;
- (2) Total lead of less than or equal to 20 micro grams per square foot;

(3) Mercury of less than or equal to 50 nano grams per cubic meter in air; and

(4) Volatile organic compounds (VOCs) of 1 part per million total hydrocarbons and VOCs in air.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-550 Reporting contaminated property. (1) When property is determined ~~((unfit for use))~~ contaminated, the local health officer shall report the contaminated property to the state department of health ~~((within one working day by))~~:

- (a) By telephone or e-mail within one working day; and
- (b) In writing within ten working days.

(2) The local health officer's written ~~((unfit for use))~~ contamination report to the state department of health shall include:

- (a) Description of the findings;
- (b) Conclusions;
- (c) Name of the property owner;
- (d) Mailing and street address, including zip code and county, of the property owner;
- (e) Parcel identification number and legal description of the property to including township and section;
- (f) Tax account number; and
- (g) Date property ~~((designated unfit for use; and~~ determined contaminated.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-560 Notification of contaminated property. (1) ~~((Within one working day after the local health officer's determination that a property is contaminated, the local health officer or the local health officer's designee shall post in a conspicuous place on the property an order prohibiting use of all or portions of the property.))~~

~~((2))~~ (2) Within ten working days after the local health officer's determination that a property is contaminated, the local health officer shall cause to be served, either personally or by certified mail, return receipt requested, an order prohibiting use to all known:

- (a) Occupants; and
- (b) Persons having an interest in the property as shown upon the records of the auditor's office of the county in which the property is located.

~~((3))~~ (2) If the whereabouts of persons described under subsection ~~((2))~~ (1) of this section is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made by:

- (a) Personal service; or
- (b) Mailing a copy of the order by certified mail, postage prepaid, return receipt requested:

(i) To each person at the address appearing on the last equalized tax assessment roll of the county where the property is located; or

(ii) At the address known to the county assessor.
 ((4)) (3) The local health officer shall also mail a copy of the order addressed to each person or party having a recorded right, title, estate, lien, or interest in the property.

((5)) (4) The local health officer's order shall:

(a) Describe the local health officer's intended course of action;

(b) Describe ~~((a property owner's))~~ the penalties for non-compliance with ((this)) the order;

(c) Prohibit ~~((a property owner's))~~ use of all or portions of the property as long as the property is contaminated;

(d) Describe what measures a property owner must take to have the property decontaminated; and

(e) Indicate the potential health risks involved.

((6)) (5) The local health officer shall:

(a) File a copy of the order prohibiting use of the property with the county auditor; ~~((and))~~

(b) Provide a copy of ~~((such))~~ the order to the local building ((permit)) or code enforcement department; and

(c) Post the order in a conspicuous place on the property within one working day of issuance of the order.

((7)) (6) The local health officer's order shall advise that:

(a) A hearing before the local health officer or local health board shall be held upon the request of a person required to be notified of the order ((as required under this chapter)); ((and))

(b) The person's request for a hearing shall be made within ten days of the local health officer's serving of the order; ~~((and))~~

(c) The hearing shall ~~((then))~~ be held ~~((within))~~ not less than twenty days ~~((or))~~ nor more than thirty days after the serving of the order; and

(d) In any hearing concerning whether property is ~~((fit for use))~~ contaminated, the property owner has the burden of showing that the property is decontaminated ~~((or fit for use))~~ and meets the decontamination standards of WAC 246-205-541.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-570 ~~((Contamination reduction))~~ Decontamination. (1) An owner of contaminated property who desires to reduce the contamination shall use the services of an authorized contractor unless otherwise authorized by the local health officer.

(2) The local health officer shall provide the property owner with a list of authorized contractors upon request.

(3) The property owner shall have a written work plan approved by the local health officer before ((commencing contamination reduction, the property owner shall have a written work plan to reduce contamination of the property prepared by the contractor and approved by the local health officer)) starting decontamination. The work plan shall ~~((outline the contamination reduction and waste disposal procedures the contractor intends to use))~~ address each item identified in WAC 246-205-031(10).

(4) When an authorized contractor is required for decontamination, the contractor shall prepare the work plan in

accordance with this chapter and chapter 64.44 RCW. When the local health officer determines the services of an authorized contractor are not necessary, the local health officer shall take appropriate measures to ensure the property is decontaminated consistent with the purposes of chapter 64.44 RCW.

(5) The property owner ~~((and))~~ or the contractor shall ~~((follow the state department of health contamination reduction guidelines or other more stringent procedures as deemed appropriate by the local health officer))~~ decontaminate the property according to the approved work plan and to meet the decontamination standards described in WAC 246-205-541.

((5)) (6) The property owner shall be responsible for:

(a) ~~((Financially responsible for))~~ The costs of any property testing which may be required to demonstrate the presence or absence of hazardous chemicals;

(b) ~~((Financially responsible for))~~ The costs of the property's ((contamination reduction)) decontamination and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter;

(c) ~~((Responsible for))~~ Keeping records documenting ((contamination reduction)) decontamination procedures and submitting notarized copies of all records to the local health officer; and

(d) ~~((Responsible for))~~ Petitioning the local health officer to review the ((contamination reduction)) decontamination records and to declare the property ((fit for use)) decontaminated.

AMENDATORY SECTION (Amending Order 268B, filed 4/29/92, effective 5/30/92)

WAC 246-205-580 ~~((Recording of))~~ Verifying decontamination. ~~((+))~~ Within ten working days of a request for review of ~~((contamination reduction))~~ decontamination records, the local health officer:

~~((a))~~ (1) Shall review the documentation to verify ~~((reduction of contamination to acceptable levels for reoccupancy as stated in state department of health guidelines or other more stringent requirements as deemed appropriate by the local health officer;~~

~~((b))~~ decontamination was performed according to the approved work plan and the applicable decontamination standards in WAC 246-205-541 are met;

(2) May visit the property site to assess the thoroughness of the ~~((contractor's clean-up))~~ decontamination;

~~((e))~~ (3) May require the property owner to provide more extensive testing and assessment of the property site by an independent laboratory or firm qualified to perform such testing and assessment.

~~((2))~~ If, after review of the information in subsection (1) of this section, the local health officer determines the property has been decontaminated, the local health officer shall within ten working days:

(a) ~~Record a notice in the real property records of the county auditor where the property is located indicating that to the best of his or her knowledge, the basis upon which the property was originally declared unfit for use has been addressed by decontamination in accordance with board of health and department of health rules and guidelines.~~

WSR 02-21-129

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed October 23, 2002, 10:54 a.m.]

- (b) Send a copy of the notice to the property owner.
- (c) Send a copy of the notice to the state department of health.
- (d) Send a copy of the notice to the local building permit department.)

NEW SECTION

WAC 246-205-590 Recording decontamination. If, after review of the information in WAC 246-205-580, the local health officer determines the property has been decontaminated, the local health officer shall within ten working days:

- (1) Record a release for reuse document in the real property records of the county auditor where the property is located indicating that to the best of his or her knowledge, the property was decontaminated in accordance with this chapter.
- (2) Send a copy of the release to the property owner.
- (3) Send a copy of the release to the state department of health.
- (4) Send a copy of the release to the local building or code enforcement department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|-----------------|---|
| WAC 246-205-020 | Authorized contractor services. |
| WAC 246-205-030 | Courses for training workers and supervisors. |
| WAC 246-205-040 | Training course approval. |
| WAC 246-205-050 | Worker and supervisor certification. |
| WAC 246-205-060 | Worker and supervisor certificate renewal. |
| WAC 246-205-070 | Authorized contractor certification. |
| WAC 246-205-080 | Reciprocity. |
| WAC 246-205-090 | On-site supervision. |
| WAC 246-205-100 | Performance standards. |
| WAC 246-205-110 | Denial, suspension, revocation of certification, and civil penalties. |
| WAC 246-205-120 | Authorized contractor certification list. |

Original Notice.

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

Title of Rule: Dry pea and lentil marketing order—Assessment in WAC 16-536-040.

Purpose: The proposal would increase the assessment on dry pea and lentils from 1% of the net receipts to 1.5% of the net receipts at the first point of sale.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: RCW 15.65.390 and 15.65.400.

Summary: The Washington Dry Pea and Lentil Commission has petitioned the director to amend its marketing order by increasing its assessment to 1.5% of the net receipts in WAC 16-536-040.

Reasons Supporting Proposal: Under RCW 15.65.050 through 15.65.120, the director of agriculture is required to hold a hearing to determine whether amendment of the dry pea and lentil marketing order would effectuate the declared policies and purposes of the statute and marketing order. At the hearing, the department will request testimony on the following issues:

1. Does the proposed amendment to increase the assessment in chapter 16-536 WAC, Dry pea and lentil marketing order, further the policies in the statute, chapter 15.65 RCW which include promoting the general welfare of the state, to enable producers of dry peas and/or lentils to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of dry peas and/or lentils? It the increase in assessments needed to fulfill these policies for the state's dry pea and lentil industry? Explain why the increase in assessment is or is not needed.

2. Does the proposed amendment to increase the assessment in chapter 16-536 WAC accomplish the purposes and objects of the marketing order which include the following:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for dry peas and/or lentils. Such programs shall be directed toward increasing the sale of dry peas and/or lentils without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of dry peas and/or lentils nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of dry peas and/or lentils and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

PROPOSED

(i) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for dry peas and/or lentils or any products thereof;

(ii) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of dry peas and/or lentils and/or in offering, advertising and/or delivering it therefor;

(iii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iv) Establishing rules and regulations respecting the foregoing;

(v) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: *Provided*, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(d) Provide for marketing information and services to affected producers and for the verification of grades, standards, weights, tests and sampling of quality and quantity of dry peas and/or lentils purchased by handlers from affected producers?

Based on the testimony taken at the hearing and written comments received by the department in response to this notice and the notice issued pursuant to chapter 15.65 RCW, the director will make findings and issue a recommended decision and a final decision. The final decision may result in a referendum on the amendment proposal pursuant to RCW 15.65.160 or a decision to deny the proposal in its entirety under RCW 15.65.120. If the proposal is denied in its entirety, the director will take no further action and a referendum will not be held.

Name of Agency Personnel Responsible for Drafting and Implementation: Deborah Anderson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-2043; and Enforcement: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1800.

Name of Proponent: Washington Dry Pea and Lentil Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington Pea and Lentil Commission requests an assessment increase of 0.5% to a total of 1.5% at the first point of sale for peas, lentils, and chickpeas. This increase is necessary to augment the current efforts in research, market development and education. According to the Dry Pea and Lentil Commission present funding does not allow potential developments to be utilized fully by the growers. In research, the commission focuses on varietal development, crop quality and disease research.

A portion of the additional funds collected would be used to expand current research efforts in the development of winter legumes, breeding disease resistance in our plants, and finding integrated pest management strategies to increase yield potential and improve crop quality. International and

national markets have become much more competitive in the last decade and the additional funds are planned to expand product uses—particularly in domestic markets. The last area of emphasis is education of both the consumer and the potential consumer. Materials touting the nutritious goodness and environmental benefits of our products would be developed for school age children, institutional chefs and the general public. The education efforts would utilize new technologies such as the Internet and videodisc.

Proposal Changes the Following Existing Rules: The assessment on dry pea and lentil producers as established in the dry pea and lentil marketing order in WAC 16-536-040 is increase from 1% to 1.5% of the net receipts at the first point of sale.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 15.65.570 Rule-making proceedings, are exempt from compliance with chapter 19.85 RCW, the Regulatory Fairness Act when the adoption of the rules is determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency.

Hearing Location: Whitman County Services Building, 310 North Main Street, Colfax, WA 99111, on November 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Crose by November 19, 2002, TDD (360) 902-1996 or (360) 902-1976.

Submit Written Comments to: Deborah Axelson, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, e-mail wsदारulescomments@agr.wa.gov, by November 26, 2002, 5:00 p.m.

Date of Intended Adoption: March 1, 2003.

October 23, 2002

William E. Brookreson

Deputy Director

AMENDATORY SECTION (Amending WSR 86-15-002 (Order 1895), filed 7/3/86, effective 8/4/86)

WAC 16-536-040 Assessments and collections. (1) Assessments.

(a) The assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be one and one-half percent of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. Such assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board: *Provided*, That such assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(b) Such assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or

with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 02-21-130
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 23, 2002, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-109.

Purpose: To amend WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Restrict bighorn sheep auction and raffle hunters from hunting the Swakane sheep unit.

Reasons Supporting Proposal: The number of bighorn sheep permits for each sheep unit is allocated based on guidelines established in the game management plan. We anticipate the annual permit level for the Swakane Sheep Unit to be one bighorn ram for 2003. As such, any added harvest by auction and raffle hunters will likely overharvest the mature ram segment of the population. Therefore, the department is recommending closing the Swakane Sheep Unit to auction and raffle hunters to protect from overharvesting mature rams.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, 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: As pertaining to this policy decision, the rule provides seasons, bag limits, and hunt areas for big game auction and raffle hunting opportunities. The purpose of the proposed changes is to restrict harvest [of] the Swakane Sheep Unit to protect from overharvesting mature rams.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Skagit County PUD Building, 1415 Freeway Drive, Mount Vernon, WA, on December 6-7, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by December 2, 2002, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by November 15, 2002.

Date of Intended Adoption: December 6, 2002.

October 23, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-135, filed 7/8/02, effective 1/1/03)

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), or 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), or 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.

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

**WSR 02-21-131
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed October 23, 2002, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-109.

Purpose: To amend WAC 232-12-104 Falconry definitions, 232-12-106 Provisions for accidental take by falconers, 232-12-114 Permit required for capture of raptors, 232-12-117 Marking and identification of raptors required, 232-28-275 2001 and 2002 Black bear special permit seasons and quotas, 232-28-291 Special hunting season permits, and 232-28-271 Private lands wildlife management area hunting seasons, rules, and boundary descriptions.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 232-12-104, defines "nestling" raptor.

WAC 232-12-106, authorizes the take of a sensitive species.

WAC 232-12-114, adds peregrine falcon nestlings as a species for falconry capture and authorizes the director to establish permit procedures and closed areas for take.

WAC 232-12-117, adds the requirement for banding of wild captured peregrine falcon nestlings.

WAC 232-28-275, maintain status quo for 2003 spring black bear hunt in the Blue Mountains.

WAC 232-28-291, increase group size to two for bighorn sheep and moose special hunt applications.

WAC 232-28-271, the annual hunting seasons, permit quotas, and hunt area descriptions for the Private Lands Wildlife Management Areas (PLWMA) for 201-Buckrun, 401-Rainier, and 600-Merrill and Ring were coordinated with the landowners. Early establishment of seasons and rules provides PLWMA managers ample opportunity to market raffle permits for the fall hunting season.

Reasons Supporting Proposal: **WAC 232-12-104, 232-12-106, 232-12-114 and 232-12-117**, the peregrine falcon populations in North America were severely decimated by the use of the pesticide DDT during the post World War II era to the level that warranted listings by the federal, state, and foreign governments as endangered/threatened. The banning of DDT and regulations on the use of related chlorinated hydrocarbons in the United States in 1972, along with increased habitat protection, prohibitions on shooting of raptors, and artificial population reintroduction has led to a dramatic recovery of the species. In 1980, in Washington there were only five known occupied territories, whereas in 2001 there were eighty-six, and now approaching one hundred in 2002. The range wide recovery of the peregrine falcon has resulted in delisting or downlisting of the species at federal and state levels. On April 12, 2002, the Washington Fish and Wildlife Commission downlisted the species from endangered to sensitive. The department, cooperators, and other organizations continue to monitor both the population and productivity status and levels. The species still requires continued cooperative protection, especially habitat management to ensure its continued recovery.

Subsequent to their delisting of the peregrine falcon, the Fish and Wildlife Service (USFWS) initiated procedures for environmental review of proposals to allow falconry take of nestling peregrine falcons within the framework of the Migratory Bird Treaty Act. This led to the federal legalization of falconry take of nestlings in 2001. This authorized states to allow a take of 5% of a state's annual peregrine falcon production. This is an insignificant impact to the state's population. For example, in Washington 2001, that would have equated to five nestlings of the then one hundred twelve total young reported per eighty-six occupied territories. The department believes that a limited regulated take of peregrine falcon nestlings in the spring/summer of 2003 is warranted. The falconry community who is dedicated to the recovery of the species, recognizes the need for a regulated take, and supports this position. Due to a public request to revisit the biological models used to determine allowable take, the USFWS withdrew authorization for take in 2002, however, they are revising an environmental assessment for a take in 2003.

WAC 232-28-275, the commission implemented a spring black bear season in 1998 in an effort to reduce the percentage of females in the harvest and distribute harvest more evenly in the Blue Mountains. Compared to the fall bear season, the spring hunt has proven to be reasonably

effective accomplishing these objectives. As such, the department is recommending continuing the spring bear hunt for 2003 in the Blue Mountains at status quo levels. This corresponds to 105 permits distributed in seven GMUs.

WAC 232-28-291, given the flexibility of applying for special hunts using the new WILD system, group sizes can now range up to twelve, rather than the historic maximum number of two. During the first two years of new application system, the group size for bighorn sheep and moose was set to one. Since that time, the department has received substantial public input requesting that the group sizes for these special hunts be adjusted back to two. Group size does not impact the biological status of the hunted species; impact is influenced by permit number(s).

WAC 232-28-271, these recommendations will provide incentives to the landowners for managing habitat for wildlife and providing access for hunting.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Natural Resources Building, 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 232-12-104, 232-12-106, 232-12-114 and 232-12-117**, the amendments to the four existing falconry regulations recommended for approval by the Fish and Wildlife Commission will enable the department to establish a limited falconry take of peregrine falcon nestlings in 2003.

A pivotal issue in the implementation of the 2003 take is a permit structure that maximizes a falconer's probability of opportunity to receive a capture permit. There is substantial interest at the current time by a limited number of falconers to take a nestling peregrine falcon, however, this is expected to decrease over the next few years. The establishment of a take of migrant subadult gyrfalcons in the 1980s provides a parallel case history. There was significant initial interest by falconers in obtaining capture permits for that species. It was new and formerly not permitted. As the years have progressed, the annual quota is frequently not attained due to waning interest by master falconers, and the field challenges in capturing a gyrfalcon.

WAC 232-28-275, as pertaining to this policy decision, the rule provides season dates and quota levels for special spring bear hunting opportunities. The purpose of the proposed change is to continue to provide this hunting opportunity at season and quota levels consistent (status quo) with last year.

WAC 232-28-291, as pertaining to this policy decision, the rule provides maximum group sizes for special hunt applications. The purpose of the proposed change is to adjust group sizes consistent with hunter preferences, as there is no anticipated biological effect to the hunted species.

WAC 232-28-271, this WAC will establish hunting seasons for deer and elk on private lands. The PLWMA program is still under review and during 2003 a review and assessment

of the program will be made and recommendations made to determine whether to continue, discontinue or amend the program.

Proposal Changes the Following Existing Rules: See 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.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Skagit County PUD Building, 1415 Freeway Drive, Mount Vernon, WA, on December 6-7, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by December 2, 2002, TDD (360) 902-2207 or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Attn: Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by November 15, 2002.

Date of Intended Adoption: December 6, 2002.

October 23, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 96-136, filed 8/30/96, effective 9/30/96)

WAC 232-12-104 Falconry definitions. (1) "Raptor" means a live migratory bird of the Order Falconiformes or the Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

(2) "Captive-bred raptor" means the progeny of a mating of raptors in captivity.

(3) "Take" means to trap or capture or attempt to trap or capture a raptor from the wild.

(4) "Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

(5) "Nestling" means a raptor whose age is between the date of hatching to thirty days after leaving the nest.

AMENDATORY SECTION (Amending Order 00-197, filed 9/27/00, effective 10/28/00)

WAC 232-12-106 Provisions for accidental take by falconers. (1) When a raptor being used in falconry accidentally takes any species of wildlife (quarry) for which the hunting season is not currently open, the falconer must release the quarry if it is not seriously injured. If the quarry has been seriously injured or killed, the falconer may not retain or possess the quarry, but the raptor may feed upon the quarry before leaving the site of the kill.

(2) If the accidentally killed quarry is a species identified on the Washington candidate species list (for endangered, threatened, or sensitive status) or specifically identified by the director, the falconer shall, before leaving the site of the kill, record upon a form provided by the department, or upon a facsimile, the falconer's name, falconry permit number,

date, species and sex (if known) of the quarry, and exact location of the kill. The falconer shall submit the information to the Washington department of fish and wildlife falconry permit coordinator by April 1 following the close of the current hunting season.

(3) Accidental kill by any falconer in any license year shall not exceed a total of five individuals of any combination of species designated under subsection (2) of this section. Following an accidental kill by any falconer of any species designated under subsection (2) of this section, the falconer shall cease hunting for the day.

(4) Notwithstanding any other section of this rule, take of species protected under the federal Endangered Species Act or designated as endangered, threatened, or sensitive in Washington under WAC 232-12-011 or 232-12-014 is not permitted except by permit from the director.

AMENDATORY SECTION (Amending Order 96-140, filed 8/30/96, effective 9/30/96)

WAC 232-12-114 Permit required for capture of raptors. (1) It is unlawful for any persons to capture from the wild, any state or federal endangered or threatened species for the purpose of falconry.

(2) It is unlawful for any persons to take a raptor for the purpose of falconry, without first having in their possession and on their person, a valid Washington state "falconry permit."

(3) "Raptor capture report forms" may be issued by the director to holders of valid falconry licenses. Forms will be designed by the agency to require information pertaining to location, timing, and other biological elements of the capture.

(4) It is unlawful to capture raptors at times other than the following times: for Apprentice falconers - January 1 through January 31, and September 1 through December 31; for General and Master falconers - January 1 through January 31, weekends and holidays from May 15 through June 30, weekends and holidays from July 1 through July 31, September 1 through December 31, and great horned owls can also be taken on weekends and holidays from February 15 through March 31.

(5) It is unlawful to capture a gyrfalcon without having attained the class of Master falconer. Up to five (5) gyrfalcons will be allowed to be taken by Master falconers who must apply for and receive a gyrfalcon capture permit from the department before capturing a gyrfalcon. The actual number of the gyrfalcon quota each year will be determined by the director after evaluating gyrfalcon production for the year in their arctic breeding grounds.

(6) It is unlawful to capture eyass prairie falcons in western Washington. The director may restrict areas temporarily from raptor capture to accommodate short term research or other biological needs.

(7) It is unlawful to capture gyrfalcons in western Washington and in Grant County.

(8) It is unlawful to transfer a wild caught raptor to out-of-state recipients for one (1) year from date of capture.

(9) It is unlawful to capture peregrine falcon (*Falco peregrinus*) nestlings without having attained the class of Master

falconer. Nestling peregrine falcons may be taken by a Master falconer who possesses, at the time of capture, a permit from the department authorizing such capture in accordance with federal regulations or implementation guidance set forth by the United States Fish and Wildlife Service regarding the falconry take of nestling peregrine falcons in the contiguous United States and Alaska. The number of peregrine falcon nestlings to be captured in Washington will be determined by the director in accordance with federal regulations or implementation guidance and may vary annually in response to population and productivity data. The director will establish permit issuance procedures, capture monitoring requirements, and open areas for the capture of nestling peregrine falcons.

AMENDATORY SECTION (Amending Order 471, filed 11/5/90, effective 12/6/90)

WAC 232-12-117 Marking and identification of raptors required. (1) It is unlawful for any falconry permittees to take, possess, transport, import, export, or otherwise dispose of any golden eagle (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) unless such bird is banded either by a seamless numbered band, or a permanent, nonreusable band, which are both provided by the United States Fish and Wildlife Service.

(2) Any gyrfalcon (*Falco rusticolus*) or peregrine falcon (*Falco peregrinus*) taken from the wild must be reported to the department within five days of taking and must be banded with a permanent nonreusable band provided by the United States Fish and Wildlife Service.

(3) It is unlawful to band any raptor taken from the wild, or band any raptor produced from an egg taken from the wild, or band any raptor produced from an egg from any source other than bred in captivity under authority of a raptor propagation permit, with a United States Fish and Wildlife Service seamless numbered band.

(4) Unless otherwise specifically exempted by the conditions of a raptor propagation permit, every raptor possessed for propagation (including offspring produced under the authority of the raptor propagation permit) must be banded in accordance with the following provisions:

(a) Except for captive-bred raptors lawfully marked with a seamless, numbered band provided by the United States Fish and Wildlife Service, any raptor possessed for propagation purposes shall be banded with a permanent, nonreusable, numbered band issued by the United States Fish and Wildlife Service.

(b) Each captive-bred raptor produced under the authority of a raptor propagation permit shall be banded within two weeks of hatching with a numbered, seamless band provided by the United States Fish and Wildlife Service, placed on the raptor's leg (metatarsus), following United States Fish and Wildlife Service banding regulations.

(5) Any lost band must be replaced with a permanent, nonreusable band supplied by the United States Fish and Wildlife Service. A United States Fish and Wildlife Service form 3-186A (Migratory bird acquisition/disposition report)

must be filed in accordance with the instructions on the form, with the department within five working days of the loss.

(6) Unless specifically exempted by the director, all lost or removed bands must be replaced on the bird within 30 days of loss or removal.

(7) It is unlawful to possess a raptor band that has been altered.

AMENDATORY SECTION (Amending Order 00-254, filed 1/31/01, effective 3/3/01)

WAC 232-28-275 ((2001 and 2002)) 2003 Black bear special permit season and quotas.

BLACK BEAR SPECIAL PERMIT HUNTS

Who May Apply: Any one with a valid Washington big game license which includes black bear.

Bag Limit: One (1) black bear per black bear special permit season.

| Hunt Name | Permit Season | Hunt Boundary | Special Restrictions | Permit Level |
|--------------|-------------------|---------------|----------------------|--------------|
| Blue Creek | April 15 - May 31 | GMU 154 | Any Legal Weapon | 15 |
| Dayton | April 15 - May 31 | GMU 162 | Any Legal Weapon | 15 |
| Tucannon | April 15 - May 31 | GMU 166 | Any Legal Weapon | 10 |
| Wenaha | April 15 - May 31 | GMU 169 | Any Legal Weapon | 30 |
| Mt. View | April 15 - May 31 | GMU 172 | Any Legal Weapon | 15 |
| Lick Creek | April 15 - May 31 | GMU 175 | Any Legal Weapon | 15 |
| Grande Ronde | April 15 - May 31 | GMU 186 | Any Legal Weapon | 5 |

License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

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A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

C. A holder of a deer, elk, cougar, or black bear special hunting season permit may hunt only with a weapon in compliance with the special hunting season.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously drawn and accepted a special hunting season permit for Washington mountain goat, bighorn sheep, or moose are ineligible to apply for a special hunting season permit for that species. This lifetime permit holder restriction does not apply to mountain goat permits acquired before 1999, raffle or auction hunt authorizations, or youth-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of notification by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

- i. Maximum group size for deer is 12.
- ii. Maximum group size for elk is 12.
- iii. Maximum group size for bear is 2.
- iv. Maximum group size for cougar is 2.
- v. Maximum group size for mountain goat is 2.
- vi. Maximum group size for bighorn sheep is ((+) 2).
- vii. Maximum group size for turkey is 4.
- viii. Maximum group size for moose is ((+) 2).

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

AMENDATORY SECTION (Amending Order 01-283, filed 12/28/01, effective 1/28/02)

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

DEER GENERAL SEASONS ON PRIVATE LANDS
WILDLIFE MANAGEMENT AREAS

| Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm | | |
|---|--|--------------------------------------|
| Hunting Method | ((2002)) 2003 Dates | Special Restrictions |
| Archery | Aug. ((26)) 22-Sept. 8 Sept. ((30)) 29-Oct. ((10)) 5 | Any Buck 2 Pt. Min. or Antlerless |
| Modern Firearm | Oct. ((11-24)) 10-26 | 2 Pt. Min. |
| Muzzleloader | Nov. ((22)) 21-Dec. ((3)) 7 | 2 Pt. Min. or Antlerless |

| Merrill and Ring (PLWMA 600) Pysht Tree Farm | | |
|--|---|--|
| Hunting Method | ((2002)) 2003 Dates | Special Restrictions |
| Archery | Sept. 1-14 and Nov. 25-Dec. 31 | ((Either Sex)) Any Buck South Unit (600B) |
| Modern Firearm | Oct. ((12)) 11-31 and Nov. 13-16 | Any Buck ((Only)) South Unit (600B) |
| Muzzleloader | ((Nov. 14-17)) Oct. 1-9 | ((Buck Only South Unit (600B))) Any Buck ((Only)) South Unit (600B) |

~~((2002))~~ 2003 DEER PERMIT SEASONS ON
PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

| ((2002)) 2003 - Mule and Whitetail Deer | | | | |
|--|----------------------|--|--|----------------------|
| Buckrun Limited Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters ((are limited)) can expect to one day of hunting during the permit season with written authorization from the PLWMA manager. All hunters must check in and out on hunt day. | | | | |
| Hunt Name | Permit Number | Permit Season | Special Restrictions | Boundary Description |
| ((Buckrun A | 10 | Sept 15-Dec 31 | Antlerless mule deer, Any whitetail | PLWMA 201 |
| Buckrun B | 20 | Sept 15-Dec 31 | AHE graduates only, Antlerless mule deer, Any whitetail | PLWMA 201)) |
| Buckrun ((C)) A | ((20)) 35 | ((Sept 15-Dec 31)) Sept. 1-Oct. 10 | *Youth hunters, Antlerless ((mule)) deer ((,-Any whitetail)) | PLWMA 201 |
| Buckrun ((D)) B | ((20)) 35 | ((Sept 15-Dec 31)) Oct. 21-Nov. 15 | Disabled hunters, Antlerless ((mule)) deer ((,-Any whitetail)) | PLWMA 201 |
| * Youth hunters on Buckrun must be 12 - 15 years of age and must be accompanied by an adult during the hunt. Hunts are scheduled by the manager 509-345-2577. All other hunting regulations apply. | | | | |

| ((2002)) 2003 - Blacktail Deer | | | | |
|---|---------------|-------------------------------|---|----------------------|
| Rainier Timber Company Kapowsin Tree Farm - Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. | | | | |
| Hunt Name | Permit Number | Permit Season | Special Restrictions | Boundary Description |
| Kapowsin Central | 30 | Dec. ((6-8)) 12-14 | Antlerless Only, Age 65 and older Hunters | PLWMA 401B Central |
| | 20 | Dec. ((6-8)) 12-14 | Antlerless Only, AHE Hunters | PLWMA 401B Central |

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((2002)) 2003 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm -
Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.

| Hunt Name | Permit Number | Permit Season | Special Restrictions | Boundary Description |
|----------------|---------------|--------------------------------------|--------------------------------------|----------------------|
| | 50 | Dec. ((6-8)) <u>12-14</u> | Antlerless Only | PLWMA 401B Central |
| Kapowsin South | 50 | Dec. ((6-8)) <u>12-14</u> | Antlerless Only, Youth Hunters | PLWMA 401C South |
| | 50 | Dec. ((6-8)) <u>12-14</u> | Antlerless Only, Disabled Hunters | PLWMA 401C South |

**ACCESS QUOTAS AND RAFFLE SEASONS
 ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

((2002)) 2003 - Mule and Whitetail Deer
Buckrun Limited Area - Access Quotas and Seasons
 Only hunters possessing a modern firearm deer tag are eligible for access authorizations on PLWMA 201. An access fee will be charged for these hunts. You may contact the PLWMA manager, Derek Stevens, at (509) 345-2577 for information ~~((on these hunts))~~.

| Hunt Name | Quota | Access Season | Special Restrictions | Boundary Description |
|----------------------|------------------------------|--|--|------------------------|
| Buckrun | ((100)) <u>70</u> | ((Sept. 15-Oct. 31)) <u>Oct. 1-Dec. 7</u> | Any Deer ((Access Fee)) | PLWMA 201 |
| ((Buckrun | 50 | Nov. 1-Dec. 31 | Mule deer, 3 pt. min. or Antlerless, Any whitetail (access fee) | PLWMA 201)) |

((2002)) 2003 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm — Raffle Quotas and Seasons
 Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.
Only hunters possessing a valid deer tag (any ((2002)) 2003 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

| Hunt Name | Permit Number | Raffle Season | Special Restrictions | Boundary Description |
|-----------------------|---------------|---|--------------------------|----------------------|
| Kapowsin North/Buck | 8 | ((Nov. 8-21)) <u>Oct. 31-Nov. 16</u> | Buck Only (Raffle) | PLWMA 401A North |
| Kapowsin Central/Buck | 29 | ((Nov. 8-21)) <u>Oct. 31-Nov. 16</u> | Buck Only (Raffle) | PLWMA 401B Central |
| Kapowsin South/Buck | 14 | ((Nov. 8-21)) <u>Oct. 31-Nov. 16</u> | Buck Only (Raffle) | PLWMA 401C South |
| Kapowsin North | 50 | Dec. ((6-8)) <u>12-14</u> | Antlerless Only (Raffle) | PLWMA 401A North |

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((2002)) 2003 - Blacktail Deer
Merrill and Ring's Pysht Tree Farm - Quotas and Seasons
 An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.

| Hunt Name | Quota | Raffle Season | Special Restrictions | Boundary Description |
|---------------|-----------------------------|--------------------------------------|---|--------------------------|
| Pysht North A | 15 | Sept. 1-14 | Raffle, Archery, 3 pt. minimum ((or Antlerless)) | PLWMA (600A) North Unit |
| Pysht North B | 20 | Oct. ((1-9)) <u>1-10</u> | Raffle, Muzzleloader, 3 pt. minimum ((or Antlerless)) | PLWMA (600A) North Unit |
| Pysht North C | ((25)) <u>30</u> | Nov. ((9-24)) <u>8-23</u> | Raffle, 3 pt. min. ((or Antlerless)) | PLWMA (600A) North Unit |
| Pysht North D | 5 | Nov. ((9-24)) <u>8-23</u> | Restricted, 3 pt. minimum ((or Antlerless)) | PLWMA (600 A) North Unit |

2003 ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

((2002)) 2003 - Elk
Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons
 Only hunters possessing a valid ~~((2002))~~ 2003 elk tag and meeting the special restrictions noted for each hunt are eligible for Rainier Timber Company access permits on PLWMA 401. Hunters must contact Rainier Timber Company for auction/raffle permit opportunity. Hunters drawing a Rainier Timber Company elk raffle permit are eligible to purchase a second elk tag for the hunt. Rainier Timber Company, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call 1-800-782-1493.

| Hunt Name | Quota | Raffle Season | Special Restrictions | Boundary Descriptions |
|---------------------------|---------------------------|------------------------|--|-----------------------------------|
| Kapowsin Bull North | 2 | Sept. 13-29 | Auction/Raffle Any Bull, Any Tag | PLWMA 401A North |
| Kapowsin Bull Central | ((2)) <u>3</u> | Sept. 13-29 | Auction/Raffle Any Bull, Any Tag | PLWMA 401B Central |
| Kapowsin Bull South | ((2)) <u>3</u> | Sept. 13-29 | Auction/Raffle Any Bull, Any Tag | PLWMA 401C South |
| ((Kapowsin All | <u>2</u> | Sept. 13-29 | Restricted, Any Bull, Any Tag | PLWMA 401 A, B, or C)) |

((2002)) 2003 - Elk
Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season
 Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at 1-800-998-2382 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

| Hunt Name | Quota | Raffle Season | Special Restrictions | Boundary Descriptions |
|----------------|----------|-------------------|---|-----------------------|
| Pysht <u>A</u> | 3 | Sept. 15-30 | Any ((Bull)) Elk, Any Weapon | PLWMA 600 |
| Pysht <u>B</u> | <u>1</u> | <u>Sept. 1-14</u> | <u>Any Elk, Archery</u> | <u>PLWMA 600</u> |
| Pysht <u>C</u> | <u>1</u> | <u>Oct. 1-10</u> | <u>Any Elk, Muzzle Loader</u> | <u>PLWMA 600</u> |

AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PLWMA 201 - Buckrun Limited (Grant County):
 ((Beginning at the southwest corner of S27 T23 R27E; 2 miles east, 1/2 mile north, 1 mile east, 1/2 mile south of S25; continuing 2 miles east to the southwest corner of S26 T23 R28E; 1 mile south to the southwest corner of S33 T23 R28E; east 1 mile; thence 1/4 mile north, 1 mile east, 1/4 mile to the

intersection with the Stratford Game Reserve; from the southwest corner of S6 T22 R29E; east 1 mile along BNSF right of way to the intersection of S5 T22 R29E; south 1.75 miles to the southwest corner of S8 T22 R29E; east 2 miles to the southeast corner of S9 T22 R29E; north 1.5 miles (except the southeast 1/4 of the southeast 1/4 of S4 T22 R29E); east 1.5 miles to the middle 1/4 corner of S2 T22 R29E; north 1/4 mile, west 1/2 mile, north 1/2 mile; east at the northeast corner of S2 T22 R29E; 1 mile east to the southeast corner of

S35 T23 R29E; north 1 mile to the southeast corner of S26 T23 R29E; east 1 mile to the southeast corner of S25 T23 R29E; north 4.25 miles to the northeast 1/4 of the southeast 1/4 of S1 T23 R29E; west 1 mile to the northwest corner of the northwest 1/4 of S1 T23 R29E; south 1 mile to the southwest corner of the northwest 1/4 of the southwest 1/4 of S12 T23 R29E; 1/2 mile east to the northwest corner of the southeast 1/4 of the southwest 1/4 of S12 T23 R29E; south 1/4 mile to the southeast corner of the southwest 1/4 of S12 T23 R29E; west 3 miles to the northwest corner of the east 1/2 of S16 T23 R29E; south 1 mile to the southeast corner of the east 1/2 of S16 T23 R29E; west 1/2 mile to the northeast corner of S20 T23 R29E; north 1 mile to the northwest corner of S16 T23 R29E; east 1 mile to the northeast corner of S9 T23 R29E; north 1 mile to the northeast corner of S9 T23 R29E; west 1 mile to the northeast corner of S8 T23 R29E; north 1 mile to the northeast corner of S5 T23 R29E; west 1/2 mile to the southeast corner of the west 1/2 of S32 T23 R29E; north 1 mile to the corner of the west 1/2 of S32 T23 R29E; 1.5 miles west to the northwest corner of S31 T24 R29E; south 1 mile to the northwest corner of S6 T23 R29E; west 1 mile to the northeast corner of S2 T23 R28E; north 1 mile to the northeast corner of S35 T24 R28E; west 1 mile to the northwest corner of S35 T24 R28E; south 1 mile to the northwest corner of S2 T23 R28E; west 3/4 mile to the northwest corner of the northeast 1/4 of S3 T23 R28E; south 1.5 miles to the intersection with the Stratford Game Reserve; continue from the southeast corner of the southeast 1/4 of the northeast 1/4 of S9 T23 R28E; north 1/2 mile to the northeast corner of S9 T23 R28E; west 1/4 mile north to the intersection of the Pinto Ridge Road; southwest on the Pinto Ridge Road to the northeast corner of the southeast 1/4 of S8 T23 R28E; west 1/2 mile to the northwest corner of the southeast 1/4 of S8 T23 R28E; south 1/4 mile to the intersection with the old NPRR bed. Follow the NPRR bed southwest to the southeast corner of the southwest 1/4 of S13 T23 R27E; northeast along the Dry Coulee Road to the northeast corner of S13 T23 R27E; west 1/4 mile to the southwest corner of the southeast 1/4 of S12 T23 R27E; north 1/4 mile, west 1/2 mile, north 1/4 mile, west 1/4 mile to the corner of the southwest 1/4 of S12 T23 R27E; west 1 mile to the northwest corner of the south 1/2 of S11 T23 R27E; south 1.5 miles to the northwest corner of S23 T23 R27E; west 2 miles to the northwest corner of S22 T23 R27E; south 1 mile to the southwest corner of S21 T23 R27E; east 1 mile, south 1 mile to the point of beginning. Public lands within the external boundaries are not part of the PLWMA.) **PLWMA 201 SHALL INCLUDE THE FOLLOWING DESCRIBED LANDS WITHIN GAME MANAGEMENT UNIT 272 (BEAZLEY) IN GRANT COUNTY:**

T23N R26EWM:E1/2 of SE1/4 of S13.**T23N R27EWM:**E1/2 of SE1/4 and SE1/4 of NE1/4 of S7, S18, S19, S1/2 and S1/2 of NW1/4 of S8 and S17 (except those lands enrolled in the HUNT BY WRITTEN PERMISSION program), W1/2 of S20, S21, S22, S27, S1/2 of S11, S14, S23, S26, S1/2 of SW1/4 and SW1/4 of SE1/4 of S12, S1 (except the area between Dry Coulee Road and the Northern Pacific Railroad bed), S24, and N1/2 of S25.**T23N R28EWM:**S18 (except NW portion lying N of the Northern Pacific Railroad bed), S19, S30, SE1/4 and S1/2 of SW1/4 of S8, S20, N1/2 of S1/2 of S29, S32 lying E of the Pinto Ridge Road, that portion of W1/2 of SE1/4 of S4 lying S of the Pinto Ridge Road, S9 lying S of the Pinto Ridge Road (except the Stratford Game Reserve), S16 (except Stratford Game Reserve), S21, S28, S33, S3 (except W1/2 of W1/2), N1/2 of S10 (except W1/2 of NW1/4), S15 lying S of Stratford Game Reserve, S22, S27, S34 (except S1/2 of S1/2), S2, S23, S26, S35 lying N of the Stratford Game Reserve, S1, and N1/2 of S12.**T24N R28EWM:**S35.**T23N R29EWM:**S5, S6, S7, S18, S19 (except the Stratford Game Reserve), SE1/4 of S30, S31, S8, S17, S20, S29, S32, S9, E1/2 of S16, S21, S28, S33, S15, S22, S27, S34, S14, S23, S26, S35, S1/2 of S1/2 of S1, S12 (except S1/2 of SW1/4), S13, S24, and S25.**T24N R29EWM:**W1/2 of S32, S31.**T22N R29EWM:**Those lands lying N of Burlington Northern Santa Fe Railroad bed and S1/2 of the SE1/4 of S6, S5, S8, S4 (except SE1/4 of SE1/4), S9, N1/2 of S3, and S1/2 of NW1/4 of S2. A map of PLWMA 201 is available from WDFW's Region 2 office in Ephrata, (509) 754-4624.

PLWMA 401 - Rainier Timber Company RTC (Pierce County): Beginning at the intersection of RTC haul road (RTC 1 Rd.) and the Camp One Road near the town of Kapowsin; southwest along the east side of Lake Kapowsin to Ohop Creek; up Ohop Creek to RTC ownership line; along ownership line to S.W. corner of the north half of Section 6, T16N, R5E; easterly along Weyerhaeuser/RTC ownership line to the intersection with Busy Wild Creek; up Busy Wild Creek to intersection with RTC ownership on the section line between Sections 10 & 15, T15N, R6E; west and south along DNR/RTC ownership line and Plum Creek Timber Co./RTC ownership line to most southerly point of RTC ownership (northwest of Ashford, WA); easterly along RTC ownership line to DNR/RTC ownership line; north and east to USFS/RTC ownership line; east along USFS/RTC ownership line to S.W. corner of Section 31, T16N, R7E; north along USFS/RTC ownership line to N.W. corner Section 32, T16N, R7E; east along Plum Creek Timber Co./USFS ownership line to N.E. corner of Section 32, T16N, R7E; south along USFS/RTC ownership line to S.E. corner Section 32, T16N, R7E; east along USFS/RTC ownership line to Mount Rainier National Park Boundary; north along Mount Rainier National Park Boundary to N.E. corner Section 24, T17N, R7E; northwest along SR 165 to intersection with Carbon River; down Carbon River to the BPA Transmission Line; south and west along the powerline to the Fisk Road; south along the Fisk Road to the King Creek Gate; north and west along the Brooks Road BPA Transmission line; southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownerships); up Puyallup River to inter-

section with RTC haul road bridge; south along RTC haul road to point of beginning. Another portion of PLWMA 401 RTC is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; up South Prairie Creek to East Fork South Prairie Creek; up East Fork South Prairie Creek to Plum Creek Timber Co./RTC ownership line (on south line of Section 33, T19N, R7E); along RTC ownership line to center line of Section 34, T19N, R7E; north and east along DNR/RTC ownership line to S.W. corner of Section 27, T19N, R7E; north along Weyerhaeuser/RTC ownership line to White River; down White River to where it crosses west line Section 6, T19N, R7E; south and west along RTC ownership line to intersection with South Prairie Creek; up South Prairie Creek to point of beginning.

PLWMA 401A - Kapowsin North (Buckley): That portion of PLWMA 401 description which includes the Buckley block.

PLWMA 401B - Kapowsin Central (King Creek): That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

PLWMA 401C - Kapowsin South (Kapowsin): That portion of PLWMA 401 description which lies to the south of the Puyallup River.

PLWMA 600 - Merrill and Ring (Clallam County): Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, south along Deep Creek to the township line between Townships 30 and 31, west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4, NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4, SW 1/4 NE 1/4 Section 19, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4, SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2, SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 24, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28,

Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

PLWMA 600A North - Merrill and Ring North: That portion of PLWMA 600 north of Highway 112.

PLWMA 600B South - Merrill and Ring South: That portion of PLWMA 600 south of Highway 112.

WSR 02-21-134
PROPOSED RULES
HEALTH CARE AUTHORITY

(Basic Health)

[Order 02-06—Filed October 23, 2002, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-086.

Title of Rule: Requirements for dependents.

Purpose: Revises the requirements for enrollment of dependents to allow for enrollment of children whose guardian is neither the parent nor a court-ordered legal guardian and removes the legal guardianship requirement for disabled dependents living with their biological or adoptive parent.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.020 (4) and (5), 70.47.060 (9) and (10), 74.08A.100 and chapter 371, Laws of 2002.

Summary: The proposed rule revises the definition of dependent in WAC 182-25-010(9), to allow for the enrollment of children whose guardian is neither a parent nor a court-ordered legal guardian and removes the legal guardianship requirement for disabled dependents living with their biological or adoptive parent.

Reasons Supporting Proposal: Emergency rules were filed September 3, 2002, to comply with the requirements of SSB 6833 and budget proviso language, which required basic health to offer coverage to medical assistance clients whose program ended September 30, 2002. This rule makes some of those changes permanent, to allow for continued enrollment of dependents enrolled under those changes and to add criteria under which these changes apply.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, (360) 923-2948; Implementation and Enforcement: Ida Zodrow, Lacey, (360) 923-2828.

Name of Proponent: Washington State Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule would revise the definition of "dependent," to include an option of enrolling a dependent who is living with the subscriber under an informal guardianship agreement and to remove the legal guardianship requirement for enrolling a disabled dependent under his/her biological or adoptive parent's account. A similar change was originally adopted as emergency rules to allow for the enrollment of medical assistance clients whose program was ending; however, this change would apply to all basic health appli-

cants and enrollees. This draft rule adds criteria under which an informal guardianship agreement will be accepted.

The purpose of allowing an informal guardianship agreement is to make it possible to enroll children who may not have other coverage options and whose parent is not able to act as the subscriber, without the requirement of a court-ordered legal guardianship. The rule sets parameters to avoid a subscriber benefitting from listing the child without providing coverage for the child.

The purpose of removing the legal guardianship requirement for disabled dependents is to allow a parent to continue to provide coverage for their disabled adult dependent without the expense and strain of a court process to gain legal guardianship.

It is not anticipated that these changes will increase costs to the program, but they are expected to simplify the enrollment process for some, and to allow for enrollment of children who would otherwise be unable to enroll and who may not have other coverage options.

Proposal Changes the Following Existing Rules: Modifies the definition of "dependent."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Health Care Authority is not required by chapter 19.85 RCW to prepare a small business economic impact statement. There will be little, if any, cost to small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., West Wing, Third Floor Conference Room, Lacey, WA, on December 2, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by November 18, 2002, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, e-mail Rrey107@hca.wa.gov, fax (360) 923-2605, by December 2, 2002.

Date of Intended Adoption: December 3, 2002.

October 22, 2002

Melodie Bankers

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-08, filed 4/4/01, effective 5/5/01)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment for basic health care services admin-

istered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is (~~under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self support due to disability~~) incapable of self-support due to disability, and who is the unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, or legal guardianship; or

(d) An unmarried child younger than age nineteen who is residing with the subscriber under an informal guardianship agreement. For a child to be considered a dependent of the subscriber under this provision:

(i) The guardianship agreement must be signed by the child's parent;

(ii) The guardianship agreement must authorize the subscriber to obtain medical care for the child;

(iii) The subscriber must be providing at least fifty percent of the child's support; and

(iv) The child must be on the account for BHP coverage.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(ix) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or

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mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means:

(a) Any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services; or

(b) A self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the six months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) Medication was prescribed or recommended for the enrollee; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, or maternity benefits through medical assistance.

(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(34) "Rate" means the amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(37) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).



WSR 02-21-025
EXPEDITED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed October 10, 2002, 8:44 a.m.]

98504-8380, merryk@drs.wa.gov, AND RECEIVED BY
5:00 p.m. December 23, 2002.

October 4, 2002
Merry A. Kogut
Rules Coordinator

Title of Rule: WAC 415-112-230 Failure to make final payment to establish credit and 415-02-380 Survivor options factors.

Purpose: WAC 415-112-230 is a teachers' retirement system rule regarding payments to buy back service credit; and WAC 415-02-380 is an actuarial WAC that explains how the department determines the amount to pay survivors, and provides the tables necessary for the calculations.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: For WAC 415-112-230 is RCW 41.32.310; and for WAC 415-02-380 is chapter 41.45 RCW.

Summary: WAC 415-112-230, the last three words are being deleted because sometimes funds are returned directly to members, but other times the funds are returned to an institution. "A member" is being changed to "you" to be consistent with other changes being made to other department WACs. WAC 415-02-380 is being changed to correct a typographical error in the original, in which the captions on Tables 11 and 12 were accidentally reversed.

Reasons Supporting Proposal: The change to WAC 415-112-230 is needed to support current business practices. The change to WAC 415-02-380 is being made to correct a typographical error.

Name of Agency Personnel Responsible for Drafting and Implementation: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; and Enforcement: Lucille Christenson, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

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: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal 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 Merry A. Kogut, Department of Retirement Systems, P.O. Box 48380, Olympia, WA

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-230 Failure to make final payment to establish credit. When ((~~a member~~)) you enter((s)) into an arrangement to establish or reestablish additional credit for previous service and fail((s)) to make the final payment within the time limit established by law, such arrangement is terminated, and any payments made for such service credit shall be returned ((~~to the member~~)).

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

WAC 415-02-380 Survivor options factors. (1) What is a "surviving beneficiary"? A surviving beneficiary is a person you designate when you retire who will receive benefit payments for the duration of his or her life, beginning at your death.

(2) Will selecting a surviving beneficiary affect my retirement benefits? Yes. Retirees who select a surviving beneficiary retirement option receive smaller benefit payments upon retirement than those retirees who do not select this option.

(3) Does it matter if I am married? Yes. If you are married, you must provide your spouse's written consent to the option you select. If you are married, and you and your spouse do not give written consent to an option, the department will pay you a joint and fifty percent survivor benefit and record your spouse as the beneficiary. For details, please review:

| | | |
|-----------------|------------------|---------------------------------|
| LEOFF Plan 2: | RCW 41.26.460(2) | WAC 415-104-211 and 415-104-215 |
| PERS Plan 1: | RCW 41.40.188(2) | WAC 415-108-324 and 415-108-326 |
| PERS Plan 2: | RCW 41.40.660(2) | WAC 415-108-324 and 415-108-326 |
| PERS Plan 3: | RCW 41.40.845(2) | WAC 415-108-324 and 415-108-326 |
| SERS Plans 2/3: | RCW 41.35.220(2) | WAC 415-110-324 and 415-110-326 |
| TRS Plan 1: | RCW 41.32.530(2) | WAC 415-112-710 to 415-112-727 |
| TRS Plan 2: | RCW 41.32.785(2) | WAC 415-112-710 to 415-112-727 |
| TRS Plan 3: | RCW 41.32.851(2) | WAC 415-112-710 to 415-112-727 |
| WSPRS Plan 2: | RCW 43.43.271(2) | WAC 415-103-225 |

(4) Why does the surviving beneficiary's age matter? The surviving beneficiary's age is used in determining the amount of the payments. The younger the surviving benefi-

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ciary, the longer he or she is expected to receive payments. The monthly benefit must be reduced accordingly.

(5) **What are the survivor options?** The survivor options are described in detail within each plan. For details, please see the list in subsection (3) of this section.

To summarize:

Option 2 - Joint and 100 percent survivorship

Option 3 - Joint and 50 percent survivorship

Option 4 - Joint and 66.67 percent survivorship

(6) **Examples**

(a) **Example (a):**

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. She names her nephew, Steve, as her surviving beneficiary. This means that Steve would receive half of Kendra's benefit amount after Kendra's death. Steve is 30 years younger than Kendra. PERS would use the survivor option factor table ("member older") to calculate the adjustment. With a 30-year age difference (member minus beneficiary), the value corresponding to PERS Plan 2 and Option 3 is 0.753. This value, 0.753, is mul-

tiplied against the amount Kendra would have received under Option 1. Kendra's retirement benefits will be reduced to about 75% of her Option 1 level.

(b) **Example (b):**

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. He names his wife, Susan, as his surviving beneficiary. This means Susan would receive the same benefit amount Mark had received prior to his death. Mark is five years younger than Susan. LEOFF would use the survivor option factors table ("member younger") to calculate the adjustment for the age difference. With a 5-year age difference (member minus beneficiary), the value corresponding to LEOFF Plan 2 and Option 2 is 0.894. This value, 0.894, will be multiplied against the amount Mark would have received under Option 1. Mark's retirement benefits will be reduced to about 89 percent of his Option 1 level.

(7) **Table - Member older (PERS and SERS)**

Survivor option factor: Member older than beneficiary

Age difference: Member age minus beneficiary age

| Age Difference | PERS 1 Opt. 2 100% | PERS 1 Opt. 3 50% | PERS 1 Opt. 4 66 2/3% | PERS 2/3 Opt. 2 100% | PERS 2/3 Opt. 3 50% | PERS 2/3 Opt. 4 66 2/3% | SERS 2/3 Opt. 2 100% | SERS 2/3 Opt. 3 50% | SERS 2/3 Opt. 4 66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|---------------------------|-------------------------------|----------------------------|---------------------------|-------------------------------|
| 0 | .870 | .930 | .909 | .791 | .883 | .850 | .799 | .888 | .857 |
| 1 | .862 | .926 | .904 | .778 | .875 | .840 | .773 | .872 | .836 |
| 2 | .857 | .923 | .900 | .767 | .868 | .832 | .760 | .864 | .826 |
| 3 | .844 | .915 | .890 | .758 | .863 | .825 | .748 | .856 | .816 |
| 4 | .840 | .913 | .887 | .751 | .858 | .819 | .741 | .851 | .811 |
| 5 | .836 | .910 | .884 | .743 | .853 | .813 | .734 | .846 | .805 |
| 6 | .831 | .908 | .881 | .736 | .848 | .807 | .726 | .841 | .799 |
| 7 | .818 | .900 | .871 | .728 | .843 | .801 | .719 | .836 | .793 |
| 8 | .814 | .897 | .867 | .721 | .838 | .795 | .712 | .832 | .787 |
| 9 | .809 | .895 | .864 | .713 | .833 | .789 | .705 | .827 | .782 |
| 10 | .805 | .892 | .861 | .706 | .828 | .783 | .698 | .822 | .776 |
| 11 | .802 | .890 | .858 | .699 | .823 | .777 | .692 | .818 | .771 |
| 12 | .787 | .881 | .847 | .693 | .818 | .772 | .685 | .813 | .766 |
| 13 | .784 | .879 | .845 | .686 | .814 | .766 | .679 | .809 | .760 |
| 14 | .780 | .876 | .842 | .680 | .809 | .761 | .673 | .805 | .755 |
| 15 | .777 | .874 | .839 | .673 | .805 | .756 | .667 | .800 | .750 |
| 16 | .773 | .872 | .836 | .667 | .801 | .751 | .662 | .796 | .746 |
| 17 | .770 | .870 | .834 | .662 | .796 | .746 | .656 | .792 | .741 |
| 18 | .767 | .868 | .832 | .656 | .792 | .741 | .651 | .789 | .737 |
| 19 | .764 | .866 | .829 | .651 | .788 | .736 | .646 | .785 | .732 |
| 20 | .762 | .865 | .827 | .645 | .785 | .732 | .641 | .781 | .728 |
| 21 | .759 | .863 | .825 | .640 | .781 | .728 | .637 | .778 | .724 |
| 22 | .756 | .861 | .823 | .636 | .777 | .724 | .632 | .775 | .720 |
| 23 | .754 | .860 | .821 | .631 | .774 | .720 | .628 | .771 | .717 |
| 24 | .752 | .858 | .820 | .627 | .771 | .716 | .624 | .768 | .713 |
| 25 | .750 | .857 | .818 | .622 | .767 | .712 | .620 | .765 | .710 |
| 26 | .748 | .856 | .817 | .618 | .764 | .709 | .616 | .762 | .707 |
| 27 | .746 | .855 | .815 | .615 | .761 | .705 | .613 | .760 | .703 |
| 28 | .744 | .853 | .814 | .611 | .758 | .702 | .609 | .757 | .700 |
| 29 | .743 | .852 | .812 | .607 | .756 | .699 | .606 | .755 | .697 |
| 30 | .741 | .851 | .811 | .604 | .753 | .696 | .603 | .752 | .695 |
| 31 | .740 | .850 | .810 | .601 | .751 | .693 | .600 | .750 | .692 |

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| Age Difference | PERS 1 Opt. 2 100% | PERS 1 Opt. 3 50% | PERS 1 Opt. 4 66 2/3% | PERS 2/3 Opt. 2 100% | PERS 2/3 Opt. 3 50% | PERS 2/3 Opt. 4 66 2/3% | SERS 2/3 Opt. 2 100% | SERS 2/3 Opt. 3 50% | SERS 2/3 Opt. 4 66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|------------------------|-------------------------------|----------------------------|------------------------|-------------------------------|
| 32 | .738 | .849 | .809 | .598 | .748 | .690 | .597 | .748 | .690 |
| 33 | .737 | .849 | .808 | .595 | .746 | .688 | .594 | .745 | .687 |
| 34 | .736 | .848 | .807 | .592 | .744 | .685 | .592 | .743 | .685 |
| 35 | .735 | .847 | .806 | .589 | .742 | .683 | .589 | .741 | .683 |
| 36 | .734 | .846 | .805 | .587 | .740 | .680 | .587 | .740 | .680 |
| 37 | .733 | .846 | .804 | .584 | .738 | .678 | .585 | .738 | .678 |
| 38 | .732 | .845 | .804 | .582 | .736 | .676 | .582 | .736 | .677 |
| 39 | .731 | .844 | .803 | .580 | .734 | .674 | .580 | .734 | .675 |
| 40 | .730 | .844 | .802 | .578 | .732 | .672 | .578 | .733 | .673 |

(8) Table - Member younger (PERS and SERS)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

| Age Difference | PERS 1 Opt. 2 100% | PERS 1 Opt. 3 50% | PERS 1 Opt. 4 66 2/3% | PERS 2/3 Opt. 2 100% | PERS 2/3 Opt. 3 50% | PERS 2/3 Opt. 4 66 2/3% | SERS 2/3 Opt. 2 100% | SERS 2/3 Opt. 3 50% | SERS 2/3 Opt. 4 66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|------------------------|-------------------------------|----------------------------|------------------------|-------------------------------|
| -20 | .958 | .978 | .971 | .939 | .969 | .959 | .949 | .974 | .965 |
| -19 | .955 | .977 | .970 | .935 | .967 | .956 | .946 | .972 | .963 |
| -18 | .952 | .976 | .968 | .931 | .964 | .953 | .942 | .970 | .961 |
| -17 | .949 | .974 | .966 | .927 | .962 | .950 | .938 | .968 | .958 |
| -16 | .947 | .973 | .964 | .922 | .959 | .947 | .934 | .966 | .955 |
| -15 | .944 | .971 | .962 | .917 | .957 | .943 | .930 | .964 | .952 |
| -14 | .940 | .969 | .959 | .912 | .954 | .940 | .926 | .961 | .949 |
| -13 | .937 | .968 | .957 | .907 | .951 | .936 | .921 | .959 | .946 |
| -12 | .934 | .966 | .955 | .902 | .948 | .932 | .917 | .956 | .943 |
| -11 | .930 | .964 | .953 | .896 | .945 | .928 | .912 | .954 | .939 |
| -10 | .927 | .962 | .950 | .890 | .942 | .924 | .907 | .951 | .936 |
| -9 | .923 | .960 | .948 | .884 | .938 | .919 | .901 | .948 | .932 |
| -8 | .920 | .958 | .945 | .878 | .935 | .915 | .896 | .945 | .928 |
| -7 | .916 | .956 | .942 | .871 | .931 | .910 | .890 | .942 | .924 |
| -6 | .912 | .954 | .940 | .865 | .927 | .905 | .885 | .939 | .920 |
| -5 | .908 | .952 | .937 | .858 | .924 | .901 | .879 | .935 | .916 |
| -4 | .901 | .948 | .931 | .848 | .918 | .893 | .873 | .932 | .911 |
| -3 | .896 | .945 | .928 | .840 | .913 | .887 | .863 | .927 | .905 |
| -2 | .889 | .941 | .923 | .826 | .905 | .877 | .853 | .920 | .897 |
| -1 | .879 | .935 | .916 | .805 | .892 | .861 | .834 | .909 | .883 |
| 0 | .870 | .930 | .909 | .791 | .883 | .850 | .799 | .888 | .857 |

(9) Table - Member older (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

| Age Difference | LEOFF 2 Option 2 100% | LEOFF 2 Option 3 50% | LEOFF 2 Option 4 66 2/3% | WSP 2 Option 2 100% | WSP 2 Option 3 50% | WSP 2 Option 4 66 2/3% |
|----------------|--------------------------|-------------------------|--------------------------------|---------------------------|--------------------------|------------------------------|
| 0 | 0.870 | 0.930 | 0.909 | 0.870 | 0.930 | 0.909 |
| 1 | 0.865 | 0.927 | 0.905 | 0.865 | 0.927 | 0.905 |
| 2 | 0.860 | 0.924 | 0.902 | 0.860 | 0.924 | 0.902 |
| 3 | 0.855 | 0.922 | 0.898 | 0.855 | 0.922 | 0.898 |
| 4 | 0.850 | 0.919 | 0.894 | 0.850 | 0.919 | 0.894 |
| 5 | 0.845 | 0.916 | 0.891 | 0.845 | 0.916 | 0.891 |
| 6 | 0.840 | 0.913 | 0.887 | 0.840 | 0.913 | 0.887 |
| 7 | 0.835 | 0.910 | 0.883 | 0.835 | 0.910 | 0.883 |
| 8 | 0.830 | 0.907 | 0.880 | 0.830 | 0.907 | 0.880 |

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| Age Difference | LEOFF 2 Option 2 100% | LEOFF 2 Option 3 50% | LEOFF 2 Option 4 66 2/3% | WSP 2 Option 2 100% | WSP 2 Option 3 50% | WSP 2 Option 4 66 2/3% |
|----------------|--------------------------|-------------------------|--------------------------------|---------------------------|--------------------------|------------------------------|
| 9 | 0.825 | 0.904 | 0.876 | 0.825 | 0.904 | 0.876 |
| 10 | 0.821 | 0.902 | 0.873 | 0.821 | 0.902 | 0.873 |
| 11 | 0.816 | 0.899 | 0.870 | 0.816 | 0.899 | 0.870 |
| 12 | 0.812 | 0.896 | 0.866 | 0.812 | 0.896 | 0.866 |
| 13 | 0.808 | 0.894 | 0.863 | 0.808 | 0.894 | 0.863 |
| 14 | 0.803 | 0.891 | 0.860 | 0.803 | 0.891 | 0.860 |
| 15 | 0.799 | 0.888 | 0.857 | 0.799 | 0.888 | 0.857 |
| 16 | 0.795 | 0.886 | 0.854 | 0.795 | 0.886 | 0.854 |
| 17 | 0.792 | 0.884 | 0.851 | 0.792 | 0.884 | 0.851 |
| 18 | 0.788 | 0.881 | 0.848 | 0.788 | 0.881 | 0.848 |
| 19 | 0.784 | 0.879 | 0.845 | 0.784 | 0.879 | 0.845 |
| 20 | 0.781 | 0.877 | 0.842 | 0.781 | 0.877 | 0.842 |
| 21 | 0.777 | 0.875 | 0.840 | 0.777 | 0.875 | 0.840 |
| 22 | 0.774 | 0.873 | 0.837 | 0.774 | 0.873 | 0.837 |
| 23 | 0.771 | 0.871 | 0.835 | 0.771 | 0.871 | 0.835 |
| 24 | 0.768 | 0.869 | 0.832 | 0.768 | 0.869 | 0.832 |
| 25 | 0.765 | 0.867 | 0.830 | 0.765 | 0.867 | 0.830 |
| 26 | 0.763 | 0.865 | 0.828 | 0.763 | 0.865 | 0.828 |
| 27 | 0.760 | 0.864 | 0.826 | 0.760 | 0.864 | 0.826 |
| 28 | 0.757 | 0.862 | 0.824 | 0.757 | 0.862 | 0.824 |
| 29 | 0.755 | 0.860 | 0.822 | 0.755 | 0.860 | 0.822 |
| 30 | 0.753 | 0.859 | 0.820 | 0.753 | 0.859 | 0.820 |
| 31 | 0.750 | 0.857 | 0.818 | 0.750 | 0.857 | 0.818 |
| 32 | 0.748 | 0.856 | 0.817 | 0.748 | 0.856 | 0.817 |
| 33 | 0.746 | 0.855 | 0.815 | 0.746 | 0.855 | 0.815 |
| 34 | 0.744 | 0.853 | 0.814 | 0.744 | 0.853 | 0.814 |
| 35 | 0.742 | 0.852 | 0.812 | 0.742 | 0.852 | 0.812 |
| 36 | 0.741 | 0.851 | 0.811 | 0.741 | 0.851 | 0.811 |
| 37 | 0.739 | 0.850 | 0.809 | 0.739 | 0.850 | 0.809 |
| 38 | 0.737 | 0.849 | 0.808 | 0.737 | 0.849 | 0.808 |
| 39 | 0.736 | 0.848 | 0.807 | 0.736 | 0.848 | 0.807 |
| 40 | 0.734 | 0.847 | 0.806 | 0.734 | 0.847 | 0.806 |

(10) Table - Member younger (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member younger than beneficiary
 Age difference: Member age minus beneficiary age

| Age Difference | LEOFF 2 Option 2 100% | LEOFF 2 Option 3 50% | LEOFF 2 Option 4 66 2/3% | WSP 2 Option 2 100% | WSP 2 Option 3 50% | WSP 2 Option 4 66 2/3% |
|----------------|--------------------------|-------------------------|--------------------------------|---------------------------|--------------------------|------------------------------|
| -20 | 0.953 | 0.976 | 0.968 | 0.953 | 0.976 | 0.968 |
| -19 | 0.950 | 0.974 | 0.966 | 0.950 | 0.974 | 0.966 |
| -18 | 0.947 | 0.973 | 0.964 | 0.947 | 0.973 | 0.964 |
| -17 | 0.944 | 0.971 | 0.962 | 0.944 | 0.971 | 0.962 |
| -16 | 0.940 | 0.969 | 0.959 | 0.940 | 0.969 | 0.959 |
| -15 | 0.937 | 0.967 | 0.957 | 0.937 | 0.967 | 0.957 |
| -14 | 0.933 | 0.965 | 0.954 | 0.933 | 0.965 | 0.954 |
| -13 | 0.929 | 0.963 | 0.952 | 0.929 | 0.963 | 0.952 |
| -12 | 0.925 | 0.961 | 0.949 | 0.925 | 0.961 | 0.949 |
| -11 | 0.921 | 0.959 | 0.946 | 0.921 | 0.959 | 0.946 |
| -10 | 0.917 | 0.957 | 0.943 | 0.917 | 0.957 | 0.943 |
| -9 | 0.913 | 0.954 | 0.940 | 0.913 | 0.954 | 0.940 |
| -8 | 0.908 | 0.952 | 0.937 | 0.908 | 0.952 | 0.937 |

| Age Difference | LEOFF 2 Option 2 100% | LEOFF 2 Option 3 50% | LEOFF 2 Option 4 66 2/3% | WSP 2 Option 2 100% | WSP 2 Option 3 50% | WSP 2 Option 4 66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|------------------------|-----------------------|---------------------------|
| -7 | 0.904 | 0.949 | 0.934 | 0.904 | 0.949 | 0.934 |
| -6 | 0.899 | 0.947 | 0.930 | 0.899 | 0.947 | 0.930 |
| -5 | 0.894 | 0.944 | 0.927 | 0.894 | 0.944 | 0.927 |
| -4 | 0.890 | 0.942 | 0.924 | 0.890 | 0.942 | 0.924 |
| -3 | 0.885 | 0.939 | 0.920 | 0.885 | 0.939 | 0.920 |
| -2 | 0.880 | 0.936 | 0.916 | 0.880 | 0.936 | 0.916 |
| -1 | 0.875 | 0.933 | 0.913 | 0.875 | 0.933 | 0.913 |
| 0 | 0.870 | 0.930 | 0.909 | 0.870 | 0.930 | 0.909 |

(11) Table - Member ((~~older~~) **younger**) (TRS)
Survivor option factors: Member younger than beneficiary
Age difference: Member age minus beneficiary age

| Age Difference | TRS 1 Option 2 100% | TRS 1 Option 3 50% | TRS 1 Option 4 66 2/3% | TRS 2/3 Option 2 100% | TRS 2/3 Option 3 50% | TRS 2/3 Option 4 66 2/3% |
|----------------|------------------------|-----------------------|---------------------------|--------------------------|-------------------------|-----------------------------|
| -20 | 0.968 | 0.984 | 0.979 | 0.952 | 0.975 | 0.967 |
| -19 | 0.966 | 0.983 | 0.977 | 0.949 | 0.974 | 0.965 |
| -18 | 0.964 | 0.982 | 0.976 | 0.945 | 0.972 | 0.963 |
| -17 | 0.962 | 0.981 | 0.974 | 0.942 | 0.970 | 0.960 |
| -16 | 0.960 | 0.979 | 0.973 | 0.938 | 0.968 | 0.958 |
| -15 | 0.957 | 0.978 | 0.971 | 0.934 | 0.966 | 0.955 |
| -14 | 0.955 | 0.977 | 0.969 | 0.929 | 0.963 | 0.952 |
| -13 | 0.952 | 0.976 | 0.968 | 0.925 | 0.961 | 0.949 |
| -12 | 0.950 | 0.974 | 0.966 | 0.921 | 0.959 | 0.946 |
| -11 | 0.947 | 0.973 | 0.964 | 0.916 | 0.956 | 0.942 |
| -10 | 0.944 | 0.971 | 0.962 | 0.911 | 0.953 | 0.939 |
| -9 | 0.942 | 0.970 | 0.960 | 0.906 | 0.951 | 0.935 |
| -8 | 0.939 | 0.968 | 0.958 | 0.900 | 0.948 | 0.931 |
| -7 | 0.936 | 0.967 | 0.956 | 0.895 | 0.945 | 0.927 |
| -6 | 0.933 | 0.965 | 0.954 | 0.889 | 0.941 | 0.923 |
| -5 | 0.927 | 0.962 | 0.950 | 0.884 | 0.938 | 0.919 |
| -4 | 0.923 | 0.960 | 0.947 | 0.877 | 0.934 | 0.914 |
| -3 | 0.918 | 0.957 | 0.944 | 0.865 | 0.928 | 0.906 |
| -2 | 0.913 | 0.955 | 0.941 | 0.855 | 0.922 | 0.899 |
| -1 | 0.907 | 0.951 | 0.936 | 0.839 | 0.912 | 0.887 |
| 0 | 0.898 | 0.946 | 0.930 | 0.815 | 0.898 | 0.869 |

(12) Table - Member (**younger**) (~~older~~) (TRS)
Survivor option factors: Member older than beneficiary
Age difference: Member age minus beneficiary age

| Age Difference | TRS 1 Option 2 100% | TRS 1 Option 3 50% | TRS 1 Option 4 66 2/3% | TRS 2/3 Option 2 100% | TRS 2/3 Option 3 50% | TRS 2/3 Option 4 66 2/3% |
|----------------|------------------------|-----------------------|---------------------------|--------------------------|-------------------------|-----------------------------|
| 0 | 0.898 | 0.946 | 0.930 | 0.815 | 0.898 | 0.869 |
| 1 | 0.892 | 0.943 | 0.925 | 0.801 | 0.889 | 0.858 |
| 2 | 0.888 | 0.941 | 0.922 | 0.790 | 0.883 | 0.849 |
| 3 | 0.877 | 0.935 | 0.915 | 0.781 | 0.877 | 0.842 |
| 4 | 0.873 | 0.932 | 0.912 | 0.772 | 0.871 | 0.835 |
| 5 | 0.869 | 0.930 | 0.909 | 0.765 | 0.867 | 0.830 |
| 6 | 0.858 | 0.924 | 0.901 | 0.758 | 0.862 | 0.824 |
| 7 | 0.855 | 0.922 | 0.898 | 0.751 | 0.858 | 0.819 |
| 8 | 0.851 | 0.920 | 0.896 | 0.744 | 0.853 | 0.813 |
| 9 | 0.848 | 0.918 | 0.893 | 0.737 | 0.849 | 0.808 |
| 10 | 0.845 | 0.916 | 0.891 | 0.730 | 0.844 | 0.802 |

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| Age Difference | TRS 1 Option 2 100% | TRS 1 Option 3 50% | TRS 1 Option 4 66 2/3% | TRS 2/3 Option 2 100% | TRS 2/3 Option 3 50% | TRS 2/3 Option 4 66 2/3% |
|----------------|---------------------------|--------------------------|---------------------------|-----------------------------|----------------------------|--------------------------------|
| 11 | 0.842 | 0.914 | 0.889 | 0.724 | 0.840 | 0.797 |
| 12 | 0.839 | 0.912 | 0.887 | 0.717 | 0.835 | 0.792 |
| 13 | 0.836 | 0.911 | 0.884 | 0.711 | 0.831 | 0.787 |
| 14 | 0.824 | 0.904 | 0.875 | 0.705 | 0.827 | 0.782 |
| 15 | 0.821 | 0.902 | 0.873 | 0.699 | 0.823 | 0.777 |
| 16 | 0.819 | 0.900 | 0.871 | 0.694 | 0.819 | 0.773 |
| 17 | 0.816 | 0.899 | 0.869 | 0.688 | 0.815 | 0.768 |
| 18 | 0.814 | 0.897 | 0.868 | 0.683 | 0.812 | 0.764 |
| 19 | 0.812 | 0.896 | 0.866 | 0.678 | 0.808 | 0.760 |
| 20 | 0.809 | 0.895 | 0.864 | 0.673 | 0.805 | 0.755 |
| 21 | 0.807 | 0.893 | 0.863 | 0.668 | 0.801 | 0.751 |
| 22 | 0.805 | 0.892 | 0.861 | 0.664 | 0.798 | 0.748 |
| 23 | 0.803 | 0.891 | 0.860 | 0.660 | 0.795 | 0.744 |
| 24 | 0.802 | 0.890 | 0.858 | 0.655 | 0.792 | 0.740 |
| 25 | 0.800 | 0.889 | 0.857 | 0.651 | 0.789 | 0.737 |
| 26 | 0.798 | 0.888 | 0.856 | 0.648 | 0.786 | 0.734 |
| 27 | 0.797 | 0.887 | 0.855 | 0.644 | 0.783 | 0.731 |
| 28 | 0.796 | 0.886 | 0.854 | 0.640 | 0.781 | 0.728 |
| 29 | 0.794 | 0.885 | 0.853 | 0.637 | 0.778 | 0.725 |
| 30 | 0.793 | 0.885 | 0.852 | 0.634 | 0.776 | 0.722 |
| 31 | 0.792 | 0.884 | 0.851 | 0.631 | 0.774 | 0.719 |
| 32 | 0.791 | 0.883 | 0.850 | 0.628 | 0.771 | 0.717 |
| 33 | 0.790 | 0.882 | 0.849 | 0.625 | 0.769 | 0.714 |
| 34 | 0.789 | 0.882 | 0.848 | 0.622 | 0.767 | 0.712 |
| 35 | 0.788 | 0.881 | 0.848 | 0.620 | 0.765 | 0.710 |
| 36 | 0.787 | 0.881 | 0.847 | 0.617 | 0.763 | 0.708 |
| 37 | 0.786 | 0.880 | 0.846 | 0.615 | 0.762 | 0.706 |
| 38 | 0.785 | 0.880 | 0.846 | 0.613 | 0.760 | 0.704 |
| 39 | 0.785 | 0.879 | 0.845 | 0.611 | 0.758 | 0.702 |
| 40 | 0.784 | 0.879 | 0.845 | 0.609 | 0.757 | 0.700 |

WSR 02-21-070**EXPEDITED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed October 17, 2002, 11:24 a.m.]

Title of Rule: WAC 468-38-250 Days on which permits are issued.

Purpose: To clarify the days, hours and locations where special motor vehicle permits can be issued.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.090, [46.44.]092, [46.44.]093, [46.44.]0941, and [46.44.]095.

Summary: The proposed amendment deletes the specific reference to the days and hours that permits can be acquired/issued at the ports of entry, given that the ports of entry will be phasing out permit issuing from their operations. Language is added that allows the department to approve and publish alternative locations where permits can be acquired after normal business hours.

Reasons Supporting Proposal: The proposal is necessary to support the changing business rules and agency policy of the Washington State Patrol's operation at the ports of entry. In addition, the proposal adds flexibility to the department to approve alternate locations (independent agents or self-issuers) to issue specified permits outside normal business hours.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, (360) 704-6346; and Enforcement: Captain Fred Fakkema, Olympia, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation and the Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to define days, hours and locations where special motor vehicle (oversize and overweight) permits are issued. The current rule specifies normal business hours at Washington State Department of Transpor-

EXPEDITED

tation (WSDOT) locations Monday through Friday with the ports of entry also selling on weekends and after hours (basically a 24/7 operation). The state patrol which runs the ports of entry are anticipating phasing out of the permit issuance business to focus on size and weight enforcement. The phasing out period will include reducing sales to WSDOT business hours effective January 1, 2003, and complete phase out effective July 1, 2003.

Proposal Changes the Following Existing Rules: The proposal deletes the specific references to the port of entry operations, as well as weekend or after-hours sales. Language is added that allows the department to approve and publish alternate locations (independent agents or self-issuers) to issue special motor vehicle permits outside of normal business hours. This will add flexibility to the department to meet customer demands as needs are identified.

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 Barry Diseth, Washington State Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, AND RECEIVED BY December 23, 2002.

October 15, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending Order 68, filed 11/22/89, effective 12/23/89)

WAC 468-38-250 Days on which permits are issued.

Permits may be purchased at any authorized department of transportation office or agency Monday through Friday during normal business hours. (~~Permits are not available on Saturdays, Sundays, or legal holidays. Permits may be purchased at ports of entry on the interstate highway system twenty-four hours a day, seven days a week, excluding legal holidays.~~) The department may approve locations to issue permits at times other than normal business hours. Approval must be in writing. The department will maintain a published list of the approved locations.

WSR 02-21-107
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 22, 2002, 12:20 p.m.]

Title of Rule: Shipbuilding, ship repairing and ship-breaking, chapter 296-304 WAC.

Purpose: The purpose of this rule making is to make technical and typographical changes to the Washington Industrial Safety and Health Act's (WISHA) shipbuilding, ship repairing and shipbreaking rules (chapter 296-304 WAC) in response to the Occupational Safety and Health Administration's rule on Occupational Safety and Health Standards for Shipyard Employment, 29 C.F.R. Part 1915, which were effective July 3, 2002.

These changes are necessary to:

- Make the rule at-least-as-effective-as OSHA; and
- Make necessary housekeeping changes.

Other Identifying Information: WAC 296-304-01001 Definitions.

- In the definition of body belt, add the following language, "Body belts must be at least one and five-eighths inches (4.13cm) wide."
- In the definition of Portable Unfired Pressure Vessel—changed ICC to Department of Transportation.

WAC 296-304-01003 Reference specifications, standards, and codes.

- Update the year of the United States of America Standard Safety Code for Portable Wood Ladders from "1959" to "1975."
- Update the year of the United States of America Standard Safety Code for Portable Metal Ladders from "1956" to "1972."

WAC 296-304-02007 Hot work.

- Made grammatical changes and update metric unit measurements.

WAC 296-304-02009 Maintenance of safe conditions

- In subsection (3), replace "is" with "are."

WAC 296-304-03007 Painting.

- In subsection (2)(b), replace "rises above" with "reaches or exceeds."

WAC 296-304-04001 Ventilation and protection in welding, cutting and heating.

- In subsections (4)(a)(ii) and (5)(b), replace "WAC 296-304-09001 (1) and (3)" with "Table I-1A & B (see below)."
- Moved Table I-1A—Filter lenses for protection against radiant energy and Table I-1B—Filter lenses for protection against radiant energy, from WAC 296-304-07013 to the end of this WAC section.

WAC 296-304-05001 Scaffolds or staging.

- In subsection (4)(i), replace "siderails" with "side rails."
- In subsection (5)(h), replace "men" with "persons."

- In subsection (5)(k)(ii), change "WAC 296-304-07013" to "WAC 296-304-07011."
- In subsection (9)(c), change "WAC 296-304-09007(2)" to "WAC 296-304-09021(2)" and change "WAC 296-304-09007(9)" to "WAC 296-304-09017(1)."

WAC 296-304-05003 Ladders.

- In subsection (1)(f), change "A14.1" to "A14."

WAC 296-304-05005 Guarding of deck openings and edges.

- In subsection (4) change "WAC 296-304-09007(1)" to "WAC 296-304-09017(1)" and change "work vests" to "personal flotation devices." The new language will read "When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by a buoyant personal flotation device, meeting the requirements of WAC 296-304-09017(1)."

WAC 296-304-05009 Access to and guarding of dry docks and marine railings.

- In the title, change "railings" to "railways."
- In subsection (4) change "mid rail" to "midrail."
- In subsection (5) change "men" to "employees."

WAC 296-304-05013 Working surfaces.

- In subsection (4) change "WAC 296-304-09007(1)" to "WAC 296-304-09017(1)."

WAC 296-304-06003 Illumination.

- In subsection (5) add "(i)" to "WAC 296-304-02005."

WAC 296-304-07009 Hoisting and hauling equipment.

- In subsection (4) change "either" to "whether."

WAC 296-304-07011 Use of gear.

- In subsection (13) change "unshipped" to "moving."
- Moved Tables E-1, E-2, E-3, E-4, G-1, G-2, G-3, G-4, G-5, G-6, G-7, G-8, G-9, and G-10 from WAC 296-304-07013 to the end of this WAC section.

WAC 296-304-07013 Qualifications of operators.

- Moved Tables E-1, E-2, E-3, E-4, G-1, G-2, G-3, G-4, G-5, G-6, G-7, G-8, G-9, and G-10 from this WAC to the end of WAC 296-304-07011.
- In Table E-1, Table E-3 and Table G-9, made grammatical changes.

WAC 296-304-08001 General precautions.

- In subsection (7) change "manifold" to "manifolds."

WAC 296-304-09017 Lifesaving equipment.

- In the personal flotation devices (PFD) section, the language was clarified regarding the type of PFD used and how it needs to be approved and marked.
- In subsection (2)(d), update metric unit measurements.

WAC 296-304-09021 Personal fall arrest systems.

- In subsections (1)(c) and (h), (2)(b), (c) and (d), the note, and subsection (2)(g), update metric unit measurements.

- In subsection (3)(a), add "less than." The new language will read "If the maximum free fall distance is less than 20 inches, the attachment point may be located in the chest position."

WAC 296-304-09023 Positioning device systems.

- In subsections (1)(b), (2)(a), (b)(i) and (ii), update metric unit measurements.

WAC 296-304-10003 Ship's piping systems.

- In subsection (2), add "the." The new language will read, "Drain connections to the atmosphere on all of the dead interconnecting system shall be opened for visual observation of drainage."

WAC 296-304-10007 Ship's deck machinery.

- In subsection (1)(a), add "(also known as chain top-pers)." The new language will read, "The devil claws (also known as chain toppers) shall be made fast to the anchor chains."

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The Occupational Safety and Health Administration (OSHA) adopted new rules in the Occupational Safety and Health Standards for Shipyard Employment, 29 C.F.R. Part 1915, which were effective July 3, 2002. OSHA's rule made technical amendments and corrections to various sections within 29 C.F.R. Part 1915. Changes made in OSHA's rule making were not substantive. The Washington Industrial Safety and Health Act's (WISHA) rule proposes the changes made from OSHA's rule making, as well as correcting other typographical errors.

Reasons Supporting Proposal: The Washington Industrial Safety and Health Act's (WISHA) rules are required to be at-least-as-effective-as the Occupational Safety and Health Administration's (OSHA) rules. This rule making is required for effectiveness.

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 Social and Health Services, governmental.

Rule is necessary because of federal law, 29 C.F.R. Part 1915 - Federal Register Vol. 67, Number 128.

Explanation of Rule, its Purpose, and Anticipated Effects: The Occupational Safety and Health Administration (OSHA) adopted new rules in the Occupational Safety and Health Standards for Shipyard Employment, 29 C.F.R. Part 1915, which were effective July 3, 2002. OSHA's rule made technical amendments and corrections to various sections within 29 C.F.R. Part 1915. Changes made in OSHA's rule making were not substantive. The Washington Industrial Safety and Health Act's (WISHA) rule proposes the changes made from OSHA's rule making, as well as correcting other typographical errors.

There are no changes in requirements therefore the anticipated effect is minimal.

Proposal Changes the Following Existing Rules: All changes proposed with this rule making are technical corrections and typographical changes.

For example:

WAC 296-304-03007 Painting.

All respirators required by this section must meet the requirements of chapter 296-62 WAC, Part E.

(b) If the ventilation fails or if the concentration of solvent vapors ~~rises above~~ reaches or exceeds ten percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten percent of the lower explosive limit shall be provided.

WAC 296-304-05001 Scaffolds or staging.

(5) Painters' suspended scaffolds.

(h) No more than two ~~men~~ persons shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this section. Where heavier construction is used, the number of ~~men~~ persons permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

NOTICE

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October 22, 2002

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-01001 Definitions. "Anchorage" - A secure point to attach lifelines, lanyards, or deceleration devices.

"Body belt" - A strap with means to both secure it around the waist and to attach it to a lanyard, lifeline, or deceleration device. Body belts may be used only in fall restraint or positioning device systems and may not be used for fall arrest. Body belts must be at least one and five-eighths inches (4.13 cm) wide.

"Body harness" - Straps to secure around an employee so that fall arrest forces are distributed over at least the thighs, shoulders, chest and pelvis with means to attach it to other components of a personal fall arrest system.

"Cold-work" - Work that does not involve riveting, welding, burning, or other fire-producing or spark-producing operations.

"Competent person" - A person who can recognize and evaluate employee exposure to hazardous substances or to other unsafe conditions and can specify the necessary protection and precautions necessary to ensure the safety of employees as required by these standards.

"Confined space" - A small compartment with limited access such as a double bottom tank, cofferdam, or other small, confined space that can readily create or aggravate a hazardous exposure.

"Connector" - A device used to connect parts of a personal fall arrest system or parts of a positioning device system together. It may be:

- An independent component of the system (such as a carabiner); or
- An integral component of part of the system (such as a buckle or D-ring sewn into a body belt or body harness or a snaphook spliced or sewn to a lanyard or self-retracting lanyard).

"Deceleration device" - A mechanism, such as a rope grab, rip stitch lanyard, specially woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline/lanyard, that serves to dissipate a substantial amount of energy during a fall arrest, or to limit the energy imposed on an employee during fall arrest.

"Deceleration distance" - The additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured from the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, to the location of that attachment point after the employee comes to a full stop.

"Director" - The director of the department of labor and industries or a designated representative.

"Employee" - Any person engaged in ship repairing, ship building, or ship breaking or related employment as defined in these standards.

"Employer" - An employer with employees who are employed, in whole or in part, in ship repair, ship building and ship breaking, or related employment as defined in these standards.

"Enclosed space" - A space, other than a confined space, that is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

"Equivalent" - Alternative designs, materials, or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the method or item specified in the standard.

"Free fall" - To fall before a personal fall arrest system begins to apply force to arrest the fall.

"Free fall distance" - The vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to

apply force to arrest the fall. This distance excludes deceleration distance, and lifeline/lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before the device operates and fall arrest forces occur.

"Gangway" - A ramp-like or stair-like means to board or leave a vessel including accommodation ladders, gang-planks and brows.

"Hazardous substance" - A substance likely to cause injury because it is explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful.

"Hot-work" - Riveting, welding, burning or other fire or spark producing operations.

"Lanyard" - A flexible line of rope, wire rope, or strap which generally has a connector at each end for connecting the body belt or body harness to a deceleration device, lifeline, or anchorage.

"Lifeline" - A component consisting of a flexible line to connect to an anchorage at one end to hang vertically (vertical lifeline), or to connect to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

"Lower levels" - Those areas or surfaces to which an employee can fall. Such areas or surfaces include but are not limited to ground levels, floors, ramps, tanks, materials, water, excavations, pits, vessels, structures, or portions thereof.

"Personal fall arrest system" - A system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, a deceleration device, a lifeline, or a suitable combination.

"Portable unfired pressure vessel" - A pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure. This does not include pressure vessels built to ((ICC)) Department of Transportation regulations under 49 CFR Part 78, Subparts C and H.

"Positioning device system" - A body belt or body harness system rigged to allow an employee to be supported at an elevated vertical surface, such as a wall or window, and to be able to work with both hands free while leaning.

"Powder actuated fastening tool" - A tool or machine that drives a stud, pin, or fastener by means of an explosive charge.

"Qualified person" - A person who has successfully demonstrated the ability to solve or resolve problems related to the subject matter and work by possessing a recognized degree or certificate of professional standing or by extensive knowledge, training, and experience.

"Related employment" - Any employment related to or performed in conjunction with ship repairing, ship building or ship breaking work, including, but not limited to, inspecting, testing, and serving as a watchman.

"Restraint (tether) line" - A line from an anchorage, or between anchorages, to which the employee is secured so as

to prevent the employee from walking or falling off an elevated work surface.

Note: A restraint line is not necessarily designed to withstand forces resulting from a fall.

"Rope grab" - A deceleration device that travels on a lifeline and automatically, by friction, engages the lifeline and locks to arrest the fall of an employee. A rope grab usually uses the principle of inertial locking, cam/level locking or both.

"Shall" or "must" - Mandatory.

"Ship breaking" - Breaking down a vessel's structure to scrap the vessel, including the removal of gear, equipment or any component part of a vessel.

"Ship building" - Construction of a vessel, including the installation of machinery and equipment.

"Ship repairing" - Repair of a vessel including, but not limited to, alterations, conversions, installations, cleaning, painting, and maintenance.

"Vessel" - Every watercraft for use as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-01003 Reference specifications, standards, and codes. Specifications, standards, and codes of agencies of the U.S. government, to the extent specified in the text, form a part of these regulations. In addition, the specifications, standards, and codes of organizations which are not agencies of the U.S. government, in effect on the date of the promulgation of these regulations as listed below, to the extent specified in the text, form a part of these standards:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110,

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611,

United States of America Standard Safety Code for Portable Wood Ladders, A14.1-((1959)) 1975, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016,

United States of America Standard Safety Code for Portable Metal Ladders, A14.2-((1956)) 1972, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016,

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016,

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017,

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202,

United States of America Standards Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1-1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016.

AMENDATORY SECTION (Amending WSR 95-22-015, filed 10/20/95, effective 1/16/96)

WAC 296-304-02007 Hot work. (1) Hot work requiring testing by a marine chemist or Coast Guard authorized person.

(a) The employer shall ensure that hot work is not performed in or on any of the following confined and enclosed spaces and other dangerous atmospheres, boundaries of spaces or pipelines until the work area has been tested and certified by a marine chemist or a U.S. Coast Guard authorized person as "safe for hot work":

(i) Within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases.

(ii) Within, on, or immediately adjacent to fuel tanks that contain or have last contained fuel; and

(iii) On pipelines, heating coils, pump fittings or other accessories connected to spaces that contain or have last contained fuel.

(iv) Exception: On dry cargo, miscellaneous and passenger vessels and in the landside operations within spaces which meet the standards for oxygen, flammability and toxicity in WAC 296-304-02003, but are adjacent to spaces containing flammable gases or liquids, as long as the gases or liquids ~~((have))~~ with a flash point below 150 deg. F (65.6 deg. C) ~~((and))~~ when the distance between such spaces and the work is 25 feet ~~((7.5))~~ 7.62 m) or greater.

Note: For flammable liquids with flash points above 150 deg. F (65.6 deg. C), see subsection (2) of this section.

Note to (1)(a): The criteria for "safe for hot work" is located in the definition section, WAC 296-304-020(2).

(b) The certificate issued by the marine chemist or Coast Guard authorized person shall be posted in the immediate vicinity of the affected operations while they are in progress and kept on file for a period of at least three months from the date of the completion of the operation for which the certificate was generated.

(2) Hot work requiring testing by a competent person.

(a) Hot work is not permitted in or on the following spaces or adjacent spaces or other dangerous atmospheres until they have been tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit:

(i) Dry cargo holds;

(ii) The bilges;

(iii) The engine room and boiler spaces for which a marine chemist or a Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(iv) Vessels and vessel sections for which a marine chemist or Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(v) Land-side confined and enclosed spaces or other dangerous atmospheres not covered by subsection (1)(a) of this section.

(b) If the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit in the space or an adjacent space where the hot work is to be done, then the space shall be labeled "not safe for hot work" and ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors or gases is below 10 percent by volume of the lower explosive limit. The warning label may be removed when the concentration of flammable vapors and gases are below 10 percent of the lower explosive limit.

Note to WAC 296-304-02007: See WAC 296-304-02013—Appendix A, for additional information relevant to performing hot work safely.

AMENDATORY SECTION (Amending WSR 95-22-015, filed 10/20/95, effective 1/16/96)

WAC 296-304-02009 Maintenance of safe conditions.

(1) Preventing hazardous materials from entering. Pipelines that could carry hazardous materials into spaces that have been certified "safe for workers" or "safe for hot work" shall be disconnected, blanked off, or otherwise blocked by a positive method to prevent hazardous materials from being discharged into the space.

(2) Alteration of existing conditions. When a change that could alter conditions within a tested confined or enclosed space or other dangerous atmosphere occurs, work in the affected space or area shall be stopped. Work may not be resumed until the affected space or area is visually inspected and retested and found to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

Note to (2): Examples of changes that would warrant the stoppage of work include: The opening of manholes or other closures or the adjusting of a valve regulating the flow of hazardous materials.

(3) Tests to maintain the conditions of a marine chemist's or Coast Guard authorized person's certificates. A competent person shall visually inspect and test each space certified as "safe for workers" or "safe for hot work," as often as necessary to ensure that atmospheric conditions within that space ~~((is))~~ are maintained within the conditions established by the certificate after the certificate has been issued.

(4) Change in the conditions of a marine chemist's or Coast Guard authorized person's certificate. If a competent person finds that the atmospheric conditions within a certified space fail to meet the applicable requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, work in the certified space shall be stopped and may not be resumed until the space has been retested by a marine chemist or Coast Guard authorized person and a new certificate issued in accordance with WAC 296-304-02007(1).

(5) Tests to maintain a competent person's findings. After a competent person has conducted a visual inspection and tests required in WAC 296-304-02003, 296-304-02005, and 296-304-02007 and determined a space to be safe for an employee to enter, he or she shall continue to test and visually inspect spaces as often as necessary to ensure that the

required atmospheric conditions within the tested space are maintained.

(6) Changes in conditions determined by competent person's findings. After the competent person has determined initially that a space is safe for an employee to enter and he or she finds subsequently that the conditions within the tested space fail to meet the requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable, work shall be stopped until the conditions in the tested space are corrected to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-03007 Painting. All respirators required by this section must meet the requirements of chapter 296-62 WAC, Part E.

(1) Paints mixed with toxic vehicles or solvents.

(a) When employees spray paints mixed with toxic vehicles or solvents, the employer must ensure that the following conditions are met:

(i) In confined spaces, employees continuously exposed to spraying are protected by air line respirators.

(ii) In tanks or compartments, employees continuously exposed to spraying are protected by air line respirators. Where mechanical ventilation is provided, employees are protected by respirators.

(iii) In large and well ventilated areas, employees exposed to spraying are protected by respirators.

(b) The employer must ensure that where employees apply by brush paints with toxic solvents in confined spaces or other areas where lack of ventilation creates a hazard, the employees are protected by filter respirators.

(c) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(2) Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents. Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80°F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(a) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(b) If the ventilation fails or if the concentration of solvent vapors (~~risers above~~) reaches or exceeds ten percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten percent of the lower explosive limit shall be provided.

(c) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for a least ten minutes.

(d) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) Only nonsparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is nonsparking.

(g) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(h) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(i) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling highly volatile paints must be protected according to WAC 296-304-090. All footwear must be nonsparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing must be made of cotton. Rubber gloves, instead of plastic gloves, must be used to protect against the danger of static sparks.

(j) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(k) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(l) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(m) The employer must ensure that all employees continuously in a compartment in which such painting is performed, are protected by air line respirators and by suitable protective clothing. Employees entering such compartments for a limited time must be protected by filter cartridge type respirators.

(n) The employer must ensure that all employees doing exterior paint spraying with such paints are protected by suitable filter cartridge type respirators and by suitable protective clothing.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-04001 Ventilation and protection in welding, cutting and heating. (1) Mechanical ventilation requirements.

(a) For the purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(2) Welding, cutting and heating in confined spaces.

(a) Except as provided in WAC 296-304-04001 (2)(c) and (3)(b), either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(b) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with WAC 296-304-05011 (2)(a) and (b).

(c) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC, Part E, and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(3) Welding, cutting or heating of metals of toxic significance.

(a) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(b) Welding, cutting, or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with local exhaust ventilation in

accordance with the requirements of (1) of this section or employees shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC, Part E.

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(c) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of WAC 296-304-09003, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC, Part E.

(d) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(4) Inert-gas metal-arc welding.

(a) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in WAC 206-304-04011(5) shall be protected by filter lenses meeting the requirements of (~~WAC 296-304-09001 (1) and (3)~~) Tables I-1A and B (see below). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of WAC 296-304-09001 (1) and (3) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of (3)(b) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(5) General welding, cutting and heating.

(a) Welding, cutting and heating not involving conditions or materials described in (2), (3) or (4) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

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(b) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of ((WAC 296-304-09001 (1) and (3))) Tables I-1A and B (see below).

(6) Residues and cargos of metallic ores.

((a)) Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

TABLE I-1A
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

| OPERATIONS | ELECTRODE SIZE 1/32 IN | ARC CURRENT | MINIMUM |
|--|------------------------|---------------|------------------|
| | | | PROTECTIVE SHADE |
| Shielded metal arc welding | Less than 3 | Less than 60 | 7 |
| | 3-5 | 60-160 | 8 |
| | 5-8 | 160-250 | 10 |
| | More than 8 | 250-550 | 11 |
| Gas metal arc welding and flux cored arc welding | | Less than 60 | 7 |
| | | 60-160 | 10 |
| | | 160-250 | 10 |
| | | 250-550 | 10 |
| Gas Tungsten arc welding | | Less than 50 | 8 |
| | | 50-150 | 8 |
| | | 150-500 | 10 |
| Air carbon arc cutting | (Light) | Less than 500 | 10 |
| | (Heavy) | 500-1000 | 11 |
| Plasma arc welding | | Less than 20 | 6 |
| | | 20-100 | 8 |
| | | 100-400 | 10 |
| | | 400-800 | 11 |
| Plasma arc cutting | (Light)** | Less than 300 | 8 |
| | (Medium)** | 300-400 | 9 |
| | (Heavy)** | 400-800 | 10 |
| Torch brazing | = | = | 3 |
| Torch soldering | = | = | 2 |
| Carbon Arc welding | = | = | 14 |

****These values apply where the actual arc is clearly seen. Lighter filters may be used when the arc is hidden by the workplace.**

TABLE I-1B
FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

| OPERATIONS | PLATE THICKNESS... | PLATE THICKNESS... | MINIMUM* |
|----------------|--------------------|--------------------|------------------|
| | INCHES | MM | PROTECTIVE SHADE |
| Gas welding | Under 1/8 | Under 3.2 | 4 |
| | 1/8 - 1/2 | 3.2 - 12.7 | 5 |
| | Over 1/2 | Over 12.7 | 6 |
| Oxygen cutting | Under 1 | Under 25 | 3 |
| | 1 - 6 | 25 - 100 | 4 |
| | Over 6 | Over 150 | 5 |

***As rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxyfuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the viable light of the (spectrum) operation.**

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-05001 Scaffolds or staging. (1) General requirements.

(a) All scaffolds and their supports whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four.

(b) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine, or short fiber lumber is prohibited.

(c) Lumber dimensions as given are nominal except where given in fractions of an inch.

(d) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(e) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(f) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(g) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(h) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(i) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(j) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(2) Independent pole wood scaffolds.

(a) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(b) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(c) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(d) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers

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shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(e) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(f) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(g) Minimum dimensions and spacing of members shall be in accordance with Table E-1 in WAC 296-304-07011.

(h) Platform planking shall be in accordance with the requirements of (8) of this section.

(i) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(3) Independent pole metal scaffolds.

(a) Metal scaffold members shall be maintained in good repair and free of corrosion.

(b) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(c) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(d) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(e) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(f) Tubular bracing shall be applied both lengthwise and crosswise as required.

(g) Platform planking shall be in accordance with the requirements of (8) of this section.

(h) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(4) Wood trestle and extension trestle ladders.

(a) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(b) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1 5/16 x 2 3/4 inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1 5/16 x 3 inch lumber.

(c) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1 5/16 x 2 1/4 inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1 5/16 x 2 1/2 inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1 5/16 x 3 inch lumber. (Rev. 2-17-76)

(d) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5 1/2 inches per foot of the length of the ladder.

(e) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(f) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(g) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(h) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(i) Platform planking shall be in accordance with the requirements of (8) of this section, except that the width of the platform planking shall not exceed the distance between the ~~((siderails))~~ side rails.

(j) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(5) Painters' suspended scaffolds.

(a) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than 7/8 inch in diameter, and shall be secured to a safe anchorage at all times.

(b) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade 3/4 inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(c) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(d) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(e) Stirrups shall be constructed so as to be equivalent in strength to wrought iron 3/4 inch in diameter.

(f) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(g) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(h) No more than two ~~((men))~~ persons shall be permitted to work at one time on a swinging scaffold built to the mini-

imum specifications contained in this section. Where heavier construction is used, the number of ~~((men))~~ persons permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(i) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(j) The swinging scaffold platform shall be one of the three types described in (k), (l), and (m) of this section.

(k) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E-2 in WAC ~~((296-304-07013))~~ 296-304-07011.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than 5/16 inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1 1/8 inches diameter, with 7/8 inch tenons mortised into the side rails not less than 7/8 inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than 5/8 inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(l) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(m) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type of platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards 7/8 inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(6) Horse scaffolds.

(a) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E-3 in WAC 296-304-07011.

(b) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(c) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(d) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(e) Platform planking shall be in accordance with the requirements of (8) of this section.

(f) Backrails and toeboards shall be in accordance with (9) of this section.

(7) Other types of scaffolds.

(a) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of (1), (8) and (9) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(8) Scaffold or platform planking.

(a) Except as otherwise provided in (5)(k) and (m), platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(b) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(c) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(d) Table E-4 in WAC 296-304-07011 shall be used as a guide in determining safe loads for scaffold planks.

(9) Backrails and toeboards.

(a) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(b) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(c) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of WAC ((296-304-09007)) 296-304-09021(2), and employees working over water shall be protected by personal flotation devices meeting the requirements of WAC ((296-304-09007)) 296-304-09017(1).

(d) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(e) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(10) Access to staging.

(a) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of WAC 296-304-05003 or rigid type noncollapsible trestles with parallel and level rungs.

(b) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(c) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(d) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(e) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of WAC 296-304-05003 or a Jacob's ladder properly secured, meeting the requirements of WAC 296-304-05007(4).

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-05003 Ladders. (1) General requirements.

(a) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(b) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in (2) or (3) of this section.

(c) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(d) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(e) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(f) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, ((A14.4)) A-14.

(2) Construction of portable wood cleated ladders up to 30 feet in length.

(a) Wood side rails shall be made from west coast hemlock, eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(b) Side rails shall be dressed on all sides, and kept free of splinters.

(c) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than 1/2 inch in diameter or within 1/2 inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(d) Pitch pockets not exceeding 1/8 inch in width, 2 inches in length and 1/2 inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(e) The width between side rails at the base shall be not less than 11 1/2 inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least 1/4 inch for each additional 2 feet in length.

(f) Side rails shall be at least 1 5/8 x 3 5/8 inches in cross section.

(g) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails 1/2 inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(h) Cleats 20 inches or less in length shall be at least 25/32 x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least 25/32 x 3 3/4 inches in cross section.

(3) Construction of portable wood cleated ladders from 30 to 60 feet in length.

(a) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of (2) of this section with the following exceptions:

- (i) Rails shall be of not less than 2 x 6 inch lumber.
- (ii) Cleats shall be of not less than 1 x 4 inch lumber.
- (iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-05005 Guarding of deck openings and edges. (1) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(2) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(3) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of WAC 296-304-05001 (1)(a) and (b), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(4) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant (~~(work vests))~~ personal flotation devices, meeting the requirements of WAC (~~(296-304-09007))~~ 296-304-09017(1).

(5) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(6) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-05009 Access to and guarding of dry docks and marine (~~(railings))~~ railways. (1) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(2) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately

34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) Railings meeting the requirements of (2) of this section shall be provided on the means of access to and from the floors of graving docks.

(4) Railings approximately 42 inches in height, with a (~~(mid-rail))~~ midrail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(5) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42 inch railings with a midrail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent (~~(men))~~ employees from falling into the water.

(6) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of WAC 296-304-05003.

(7) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of WAC 296-304-05001 (9)(a) and (b).

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-05013 Working surfaces. (1) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(2) The employer must provide and ensure the use of fall protection when employees work aloft or elsewhere at elevations more than 5 feet above a solid surface.

(a) Employees must be protected by the use of scaffolds, ladders, or personal protection equipment according to WAC 296-304-09021, or 296-304-09023.

(b) Employees must work from scaffolds when visually restricted by:

- Blasting hoods;
- Welding helmets; and
- Burning goggles; except
- For the initial and final welding or burning operation to start or complete a job such as the erection and dismantling of hung scaffolding; or
- Other similar, nonrepetitive jobs of brief duration.

(3) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of WAC 296-304-05001 (8)(b) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(4) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of WAC (~~(296-304-09007))~~ 296-304-09017(1).

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-06003 Illumination. (1) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(2) Temporary lights shall meet the following requirements:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(c) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(3) Exposed noncurrent-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of WAC 296-304-08003(2).

(4) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(5) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In nongas free spaces, portable lights shall meet the requirements of WAC 296-304-02005 (2)(i).

(6) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-07009 Hoisting and hauling equipment. (1) Derrick and crane certification:

(a) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in WAC 296-304-130 gear certification, by persons accredited for that purpose.

(b)(a) of this section shall take effect 180 days after the effective date of the amendment.

(2) The moving parts of hoisting and hauling equipment shall be guarded.

(3) Mobile crawler or truck cranes used on a vessel:

(a) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(4) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane (~~either~~) whether permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(5) Marine railways:

(a) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

(5) Marine railways:

(a) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-07011 Use of gear. (1) Loads shall be safely rigged before being hoisted.

(2) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins whenever there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(3) Tag lines shall be provided on loads likely to swing or to need guidance.

(4) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(5) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(6) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(7) Loose ends of idle legs of slings in use shall be hung on the hook.

(8) Employees shall not be permitted to ride the hook or the load.

(9) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(10) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(11) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(12) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(13) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from ~~(being unshipped)~~ moving so that it cannot be displaced by accident.

(14) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(15) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(16) At no time shall an employee be permitted to place himself in hazardous position between a swinging load and a fixed object.

TABLE E-1
DIMENSIONS AND SPACING OF WOOD
INDEPENDENT-POLE SCAFFOLD MEMBERS

| Structural Members | Light duty (Up to 25 pounds per square foot) | | | Heavy duty (25 to 75 pounds per square foot) | | |
|---|---|------------------|-----------|---|--------|-------|
| | Height in feet | | | Height in feet | | |
| | <24 | >24<40 | 40<60 | <24 | >24<40 | 40<60 |
| Poles or uprights (in inches) | 2x4 | 3x4 or 2x6 | 4x4 | 3x4 | 4x4 | 4x6 |
| Bearers (in inches) | 2x4 | 2x6 | 2x6 | 2x8 | 2x8 | 2x10 |
| Ledgers (in inches) | 2x6 | 2x6 | 2x6 | 2x8 | 2x8 | 2x8 |
| Stringer (not supporting bearers) (in inches) | 1x6 | 1x6 | 1x6 | 1x6 | 1x6 | 1x6 |
| Braces (in inches) | 1x4 | 1x6 | 1x6 | 1x6 | 1x6 | 1x6 |
| Pole spacing—longitudinally (in feet) | 7 1/2 | 7 1/2 | 7 1/2 | 7 | 7 | 7 |
| Pole spacing—transversely (in feet) | 6 1/2 min | 7 1/2 min | 8 1/2 min | 6 1/2 | 10 | 10 |
| Ledger spacing—vertically (in feet) | 7 | 7 | 7 | 4 1/2 | 4 1/2 | 4 1/2 |

TABLE E-2
SPECIFICATIONS FOR SIDE RAILS OF LADDERS

| Length (in feet) | Cross section (in inches) | |
|------------------|---------------------------|---------------|
| | At ends | At center |
| | 15 | 1 7/8 x 2 3/4 |
| 16 | 1 7/8 x 2 3/4 | 1 7/8 x 3 3/4 |
| 17 | 1 7/8 x 3 | 1 7/8 x 4 |
| 18 | 1 7/8 x 3 | 1 7/8 x 4 |
| 20 | 1 7/8 x 3 | 1 7/8 x 4 1/2 |
| 24 | 1 7/8 x 3 | 1 7/8 x 4 1/2 |

TABLE E-3
SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

| Structural Members | Height in feet | | |
|---------------------------|------------------|------------------|-----------------|
| | <10 Inches | >10<16 Inches | 16<20 Inches |
| Legs | 2x4 | 3x4 | 4x6 |
| Bearers or headers | 2x6 | 2x8 | 4x6 |
| Crossbraces | 2x4 or 1x8 | 2x4 | 2x6 |
| Longitudinal braces | 2x4 | 2x6 | 2x6 |

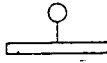



TABLE E-4
SAFE CENTER LOADS FOR SCAFFOLD PLANK
OF 1,100 POUNDS FIBRE STRESS

[Codification note: The graphic presentation of this table has been varied in order that it would fall within the printing specifications for the Washington Administrative Code. The following table had lumber dimensions in the table heading typed in vertically across the page while the remainder of the table was typed horizontally on the page. The "Span in Feet" materials (6 through 16) which ran top to bottom has been switched to run left to right on the page. The "Lumber dimensions in inches" which ran left to right on the page has been switched to run top to bottom on the page.]

| Lumber dimensions in inches | Span in Feet | | | | | |
|-----------------------------|--------------|-----|-----|-----|-----|-----|
| | 6 | 8 | 10 | 12 | 14 | 16 |
| A-2 x 10 | | | | | | |
| B-1 5/8 x 9 1/2 | 256 | 192 | 153 | 128 | 110 | --- |
| A-2 x 12 | | | | | | |
| B-1 5/8 x 11 1/2 | 309 | 232 | 186 | 155 | 133 | 116 |
| A-3 x 8 | | | | | | |
| B-2 5/8 x 7 1/2 | 526 | 395 | 316 | 263 | 225 | 197 |
| A-3 x 10 | | | | | | |
| B-2 5/8 x 9 1/2 | 667 | 600 | 400 | 333 | 286 | 250 |
| A-3 x 12 | | | | | | |
| B-2 5/8 x 11 1/2 | 807 | 605 | 484 | 404 | 346 | 303 |

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1
MANILA ROPE
(in pounds or tons of 2000 pounds)

| Circumference | Dia- meter in Inches | Single Leg | 60° | 45° | 30° |
|---------------|-------------------------------|--|---|---|---|
| | |  |  |  |  |
| 3/4 | 1/4 | 120 lbs. | 204 lbs. | 170 lbs. | 120 lbs. |
| 1 | 5/16 | 200 | 346 | 282 | 200 |
| 1-1/8 | 3/8 | 270 | 467 | 380 | 270 |
| 1-1/4 | 7/16 | 350 | 605 | 493 | 350 |
| 1-3/8 | 15/32 | 450 | 775 | 635 | 450 |
| 1-1/2 | 1/2 | 530 | 915 | 798 | 530 |
| 1-3/4 | 9/16 | 690 | 1190 | 973 | 690 |
| 2 | 5/8 | 880 | 1520 | 1240 | 880 |
| 2-1/4 | 3/4 | 1080 | 1870 | 1520 | 1080 |
| 2-1/2 | 13/16 | 1300 | 2250 | 1830 | 1300 |

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| Circumference | Dia-meter in Inches | Single Leg | | | |
|---------------|---------------------|------------|----------|----------|----------|
| | | Leg | 60° | 45° | 30° |
| 2-3/4 | 7/8 | 1540 | 2660 | 2170 | 1540 |
| 3 | 1 | 1800 | 3120 | 2540 | 1800 |
| 3-1/4 | 1-1/16 | 1.0 tons | 1.7 tons | 1.4 tons | 1.0 tons |
| 3-1/2 | 1-1/8 | 1.2 | 2.1 | 1.7 | 1.2 |
| 3-3/4 | 1-1/4 | 1.35 | 2.3 | 1.9 | 1.35 |
| 4 | 1-5/16 | 1.5 | 2.6 | 2.1 | 1.5 |
| 4-1/2 | 1-1/2 | 1.8 | 3.1 | 2.5 | 1.8 |
| 5 | 1-5/8 | 2.25 | 3.9 | 3.2 | 2.25 |
| 5-1/2 | 1-3/4 | 2.6 | 4.5 | 3.7 | 2.6 |
| 6 | 2 | 3.1 | 5.4 | 4.4 | 3.1 |
| 6-1/2 | 2-1/8 | 3.6 | 6.2 | 5.1 | 3.6 |

TABLE G-2
 RATED CAPACITIES FOR IMPROVED PLOW STEEL INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS (in tons of 2000 pounds)

| Rope Dia. Inches | SINGLE LEG | | | | | |
|---------------------|------------|------|-----|--------|-----|-----|
| | Vertical | | | Choker | | |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4" | .59 | .56 | .53 | .44 | .42 | .40 |
| 3/8" | 1.3 | 1.2 | 1.1 | .98 | .93 | .86 |
| 1/2" | 2.3 | 2.2 | 2.0 | 1.7 | 1.6 | 1.5 |
| 5/8" | 3.6 | 3.4 | 3.0 | 2.7 | 2.5 | 2.2 |
| 3/4" | 5.1 | 4.9 | 4.2 | 3.8 | 3.6 | 3.1 |
| 7/8" | 6.9 | 6.6 | 5.5 | 5.2 | 4.9 | 4.1 |
| 1" | 9.0 | 8.5 | 7.2 | 6.7 | 6.4 | 5.4 |
| 1-1/8" | 11.0 | 10.0 | 9.0 | 8.5 | 7.8 | 6.8 |
| 6X37 CLASSIFICATION | | | | | | |
| 1-1/4" | 13. | 12. | 10. | 9.9 | 9.2 | 7.9 |
| 1-3/8" | 16. | 15. | 13. | 12. | 11. | 9.6 |
| 1-1/2" | 19. | 17. | 15. | 14. | 13. | 11. |
| 1-3/4" | 26. | 24. | 20. | 19. | 18. | 15. |
| 2" | 33. | 30. | 26. | 25. | 23. | 20. |
| 2-1/4" | 41. | 38. | 33. | 31. | 29. | 25. |

(A) - Socket or swaged terminal attachment
 (B) - Mechanical sleeve attachment.
 (C) - Hand tucked splice attachment.

TABLE G-3
 RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS (in tons of 2000 pounds)

[Codification note: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables covering the "TWO—LEG BRIDLE OR BASKET HITCH" for 6x19 Classification and for 6x37 Classification. Part

One has Rope Diameter in Inches for Vertical and 60° within the two classifications. Part Two has Rope Diameter in Inches for 45° and 30° within the two classifications.]

TWO - LEG BRIDLE OR BASKET HITCH
 (TABLE G-3: Part 1—Vertical and 60° Positions)

| Rope Dia. Inches | Vertical | | | 60° | | |
|---------------------|----------|-----|-----|-----|-----|-----|
| | A | B | C | A | B | C |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4" | 1.2 | 1.1 | 1.0 | 1.0 | .97 | .92 |
| 3/8" | 2.6 | 2.5 | 2.3 | 2.3 | 2.1 | 2.0 |
| 1/2" | 4.6 | 4.4 | 3.9 | 4.0 | 3.8 | 3.4 |
| 5/8" | 7.2 | 6.8 | 6.0 | 6.2 | 5.9 | 5.2 |
| 3/4" | 10. | 9.7 | 8.4 | 8.9 | 8.4 | 7.3 |
| 7/8" | 14. | 13. | 11. | 12. | 11. | 9.6 |
| 1" | 18. | 17. | 14. | 15. | 15. | 12. |
| 1-1/8" | 23. | 21. | 18. | 19. | 18. | 16. |
| 6X37 CLASSIFICATION | | | | | | |
| 1-1/4" | 26. | 24. | 21. | 23. | 21. | 18. |
| 1-3/8" | 32. | 29. | 25. | 28. | 25. | 22. |
| 1-1/2" | 38. | 35. | 30. | 33. | 30. | 26. |
| 1-3/4" | 51. | 47. | 41. | 44. | 41. | 35. |
| 2" | 66. | 61. | 53. | 57. | 53. | 46. |
| 2-1/4" | 83. | 76. | 66. | 72. | 66. | 57. |

TWO - LEG BRIDLE OR BASKET HITCH
 (TABLE G-3: Part 2—45° and 30° Positions)

| Rope Dia. Inches | 45° | | | 30° | | |
|---------------------|-----|-----|-----|-----|-----|-----|
| | A | B | C | A | B | C |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4" | .83 | .79 | .75 | .59 | .56 | .53 |
| 3/8" | 1.8 | 1.8 | 1.6 | 1.3 | 1.2 | 1.1 |
| 1/2" | 3.2 | 3.1 | 2.8 | 2.3 | 2.2 | 2.0 |
| 5/8" | 5.1 | 4.8 | 4.2 | 3.6 | 3.4 | 3.0 |
| 3/4" | 7.2 | 6.9 | 5.9 | 5.1 | 4.9 | 4.2 |
| 7/8" | 9.8 | 9.3 | 7.8 | 6.9 | 6.6 | 5.5 |
| 1" | 13. | 12. | 10. | 9.0 | 8.5 | 7.2 |
| 1-1/8" | 16. | 15. | 13. | 11. | 10. | 9.0 |
| 6X37 CLASSIFICATION | | | | | | |
| 1-1/4" | 19. | 17. | 15. | 13. | 12. | 10. |
| 1-3/8" | 22. | 21. | 18. | 16. | 15. | 13. |
| 1-1/2" | 27. | 25. | 21. | 19. | 17. | 15. |
| 1-3/4" | 36. | 33. | 29. | 26. | 24. | 20. |
| 2" | 47. | 43. | 37. | 33. | 30. | 26. |
| 2-1/4" | 58. | 54. | 47. | 41. | 38. | 33. |

(A) - Socket or swaged terminal attachment.
 (B) - Mechanical sleeve attachment.
 (C) - Hand tucked splice attachment.

EXPEDITED

TABLE G-4
RATED CAPACITIES FOR
IMPROVED PLOW STEEL
FIBER CORE, WIRE ROPE AND
WIRE ROPE SLINGS
 (in tons of 2000 pounds)


| Rope Dia. Inches | SINGLE LEG | | | | | |
|----------------------------|------------|-----|-----|--------|-----|-----|
| | Vertical | | | Choker | | |
| | A | B | C | A | B | C |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4 | .55 | .51 | .49 | .41 | .38 | .37 |
| 3/8 | 1.2 | 1.1 | 1.1 | .91 | .85 | .80 |
| 1/2 | 2.1 | 2.0 | 1.8 | 1.6 | 1.5 | 1.4 |
| 5/8 | 3.3 | 3.1 | 2.8 | 2.5 | 2.3 | 2.1 |
| 3/4 | 4.8 | 4.4 | 3.9 | 3.6 | 3.3 | 2.9 |
| 7/8 | 6.4 | 5.9 | 5.1 | 4.8 | 4.5 | 3.9 |
| 1 | 8.4 | 7.7 | 6.7 | 6.3 | 5.8 | 5.0 |
| 1-1/8 | 10. | 9.5 | 8.4 | 7.9 | 7.1 | 6.3 |
| 6X37 CLASSIFICATION | | | | | | |
| 1-1/4 | 12. | 11. | 9.8 | 9.2 | 8.3 | 7.4 |
| 1-3/8 | 15. | 13. | 12. | 11. | 10. | 8.9 |
| 1-1/2 | 17. | 16. | 14. | 13. | 12. | 10. |
| 1-3/4 | 24. | 21. | 19. | 18. | 16. | 14. |
| 2 | 31. | 28. | 25. | 23. | 21. | 18. |


- (A) - Socket or swaged terminal attachment.
- (B) - Mechanical sleeve attachment.
- (C) - Hand tucked splice attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW
STEEL, FIBER CORE, WIRE ROPE SLINGS
 (in tons of 2000 pounds)



[Codification note: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables covering the "TWO - LEG BRIDLE OR BASKET HITCH" for 6x19 Classification and for 6x37 Classification. Part One has Rope Diameter in Inches for Vertical and 60° within the two classifications. Part Two has Rope Diameter in Inches for 45° and 30° within the two classifications.]

TWO - LEG BRIDLE OR BASKET HITCH
 (TABLE G-5: Part 1—Vertical and 60° Positions)

| Rope Dia. Inches | SINGLE LEG | | | | | |
|----------------------------|------------|-----|-----|---|-----|-----|
| | Vertical | | | 60°  | | |
| | A | B | C | A | B | C |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4 | 1.1 | 1.0 | .99 | .95 | .88 | .85 |
| 3/8 | 2.4 | 2.2 | 1.9 | 2.1 | 1.9 | 1.8 |
| 1/2 | 4.3 | 3.9 | 3.7 | 3.7 | 3.4 | 3.2 |
| 5/8 | 6.7 | 6.2 | 5.6 | 5.8 | 5.3 | 4.8 |
| 3/4 | 9.5 | 8.8 | 7.8 | 8.2 | 7.6 | 6.8 |
| 7/8 | 13. | 12. | 10. | 11. | 10. | 8.9 |
| 1 | 17. | 15. | 13. | 14. | 13. | 11. |
| 1-1/8 | 21. | 19. | 17. | 18. | 16. | 14. |

| Rope Dia. Inches | TWO - LEG BRIDLE OR BASKET HITCH | | | | | |
|----------------------------|----------------------------------|-----|-----|---|-----|-----|
| | Vertical | | | 60°  | | |
| | A | B | C | A | B | C |
| 6X37 CLASSIFICATION | | | | | | |
| 1-1/4 | 25. | 22. | 20. | 21. | 19. | 17. |
| 1-3/8 | 30. | 27. | 24. | 26. | 23. | 20. |
| 1-1/2 | 35. | 23. | 28. | 30. | 27. | 24. |
| 1-3/4 | 48. | 43. | 38. | 41. | 37. | 33. |
| 2 | 62. | 55. | 49. | 53. | 48. | 43. |

TWO - LEG BRIDLE OR BASKET HITCH
 (TABLE G-5: Part 2—45° and 30° Positions)

| Rope Dia. Inches | TWO - LEG BRIDLE OR BASKET HITCH | | | | | |
|----------------------------|---|-----|-----|---|-----|-----|
| | 45°  | | | 30°  | | |
| | A | B | C | A | B | C |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4 | .77 | .72 | .70 | .55 | .51 | .49 |
| 3/8 | 1.7 | 1.6 | 1.5 | 1.2 | 1.1 | 1.1 |
| 1/2 | 3.0 | 2.8 | 2.6 | 2.1 | 2.0 | 1.8 |
| 5/8 | 4.7 | 4.4 | 4.0 | 3.3 | 3.1 | 2.8 |
| 3/4 | 6.7 | 6.2 | 5.5 | 4.8 | 4.4 | 3.9 |
| 7/8 | 9.1 | 8.4 | 7.3 | 6.4 | 5.9 | 5.1 |
| 1 | 12. | 11. | 9.4 | 8.4 | 7.7 | 6.7 |
| 1-1/8 | 15. | 13. | 12. | 10. | 9.5 | 8.4 |
| 6X37 CLASSIFICATION | | | | | | |
| 1-1/4 | 17. | 16. | 14. | 12. | 11. | 9.8 |
| 1-3/8 | 21. | 19. | 17. | 15. | 13. | 12. |
| 1-1/2 | 25. | 22. | 20. | 17. | 16. | 14. |
| 1-3/4 | 34. | 30. | 27. | 24. | 21. | 19. |
| 2 | 43. | 39. | 35. | 31. | 28. | 25. |

- (A) - Socket or swaged terminal attachment.
- (B) - Mechanical sleeve attachment.
- (C) - Hand tucked splice attachment.

TABLE G-6
NUMBER AND SPACING OF U-BOLT WIRE
ROPE CLIPS

| Improved plow steel rope diameter inches | Number of Clips | | |
|--|-----------------|-------------------|--------------------------------|
| | Drop forged | Other material | Minimum spacing (inches) |
| * | --- | --- | |
| 1/2 | 3 | 4 | 3 |
| 5/8 | 3 | 4 | 3 3/4 |
| 3/4 | 4 | 5 | 4 1/2 |
| 7/8 | 4 | 5 | 5 1/4 |
| 1 | 4 | 6 | 6 |
| 1 1/8 | 5 | 6 | 6 3/4 |
| 1 1/4 | 5 | 7 | 7 1/2 |
| 1 3/8 | 6 | 7 | 8 1/4 |
| 1 1/2 | 6 | 8 | 9 |

*Three clips shall be used on wire size less than 1/2-inch diameter.

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TABLE G-7
WROUGHT IRON CHAIN
(in pounds or tons of 2000 pounds)

| Nominal Size Chain Stock Inch | Single Leg | 60° | 45° | 30° |
|-------------------------------|------------|------|------|------|
| | | | | |
| * 1/4 | 1060 | 1835 | 1500 | 1060 |
| * 5/16 | 1655 | 2865 | 2340 | 1655 |
| 3/8 | 2385 | 2.1 | 3370 | 2385 |
| * 7/16 | 3250 | 2.8 | 2.3 | 3250 |
| 1/2 | 12.1 | 13.7 | 13.0 | 12.1 |
| * 9/16 | 12.7 | 14.6 | 13.8 | 12.7 |
| 5/8 | 13.3 | 15.7 | 14.7 | 13.3 |
| 3/4 | 14.8 | 18.3 | 16.7 | 14.8 |
| 7/8 | 16.5 | 11.2 | 19.2 | 16.5 |
| 1 | 18.5 | 14.7 | 12.0 | 18.5 |
| 1- 1/8 | 10.0 | 17.3 | 14.2 | 10.0 |
| 1- 1/4 | 12.4 | 21.4 | 17.5 | 12.4 |
| 1- 3/8 | 15.0 | 25.9 | 21.1 | 15.0 |
| 1- 1/2 | 17.8 | 30.8 | 25.2 | 17.8 |
| 1- 5/8 | 20.9 | 36.2 | 29.5 | 20.9 |
| 1- 3/4 | 24.2 | 42.0 | 34.3 | 24.2 |
| 1- 7/8 | 27.6 | 47.9 | 39.1 | 27.6 |
| 2 | 31.6 | 54.8 | 44.8 | 31.6 |

*These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY STEEL CHAIN
(in tons of 2000 pounds)

| Nominal Size Chain Stock Inch | Single Leg | 60° | 45° | 30° |
|-------------------------------|------------|-------|-------|------|
| | | | | |
| 1/4 | 1.62 | 2.82 | 2.27 | 1.62 |
| 3/8 | 3.30 | 5.70 | 4.65 | 3.30 |
| 1/2 | 5.62 | 9.75 | 7.90 | 5.62 |
| 5/8 | 8.25 | 14.25 | 11.65 | 8.25 |
| 3/4 | 11.5 | 19.9 | 16.2 | 11.5 |
| 7/8 | 14.3 | 24.9 | 20.3 | 14.3 |
| 1 | 19.3 | 33.4 | 27.3 | 19.8 |
| 1-1/8 | 22.2 | 38.5 | 31.5 | 22.2 |
| 1-1/4 | 28.7 | 49.7 | 40.5 | 28.7 |
| 1-3/8 | 33.5 | 58.0 | 47.0 | 33.5 |
| 1-1/2 | 39.7 | 68.5 | 56.0 | 39.7 |
| 1-5/8 | 42.5 | 73.5 | 59.5 | 42.5 |
| 1-3/4 | 47.0 | 81.5 | 62.0 | 47.0 |

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT
ANY POINT OF LINK

| Chain size in inches | Maximum allowable wear in fraction of inches |
|----------------------|--|
| 1/4 (9/32) | 3/64 |
| 3/8 | 5/64 |
| 1/2 | 7/64 |
| 5/8 | 9/64 |
| 3/4 | 5/32 |
| 7/8 | 1/64 |
| 1 | 3/16 |
| 1 1/8 | 7/32 |
| 1 1/4 | 1/4 |
| 1 3/8 | 9/32 |
| 1 1/2 | 5/16 |
| 1 3/4 | 1/32 |

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
(in tons of 2,000 pounds)

| Material size (inches) | Pin diameter (inches) | Safe working load |
|------------------------|-----------------------|-------------------|
| 1/2 | 5/8 | 1.4 |
| 5/8 | 3/4 | 2.2 |
| 3/4 | 7/8 | 3.2 |
| 7/8 | 1 | 4.3 |
| 1 | 1 1/8 | 5.6 |
| 1 1/8 | 1 1/4 | 6.7 |
| 1 1/4 | 1 3/8 | 8.2 |
| 1 3/8 | 1 1/2 | 10.0 |
| 1 1/2 | 1 5/8 | 11.9 |
| 1 3/4 | 2 | 16.2 |
| 2 | 2 1/4 | 21.2 |

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-07013 Qualifications of operators. (1)

When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(2) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(3) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(4) No minor under eighteen years of age shall be employed in occupations involving the operation of any

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power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

**((TABLE E-1
DIMENSIONS AND SPACING OF WOOD
INDEPENDENT-POLE SCAFFOLD MEMBERS**

| Structural Members | Light duty (Up to 25 pounds per square foot) | | | Heavy duty (25 to 75 pounds per square foot) | | |
|---|---|-----------|-----------|---|-------|-------|
| | Height in feet | | | Height in feet | | |
| | 24 or less | 24-40 | 40-60 | 24 or less | 24-40 | 40-60 |
| Poles or uprights (in inches) | 2x4 | 3x4 | 4x4 | 3x4 | 4x4 | 4x6 |
| | | or 2x6 | | | | |
| Bearers (in inches) | 2x4 | 2x6 | 2x6 | 2x8 | 2x8 | 2x10 |
| Ledgers (in inches) | 2x6 | 2x6 | 2x6 | 2x8 | 2x8 | 2x8 |
| Stringer (not supporting bearers) (in inches) | 1x6 | 1x6 | 1x6 | 1x6 | 1x6 | 1x6 |
| Braces (in inches) | 1x4 | 1x6 | 1x6 | 1x6 | 1x6 | 1x6 |
| Pole spacing—longitudinally (in feet) | 7-1/2 | 7-1/2 | 7-1/2 | 7 | 7 | 7 |
| Pole spacing—transversely (in feet) | 6-1/2 min | 7-1/2 min | 8-1/2 min | 6-1/2 | 10 | 10 |
| Ledger spacing—vertically (in feet) | 7 | 7 | 7 | 4-1/2 | 4-1/2 | 4-1/2 |

**TABLE E-3
SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES**

| Structural Members | Height in feet | | |
|---------------------------|----------------|----------|----------|
| | Up to 10 | 10 to 16 | 16 to 20 |
| | Inches | Inches | Inches |
| Legs | 2x4 | 3x4 | 4x6 |
| Bearers or headers | 2x6 | 2x8 | 4x6 |
| Crossbraces | 2x4 | 2x4 | 2x6 |
| | or 1x8 | | |
| Longitudinal braces | 2x4 | 2x6 | 2x6 |

**TABLE E-4
SAFE CENTER LOADS FOR SCAFFOLD PLANK
OF 1,100 POUNDS FIBRE STRESS**

[Codification note: The graphic presentation of this table has been varied in order that it would fall within the printing specifications for the Washington Administrative Code. The following table had lumber dimensions in the table heading typed in vertically across the page while the remainder of the table was typed horizontally on the page. The "Span in Feet" materials (6 through 16) which ran top to bottom has been switched to run left to right on the page. The "Lumber dimensions in inches" which ran left to right on the page has been switched to run top to bottom on the page.]

| Lumber dimensions in inches | Span in Feet | | | | | |
|--------------------------------|--------------|-----|-----|-----|-----|----|
| | 6 | 8 | 10 | 12 | 14 | 16 |
| A-2 x 10 | | | | | | |
| B-1 5/8 x 9 1/2 | 256 | 192 | 153 | 128 | 110 | — |

| Lumber dimensions in inches | Span in Feet | | | | | |
|--------------------------------|--------------|-----|-----|-----|-----|-----|
| | 6 | 8 | 10 | 12 | 14 | 16 |
| A-2 x 12 | | | | | | |
| B-1 5/8 x 11 1/2 | 309 | 232 | 186 | 155 | 133 | 116 |
| A-3 x 8 | | | | | | |
| B-2 5/8 x 7 1/2 | 526 | 395 | 316 | 263 | 225 | 197 |
| A-3 x 10 | | | | | | |
| B-2 5/8 x 9 1/2 | 667 | 600 | 400 | 333 | 286 | 250 |
| A-3 x 12 | | | | | | |
| B-2 5/8 x 11 1/2 | 807 | 605 | 484 | 404 | 346 | 303 |

(A)—Rough lumber.
(B)—Dressed lumber.

**TABLE G-1
MANILA ROPE
(in pounds or tons of 2000 pounds)**

| Circumference | Dia- meter in Inches | Single Leg | 60x | 45x | 30x |
|---------------|-------------------------------|------------|----------|----------|----------|
| | | (illus.) | (illus.) | (illus.) | (illus.) |
| —3/4 | 1/4 | 120 lbs. | 204 lbs. | 170 lbs. | 120 lbs. |
| 1 | 5/16 | 200 | 346 | 282 | 200 |
| 1-1/8 | 3/8 | 270 | 467 | 380 | 270 |
| 1-1/4 | 7/16 | 350 | 605 | 493 | 350 |
| 1-3/8 | 15/32 | 450 | 775 | 635 | 450 |
| 1-1/2 | 1/2 | 530 | 915 | 798 | 530 |
| 1-3/4 | 9/16 | 690 | 1190 | 973 | 690 |
| 2 | 5/8 | 880 | 1520 | 1240 | 880 |
| 2-1/4 | 3/4 | 1080 | 1870 | 1520 | 1080 |
| 2-1/2 | 13/16 | 1300 | 2250 | 1830 | 1300 |
| 2-3/4 | 7/8 | 1540 | 2660 | 2170 | 1540 |
| 3 | 1 | 1800 | 3120 | 2540 | 1800 |
| 3-1/4 | 1-1/16 | 1-0 tons | 1-7 tons | 1-4 tons | 1-0 tons |
| 3-1/2 | 1-1/8 | 1-2 | 2-1 | 1-7 | 1-2 |
| 3-3/4 | 1-1/4 | 1-35 | 2-3 | 1-9 | 1-35 |
| 4 | 1-5/16 | 1-5 | 2-6 | 2-1 | 1-5 |
| 4-1/2 | 1-1/2 | 1-8 | 3-1 | 2-5 | 1-8 |
| 5 | 1-5/8 | 2-25 | 3-9 | 3-2 | 2-25 |
| 5-1/2 | 1-3/4 | 2-6 | 4-5 | 3-7 | 2-6 |
| 6 | 2 | 3-1 | 5-4 | 4-4 | 3-1 |
| 6-1/2 | 2-1/8 | 3-6 | 6-2 | 5-1 | 3-6 |

**TABLE G-2
RATED CAPACITIES FOR IMPROVED FLOW
STEEL, INDEPENDENT WIRE ROPE CORE,
WIRE ROPE AND WIRE ROPE SLINGS
(in tons of 2000 pounds)**

| Rope Dia. Inches | single leg | | | | | |
|----------------------------|------------|-----|-----|--------|-----|-----|
| | Vertical | | | Choker | | |
| | A | B | C | A | B | C |
| 6X19 CLASSIFICATION | | | | | | |
| 1/4" | .59 | .56 | .53 | .44 | .42 | .40 |
| 3/8" | 1.3 | 1.2 | 1.1 | .98 | .93 | .86 |
| 1/2" | 2.3 | 2.2 | 2.0 | 1.7 | 1.6 | 1.5 |
| 5/8" | 3.6 | 3.4 | 3.0 | 2.7 | 2.5 | 2.2 |

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| 6X37 CLASSIFICATION | | | | | | | | | | | |
|---------------------|-----|-----|----------|------|-----|-------------|------|-----|--------|-----|-----|
| Rope | | | Vertical | | | 60x (Hills) | | | Choker | | |
| Dia. | A | B | A | B | E | A | B | E | A | B | E |
| 1 1/4" | 1.2 | 1.1 | 1.0 | 1.0 | .97 | 1.14 | 1.1 | 1.0 | 1.14 | 1.1 | .97 |
| 3/8" | 2.6 | 2.5 | 2.3 | 2.3 | 2.1 | 3/8" | 1.2 | 1.1 | 3/8 | 1.1 | .85 |
| 1/2" | 4.6 | 4.4 | 3.9 | 4.0 | 3.8 | 1/2" | 2.1 | 2.0 | 1/2 | 1.6 | 1.4 |
| 5/8" | 7.2 | 6.8 | 6.0 | 6.2 | 5.9 | 5/8" | 3.3 | 3.1 | 5/8 | 2.3 | 2.1 |
| 3/4" | 10. | 9.7 | 8.4 | 8.9 | 8.4 | 3/4" | 4.8 | 4.4 | 3/4 | 3.3 | 2.9 |
| 7/8" | 14. | 13. | 11. | 12. | 11. | 7/8" | 7.8 | 6.4 | 7/8 | 4.5 | 3.9 |
| 1 1/8" | 18. | 17. | 14. | 15. | 15. | 1 1/8" | 10. | 8.4 | 10. | 6.3 | 5.0 |
| 1 1/2" | 23. | 21. | 18. | 19. | 18. | 1 1/2" | 14. | 12. | 1 1/2 | 9.2 | 7.4 |
| 1 3/4" | 26. | 24. | 21. | 23. | 21. | 1 3/4" | 18. | 15. | 1 3/4 | 12. | 10. |
| 2" | 31. | 29. | 25. | 28. | 25. | 2" | 22. | 18. | 2" | 15. | 13. |
| 2 1/4" | 35. | 33. | 30. | 33. | 30. | 2 1/4" | 27. | 21. | 2 1/4 | 19. | 17. |
| 2 3/4" | 41. | 41. | 41. | 44. | 41. | 2 3/4" | 33. | 26. | 2 3/4 | 24. | 20. |
| 3" | 46. | 46. | 46. | 53. | 46. | 3" | 47. | 37. | 3" | 30. | 26. |
| 3 1/4" | 53. | 53. | 53. | 66. | 53. | 3 1/4" | 58. | 47. | 3 1/4 | 38. | 33. |
| 3 1/2" | 66. | 66. | 66. | 83. | 66. | 3 1/2" | 78. | 69. | 3 1/2 | 53. | 42. |
| 4" | 83. | 83. | 83. | 110. | 83. | 4" | 108. | 90. | 4" | 78. | 63. |

(TABLE G-3: Part 1—Vertical and 60x Positions)
 TWO—LEG BRIDLE OR BASKET HITCH
 Rope Dia. Vertical 60x (Hills) Choker

[Condition note: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables covering the "TWO LEG BRIDLE OR BASKET HITCH" for 6x19 Classification and for 6x37 Classification. Part One has Rope Diameter in Inches for Vertical and 60x within the two classifications. Part Two has Rope Diameter in Inches for 45x and 30x within the two classifications.]

| 6X37 CLASSIFICATION | | | | | | | | | | | |
|---------------------|-----|-----|----------|------|-----|-------------|------|-----|-------------|-----|-----|
| Rope | | | Vertical | | | 45x (Hills) | | | 30x (Hills) | | |
| Dia. | A | B | A | B | E | A | B | E | A | B | E |
| 1 1/4" | 1.2 | 1.0 | 0.9 | 1.0 | 0.9 | 1 1/4" | 1.8 | 1.6 | 1 1/4 | 1.3 | 1.1 |
| 3/8" | 2.6 | 2.3 | 2.0 | 2.3 | 2.0 | 3/8" | 1.8 | 1.6 | 3/8 | 1.3 | 1.1 |
| 1/2" | 4.6 | 4.2 | 3.8 | 4.2 | 3.8 | 1/2" | 3.2 | 3.1 | 1/2 | 2.3 | 2.0 |
| 5/8" | 7.2 | 6.6 | 5.5 | 7.2 | 6.7 | 5/8" | 4.8 | 4.2 | 5/8 | 3.6 | 3.0 |
| 3/4" | 10. | 9.4 | 8.1 | 10. | 9.0 | 3/4" | 7.2 | 6.9 | 3/4 | 5.1 | 4.9 |
| 7/8" | 14. | 13. | 11. | 14. | 13. | 7/8" | 9.3 | 7.8 | 7/8 | 6.9 | 6.6 |
| 1 1/8" | 18. | 17. | 14. | 18. | 15. | 1 1/8" | 12. | 10. | 1 1/8 | 9.0 | 8.5 |
| 1 1/2" | 23. | 21. | 18. | 23. | 20. | 1 1/2" | 15. | 13. | 1 1/2 | 11. | 9.0 |
| 1 3/4" | 26. | 24. | 20. | 26. | 23. | 1 3/4" | 19. | 16. | 1 3/4 | 14. | 12. |
| 2" | 31. | 30. | 26. | 31. | 29. | 2" | 24. | 20. | 2" | 17. | 15. |
| 2 1/4" | 35. | 33. | 30. | 35. | 33. | 2 1/4" | 30. | 26. | 2 1/4 | 21. | 19. |
| 2 3/4" | 41. | 41. | 41. | 44. | 41. | 2 3/4" | 37. | 31. | 2 3/4 | 26. | 24. |
| 3" | 46. | 46. | 46. | 53. | 46. | 3" | 47. | 37. | 3" | 30. | 26. |
| 3 1/4" | 53. | 53. | 53. | 66. | 53. | 3 1/4" | 58. | 47. | 3 1/4 | 38. | 33. |
| 3 1/2" | 66. | 66. | 66. | 83. | 66. | 3 1/2" | 78. | 69. | 3 1/2 | 53. | 42. |
| 4" | 83. | 83. | 83. | 110. | 83. | 4" | 108. | 90. | 4" | 78. | 63. |

(TABLE G-3: Part 2—45x and 30x Positions)
 TWO—LEG BRIDLE OR BASKET HITCH
 Rope Dia. Vertical Choker

| 6X19 CLASSIFICATION | | | | | | | | | | | |
|---------------------|-----|-----|----------|------|-----|-------------|------|-----|-------------|-----|-----|
| Rope | | | Vertical | | | 45x (Hills) | | | 30x (Hills) | | |
| Dia. | A | B | A | B | E | A | B | E | A | B | E |
| 1 1/4" | 1.2 | 1.1 | 1.0 | 1.0 | .97 | 1 1/4" | 1.8 | 1.6 | 1 1/4 | 1.3 | 1.1 |
| 3/8" | 2.6 | 2.5 | 2.3 | 2.3 | 2.1 | 3/8" | 1.8 | 1.6 | 3/8 | 1.3 | 1.1 |
| 1/2" | 4.6 | 4.4 | 3.9 | 4.0 | 3.8 | 1/2" | 3.2 | 3.1 | 1/2 | 2.3 | 2.0 |
| 5/8" | 7.2 | 6.8 | 6.0 | 6.2 | 5.9 | 5/8" | 4.8 | 4.2 | 5/8 | 3.6 | 3.0 |
| 3/4" | 10. | 9.7 | 8.4 | 8.9 | 8.4 | 3/4" | 7.2 | 6.9 | 3/4 | 5.1 | 4.9 |
| 7/8" | 14. | 13. | 11. | 12. | 11. | 7/8" | 9.3 | 7.8 | 7/8 | 6.9 | 6.6 |
| 1 1/8" | 18. | 17. | 14. | 15. | 15. | 1 1/8" | 12. | 10. | 1 1/8 | 9.0 | 8.5 |
| 1 1/2" | 23. | 21. | 18. | 23. | 20. | 1 1/2" | 15. | 13. | 1 1/2 | 11. | 9.0 |
| 1 3/4" | 26. | 24. | 21. | 23. | 21. | 1 3/4" | 19. | 16. | 1 3/4 | 14. | 12. |
| 2" | 31. | 29. | 25. | 28. | 25. | 2" | 24. | 20. | 2" | 17. | 15. |
| 2 1/4" | 35. | 33. | 30. | 33. | 30. | 2 1/4" | 30. | 26. | 2 1/4 | 21. | 19. |
| 2 3/4" | 41. | 41. | 41. | 44. | 41. | 2 3/4" | 37. | 31. | 2 3/4 | 26. | 24. |
| 3" | 46. | 46. | 46. | 53. | 46. | 3" | 47. | 37. | 3" | 30. | 26. |
| 3 1/4" | 53. | 53. | 53. | 66. | 53. | 3 1/4" | 58. | 47. | 3 1/4 | 38. | 33. |
| 3 1/2" | 66. | 66. | 66. | 83. | 66. | 3 1/2" | 78. | 69. | 3 1/2 | 53. | 42. |
| 4" | 83. | 83. | 83. | 110. | 83. | 4" | 108. | 90. | 4" | 78. | 63. |

(TABLE G-4)
 RATED CAPACITIES FOR IMPROVED FLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS (in tons of 2000 pounds)
 Rope Dia. Vertical Choker

| 6X37 CLASSIFICATION | | | | | | | | | | | |
|---------------------|-----|-----|----------|------|-----|-------------|------|-----|-------------|-----|-----|
| Rope | | | Vertical | | | 45x (Hills) | | | 30x (Hills) | | |
| Dia. | A | B | A | B | E | A | B | E | A | B | E |
| 1 1/4" | 1.2 | 1.1 | 1.0 | 1.0 | .97 | 1 1/4" | 1.8 | 1.6 | 1 1/4 | 1.3 | 1.1 |
| 3/8" | 2.6 | 2.5 | 2.3 | 2.3 | 2.1 | 3/8" | 1.8 | 1.6 | 3/8 | 1.3 | 1.1 |
| 1/2" | 4.6 | 4.4 | 3.9 | 4.0 | 3.8 | 1/2" | 3.2 | 3.1 | 1/2 | 2.3 | 2.0 |
| 5/8" | 7.2 | 6.8 | 6.0 | 6.2 | 5.9 | 5/8" | 4.8 | 4.2 | 5/8 | 3.6 | 3.0 |
| 3/4" | 10. | 9.7 | 8.4 | 8.9 | 8.4 | 3/4" | 7.2 | 6.9 | 3/4 | 5.1 | 4.9 |
| 7/8" | 14. | 13. | 11. | 12. | 11. | 7/8" | 9.3 | 7.8 | 7/8 | 6.9 | 6.6 |
| 1 1/8" | 18. | 17. | 14. | 15. | 15. | 1 1/8" | 12. | 10. | 1 1/8 | 9.0 | 8.5 |
| 1 1/2" | 23. | 21. | 18. | 23. | 20. | 1 1/2" | 15. | 13. | 1 1/2 | 11. | 9.0 |
| 1 3/4" | 26. | 24. | 21. | 23. | 21. | 1 3/4" | 19. | 16. | 1 3/4 | 14. | 12. |
| 2" | 31. | 29. | 25. | 28. | 25. | 2" | 24. | 20. | 2" | 17. | 15. |
| 2 1/4" | 35. | 33. | 30. | 33. | 30. | 2 1/4" | 30. | 26. | 2 1/4 | 21. | 19. |
| 2 3/4" | 41. | 41. | 41. | 44. | 41. | 2 3/4" | 37. | 31. | 2 3/4 | 26. | 24. |
| 3" | 46. | 46. | 46. | 53. | 46. | 3" | 47. | 37. | 3" | 30. | 26. |
| 3 1/4" | 53. | 53. | 53. | 66. | 53. | 3 1/4" | 58. | 47. | 3 1/4 | 38. | 33. |
| 3 1/2" | 66. | 66. | 66. | 83. | 66. | 3 1/2" | 78. | 69. | 3 1/2 | 53. | 42. |
| 4" | 83. | 83. | 83. | 110. | 83. | 4" | 108. | 90. | 4" | 78. | 63. |

(TABLE G-3: Part 1—Vertical and 60x Positions)
 TWO—LEG BRIDLE OR BASKET HITCH
 Rope Dia. Vertical Choker

EXPEDITED

TABLE G-5 RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS

| Rope Dia. inches | Vertical | | |
|------------------|----------|-----|-----|
| | A | B | C |
| 1/4 | 1.1 | 1.0 | .99 |
| 3/8 | 2.4 | 2.2 | 1.9 |
| 1/2 | 4.3 | 3.9 | 3.7 |
| 5/8 | 6.7 | 6.2 | 5.8 |
| 3/4 | 9.5 | 8.8 | 8.2 |
| 7/8 | 12. | 10. | 11. |
| 1 | 17. | 15. | 14. |
| 1 1/8 | 21. | 19. | 18. |

[Codification note: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables covering the "TWO LEG BRIDLE OR BASKET HITCH" and "TWO LEG BRIDLE OR BASKET HITCH" for 6x19 Classification and for 6x37 Classification. Part One has Rope Diameter in Inches for Vertical and 60x within the two classifications. Part Two has Rope Diameter in Inches for 45x and 30x within the two classifications.]

TABLE G-5, Part 1 Vertical and 60x Positions

| Rope Dia. inches | Vertical | | |
|------------------|----------|-----|-----|
| | A | B | C |
| 1/4 | 19. | 20. | 21. |
| 3/8 | 23. | 24. | 26. |
| 1/2 | 27. | 28. | 30. |
| 5/8 | 35. | 33. | 37. |
| 3/4 | 48. | 43. | 44. |
| 7/8 | 62. | 55. | 53. |
| 1 | 77. | 72. | 70. |
| 1 1/8 | 91. | 84. | 84. |

TABLE G-5, Part 2 45x and 30x Positions

| Rope Dia. inches | 45x (lbs.) | | | 30x (lbs.) | | |
|------------------|------------|-----|-----|------------|-----|-----|
| | A | B | C | A | B | C |
| 1/4 | 17. | 19. | 17. | 14. | 16. | 14. |
| 3/8 | 20. | 23. | 21. | 17. | 19. | 17. |
| 1/2 | 24. | 27. | 24. | 20. | 23. | 20. |
| 5/8 | 27. | 30. | 27. | 23. | 27. | 24. |
| 3/4 | 38. | 43. | 38. | 37. | 41. | 37. |
| 7/8 | 49. | 55. | 49. | 48. | 53. | 48. |
| 1 | 62. | 67. | 62. | 53. | 58. | 53. |
| 1 1/8 | 77. | 82. | 77. | 67. | 72. | 67. |

6X37 CLASSIFICATION

| | | | | | | |
|-------|-----|-----|-----|-----|-----|-----|
| 1 1/4 | 17. | 16. | 14. | 12. | 11. | 9.8 |
| 1 3/8 | 21. | 19. | 17. | 15. | 13. | 12. |
| 1 1/2 | 25. | 22. | 20. | 17. | 16. | 14. |
| 1 3/4 | 34. | 30. | 27. | 24. | 21. | 19. |
| 2 | 43. | 39. | 35. | 31. | 28. | 25. |

(A) Socket or swaged terminal attachment

(B) Mechanical sleeve attachment

(C) Hand tucked splice attachment

TABLE G-6 NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

| Improved plow steel rope diameter inches | Drop forged | Other material | Number of Clips | |
|--|-------------|----------------|--------------------------|---------|
| | | | Minimum spacing (inches) | Maximum |
| 1/2 | 3 | 4 | 3 | 3 |
| 5/8 | 3 | 4 | 3 3/4 | 4 |
| 3/4 | 4 | 5 | 4 1/2 | 5 1/4 |
| 7/8 | 4 | 5 | 6 | 6 |
| 1 | 4 | 6 | 6 3/4 | 7 1/2 |
| 1 1/8 | 5 | 6 | 7 1/2 | 8 1/4 |
| 1 1/4 | 5 | 7 | 8 1/4 | 9 |
| 1 3/8 | 6 | 8 | | |
| 1 1/2 | 6 | | | |

*Three clips shall be used on wire size less than 1/2 inch diameter.

TABLE G-7 WROUGHT IRON CHAIN

| Nominal Size | Single Leg | 60x (lbs.) | 45x (lbs.) | 30x (lbs.) | WROUGHT IRON CHAIN (in pounds or tons of 2000 pounds) | | |
|--------------|------------|------------|------------|------------|---|--------|--------|
| | | | | | Normal | Stock | Mesh |
| 1/4 | 1060 | 1835 | 1500 | 1060 | 1655 | 2340 | 1500 |
| 5/16 | 1655 | 2865 | 2340 | 1655 | 2385 | 3370 | 2385 |
| 3/8 | 2385 | 4110 | 3370 | 2385 | 3710 | 5000 | 3710 |
| 1/2 | 4110 | 6910 | 5000 | 4110 | 6000 | 8000 | 6000 |
| 5/8 | 6000 | 9500 | 7000 | 6000 | 8500 | 11000 | 8500 |
| 3/4 | 8500 | 13000 | 9500 | 8500 | 12000 | 15500 | 12000 |
| 7/8 | 13000 | 19000 | 13000 | 13000 | 18000 | 23000 | 18000 |
| 1 | 19000 | 27000 | 19000 | 19000 | 26000 | 33000 | 26000 |
| 1 1/8 | 27000 | 38000 | 27000 | 27000 | 36000 | 45000 | 36000 |
| 1 1/4 | 38000 | 51000 | 38000 | 38000 | 50000 | 62000 | 50000 |
| 1 3/8 | 51000 | 70000 | 51000 | 51000 | 66000 | 82000 | 66000 |
| 1 1/2 | 70000 | 95000 | 70000 | 70000 | 90000 | 110000 | 90000 |
| 1 3/4 | 95000 | 130000 | 95000 | 95000 | 120000 | 150000 | 120000 |
| 1 7/8 | 130000 | 180000 | 130000 | 130000 | 160000 | 200000 | 160000 |
| 2 | 180000 | 240000 | 180000 | 180000 | 220000 | 280000 | 220000 |

*These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8
ALLOY-STEEL CHAIN
(in tons of 2000 pounds)

| Nominal Size Chain Stock Inch | Single Leg | 60x | 45x | 30x |
|-------------------------------|------------|----------|----------|----------|
| | (illus.) | (illus.) | (illus.) | (illus.) |
| 1/4 | 1.62 | 2.82 | 2.27 | 1.62 |
| 3/8 | 3.30 | 5.70 | 4.65 | 3.30 |
| 1/2 | 5.62 | 9.75 | 7.90 | 5.62 |
| 5/8 | 8.25 | 14.25 | 11.65 | 8.25 |
| 3/4 | 11.5 | 19.9 | 16.2 | 11.5 |
| 7/8 | 14.3 | 24.9 | 20.3 | 14.3 |
| 1 | 19.3 | 33.4 | 27.3 | 19.8 |
| 1-1/8 | 22.2 | 38.5 | 31.5 | 22.2 |
| 1-1/4 | 28.7 | 49.7 | 40.5 | 28.7 |
| 1-3/8 | 33.5 | 58.0 | 47.0 | 33.5 |
| 1-1/2 | 39.7 | 68.5 | 56.0 | 39.7 |
| 1-5/8 | 42.5 | 73.5 | 59.5 | 42.5 |
| 1-3/4 | 47.0 | 81.5 | 62.0 | 47.0 |

TABLE G-9
MAXIMUM ALLOWABLE WEAR AT
ANY POINT OF LINK

| Chain size in inches | Maximum allowable wear in fraction of inches |
|----------------------|--|
| 1/4 (9/32) | 3/64 |
| 3/8 | 5/64 |
| 1/2 | 7/64 |
| 5/8 | 9/64 |
| 3/4 | 5/32 |
| 7/8 | 1-1/64 |
| 1 | 3/16 |
| 1-1/8 | 7/32 |
| 1-1/4 | 1/4 |
| 1-3/8 | 9/32 |
| 1-1/2 | 5/16 |
| 1-3/4 | 1-1/32 |

TABLE G-10
SAFE WORKING LOADS FOR SHACKLES
(in tons of 2,000 pounds)

| Material size (inches) | Pin diameter (inches) | Safe working load |
|------------------------|-----------------------|-------------------|
| 1/2 | 5/8 | 1.4 |
| 5/8 | 3/4 | 2.2 |
| 3/4 | 7/8 | 3.2 |
| 7/8 | 1 | 4.3 |
| 1 | 1-1/8 | 5.6 |
| 1-1/8 | 1-1/4 | 6.7 |
| 1-1/4 | 1-3/8 | 8.2 |
| 1-3/8 | 1-1/2 | 10.0 |
| 1-1/2 | 1-5/8 | 11.9 |

| Material size (inches) | Pin diameter (inches) | Safe working load |
|------------------------|-----------------------|-------------------|
| 1-3/4 | 2 | 16.2 |
| 2 | 2-1/4 | 21.2 |

TABLE I-1A
FILTER LENSES FOR PROTECTION AGAINST
RADIANT ENERGY

| OPERATIONS | ELECTRODE SIZE 1/32-IN | ARC CURRENT | MINIMUM PROTECTIVE SHADE |
|--|------------------------|---------------|--------------------------|
| Shielded metal arc-welding | Less than 3 | Less than 60 | 7 |
| | 3-5 | 60-160 | 8 |
| | 5-8 | 160-250 | 10 |
| | More than 8 | 250-550 | 11 |
| Gas metal arc-welding and flux-cored arc-welding | | Less than 60 | 7 |
| | | 60-160 | 10 |
| | | 160-250 | 10 |
| | | 250-550 | 10 |
| Gas-Tungsten arc-welding | | Less than 50 | 8 |
| | | 50-150 | 8 |
| | | 150-500 | 10 |
| Air carbon arc-cutting | (Light) | Less than 500 | 10 |
| | (Heavy) | 500-1000 | 11 |
| Plasma arc-welding | | Less than 20 | 6 |
| | | 20-100 | 8 |
| | | 100-400 | 10 |
| | | 400-800 | 11 |
| Plasma arc-cutting | (Light)** | Less than 300 | 8 |
| | (Medium)** | 300-400 | 9 |
| | (Heavy)** | 400-800 | 10 |
| Torch brazing | — | — | 3 |
| Torch soldering | — | — | 2 |
| Carbon Arc welding | — | — | 14 |

**These values apply where the actual arc is clearly seen. Lighter filters may be used when the arc is hidden by the workplace.

TABLE I-1B
FILTER LENSES FOR PROTECTION AGAINST
RADIANT ENERGY

| OPERATIONS | PLATE THICKNESS INCHES | PLATE THICKNESS MM | MINIMUM* PROTECTIVE SHADE | |
|----------------|------------------------|--------------------|---------------------------|---|
| Gas-welding | Light | Under 1/8 | Under 3.2 | 4 |
| | Medium | 1/8-1/2 | 3.2-12.7 | 5 |
| | Heavy | Over 1/2 | Over 12.7 | 6 |
| Oxygen-cutting | Light | Under 1 | Under 25 | 3 |
| | Medium | 1-6 | 25-100 | 4 |
| | Heavy | Over 6 | Over 150 | 5 |

*As rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxyfuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.)

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.

EXPEDITED

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-08001 General precautions. (1) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(2) When air tools of the reciprocating type are not in use, the discs and tools shall be removed.

(3) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(4) The moving parts of machinery on dry docks shall be guarded.

(5) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(6) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(7) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifolds or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(8) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-09017 Lifesaving equipment. (1) Personal flotation devices (PFD).

~~((a) The employer must ensure that each personal flotation device (life preservers, life jackets and work vests) worn by an affected employee is:~~

~~• United States Coast Guard (USCG) approved and marked Type I PFD, Type II PFD, or Type III PFD; or~~

~~• USCG approved Type V PFD, marked for use as a work vest, for commercial use, or for use on vessels.~~

Note: ~~The requirements for USCG approval are in 46 CFR Part 160, Subpart Q, Coast Guard Lifesaving Equipment Specifications.~~

~~((b))~~ • You must provide your employees with PFDs approved by the United States Coast Guard for use on commercial or merchant vessels. The following are appropriate or allowable United States Coast Guard approved PFDs:

Type of PFD

Type I

General Description

Off-shore life jacket - effective for all waters or where rescue may be delayed.

Type II

Near-shore buoyant vest - intended for calm, inland water or where there is a good chance of quick rescue.

Type III

Flotation aid - good for calm, inland water, or where there is a good chance of rescue.

Type V

Flotation aids such as board-sailing vests, deck suits, work vests and inflatable PFDs marked for commercial use.

- Note:
- Commercially available PFDs are marked or imprinted with the Type of PFD.
 - Type IV PFDs are throwable devices. They are used to aid persons who have fallen into the water.
 - The requirements for USCG approval are in 46 CFR Part 160, Coast Guard Lifesaving Equipment Specifications.

The employer must ensure that each personal flotation device is inspected before use for dry rot, chemical damage, or other defects that may affect its strength and buoyancy. Defective personal flotation devices shall not be used.

(2) Ring life buoys and ladders.

(a) The employer must ensure that when work is performed on a floating vessel 200 feet (61 m) or more in length, at least three 30-inch (0.76 m) U.S. Coast Guard approved ring life buoys with lines attached are located in readily visible and accessible places. Ring life buoys must be located one forward, one aft, and one at the access to the gangway.

(b) On floating vessels under 200 feet (61 m) in length, at least one 30-inch (0.76 m) U.S. Coast Guard approved ring life buoy with line attached must be located at the gangway.

(c) At least one 30-inch (0.76 m) U.S. Coast Guard approved ring life buoy with a line attached must be located on each staging alongside of a floating vessel on which work is performed.

(d) At least 90 feet ~~((27 m))~~ (27.43 m) of line must be attached to each ring life buoy.

(e) There must be at least one portable or permanent ladder near each floating vessel on which work is performed. The ladder must be long enough to help an employee reach safety in the event of a fall into the water.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-09021 Personal fall arrest systems (PFAS). Personal fall arrest systems must meet the requirements of this section.

(1) The employer must ensure that connectors and anchorages meet the following criteria:

EXPEDITED

(a) Connectors are made of drop forged, pressed, or formed steel or of materials with equivalent strength.

(b) Connectors have a corrosion-resistant finish, and all surfaces and edges are smooth to prevent damage to the interfacing parts of the system.

(c) D-rings and snaphooks can sustain a minimum tensile load of 5,000 pounds (~~((22.2 Kn))~~) (22.24 Kn).

(d) D-rings and snaphooks are proof-tested to a minimum tensile load of 3,600 pounds (16 Kn) without cracking, breaking, or being permanently deformed.

(e) Snaphooks lock and are designed and used to prevent disengagement of the snaphook by contact of the snaphook keeper with the connected part.

(f) On suspended scaffolds or similar work platforms with horizontal lifelines that may become vertical lifelines, the devices used for connection to the horizontal lifeline can lock in any direction on the lifeline.

(g) Anchorages used for attachment of personal fall arrest equipment are independent of any anchorage used to support or suspend platforms.

(h) Anchorages can support at least 5,000 pounds (~~((22.2 Kn))~~) (22.24 Kn) per employee attached, or are designed, installed, and used as follows:

(i) As part of a complete personal fall arrest system that maintains a safety factor of at least two; and

(ii) Under the direction and supervision of a qualified person.

(2) The employer must ensure that lifelines, lanyards, and personal fall arrest systems meet the following criteria:

(a) When vertical lifelines are used, each employee has a separate lifeline.

(b) Vertical lifelines and lanyards have a minimum tensile strength of 5,000 pounds (~~((22.2 Kn))~~) (22.24 Kn).

(c) Self-retracting lifelines and lanyards that automatically limit free fall distances to 2 feet (0.61 m) or less can sustain a minimum tensile load of 3000 pounds (~~((13.3 Kn))~~) (13.34 Kn) applied to a self-retracting lifeline or lanyard with the lifeline or lanyard in the fully extended position.

(d) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards and tearing and deforming lanyards can sustain a minimum static tensile load of 5,000 pounds (~~((22.2 Kn))~~) (22.24 Kn) applied to the device when they are in the fully extended position.

(e) Horizontal lifelines are designed, installed, and used under the supervision of a qualified person, and only used as part of a complete personal fall arrest system that maintains a safety factor of at least two.

Note: The system strength needs below are based on a maximum combined weight of employee and tools of 310 pounds. If combined weight is more than 310 pounds (140.62 kg), appropriate allowances must be made or the system will not be in compliance.

(f) Effective April 20, 1998, the employer must ensure that personal fall arrest systems:

(i) Limit the maximum arresting force on a falling employee to 1,800 pounds (8 Kn) when used with a body harness;

(ii) Bring a falling employee to a complete stop and limit the maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Are strong enough to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(g) The employer must ensure that personal fall arrest systems are rigged so that an employee can neither free fall more than 6 feet (~~((1.8 m))~~) (1.83 m) nor contact any lower level.

(3) The employer must select, use, and care for systems and system components according to the following requirements:

(a) Lanyards are attached to employees using personal fall arrest systems, as follows:

The attachment point of a body harness is in the center of the wearer's back near the shoulder level, or above the wearer's head. If the maximum free fall distance is less than 20 inches, the attachment point may be located in the chest position.

(b) Ropes and straps (webbing) used in lanyards, lifelines and strength components of body harnesses are made from synthetic fibers or wire rope.

(c) Ropes, harnesses, and lanyards are compatible with their hardware.

(d) Lifelines and lanyards are protected against cuts, abrasions, burns from hot work operations and deterioration by acids, solvents, and other chemicals.

(e) Personal fall arrest systems are inspected before each use for mildew, wear, damage, and other deterioration. Defective components are removed from service.

(f) Personal fall arrest systems and components subjected to impact loading are immediately removed from service and not used again for employee protection until inspected and determined by a qualified persons to be undamaged and suitable for reuse.

(g) The employer must provide for prompt rescue of employees in the event of a fall or must ensure that employees are able to rescue themselves.

(h) Personal fall arrest systems and components are used only for employee fall protection and not to hoist materials.

(4) Training. Before using personal fall arrest equipment, the employer must ensure that each affected employee is trained to understand the application limits of the equipment and proper hook-up, anchoring, and tie-off techniques. Affected employees must also be trained to demonstrate the proper use, inspection, and storage of their equipment.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-09023 Positioning device systems. The employer must ensure that positioning device systems and their use meet the requirements of this section.

(1) The employer must ensure that connectors and anchorages meet the following criteria:

(a) Connectors have a corrosion-resistant finish, and all surfaces and edges are smooth to prevent damage to interfacing parts of this system.

(b) Connecting assemblies have a minimum tensile strength of 5,000 pounds (~~((22.2 Kn))~~) (22.24 Kn).

(c) Positioning device systems are secured to an anchorage that can support at least twice the potential impact load of an employee's fall.

(d) Only locking type snaphooks are used in positioning device systems.

(2) The employer must ensure that positioning device systems meet the following criteria:

(a) Restraint (tether) lines have a minimum breaking strength of 3,000 pounds (~~((13.3 Kn))~~) (13.34 Kn).

(b) Beginning April 20, 1998, the following system performance criteria for positioning device systems are met:

(i) A window cleaner's positioning system can withstand without failure, a drop test consisting of a 6-foot (1.83 m) drop of a 250-pound (~~((113 kg))~~) (113.34 kg) weight. The system limits the initial arresting force to a maximum of 2,000 pounds (8.89 Kn), with a maximum duration of 2 milliseconds. The system limits any subsequent arresting forces imposed on the falling employee to a maximum of 1,000 pounds (4.45 Kn);

(ii) All other positioning device systems can withstand without failure a drop test consisting of a 4-foot (~~((1.2 m))~~) (1.22 m) drop of a 250-pound (~~((113 kg))~~) (113.34 kg) weight.

(3) The employer must ensure that a positioning device system is used and cared for according to the following requirements:

(a) Positioning device systems are inspected before each use for mildew, wear, damage, and other deterioration. Defective components are removed from service.

(b) A positioning device system or component subjected to impact loading is immediately removed from service and not used again for employee protection, unless inspected and determined by a qualified person to be undamaged and suitable for reuse.

(4) Training. Before using a positioning device system, the employer must ensure that employees are trained in the application limits, proper hook-up, anchoring and tie-off techniques, methods of use, inspection, and storage of positioning device systems.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-10003 Ship's piping systems. (~~((+))~~)

Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

~~((a))~~ (1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and

shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

~~((b))~~ (2) Drain connections to the atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

AMENDATORY SECTION (Amending Order 74-25, filed 5/7/74)

WAC 296-304-10007 Ship's deck machinery. (1)

Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(a) The devil claws (also known as chain toppers) shall be made fast to the anchor chains.

(b) The riding pawls shall be in the engaged position.

(c) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

WSR 02-21-121

EXPEDITED RULES

OFFICE OF THE

INSURANCE COMMISSIONER

[Filed October 23, 2002, 9:38 a.m.]

Title of Rule: Date certain payment of automobile premiums.

Purpose: The proposed rule implements chapter 344, Laws of 2002 (SSB 6234).

Other Identifying Information: R 2002-10.

Statutory Authority for Adoption: RCW 48.02.060 and 48.18.140.

Statute Being Implemented: RCW 48.18.140.

Summary: The proposed rule states that insurers must state a consistent and specific day of the month as the due date for payment of premiums for private passenger automobile insurance paid periodically. Once the due date is established by the insurer, it can only be changed by agreement of the policyholder and insurer, or due to late payment. The proposed rule also provides an example of how an insurer can comply and clarifies that no filing is necessary for compliance.

Reasons Supporting Proposal: The proposed rule provides guidance for insurers implementing the law.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, Tumwater, Washington, (360) 725-7039; Implementation: Terry Nordahl, Tumwater, Washington, (360) 725-7134; and Enforcement: Carol Sureau, Tumwater, Washington, (360) 725-7050.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule implements chapter 344, Laws of 2002 (SSB 6234). The law requires insurers to provide a "date certain" for periodic payment plans for private passen-

ger automobile insurance. A late charge may not be required if payment is received within five days of the date payment is due.

The proposed rule state that insurers must state a consistent and specific day of the month as the due date for payment of premiums for private passenger automobile insurance paid periodically. Once the due date is established by the insurer, it can only be changed by agreement of the policyholder and insurer, or due to late payment. The proposed rule also provides an example of how an insurer can comply and clarifies that no filing is necessary for compliance.

The proposed rule should allow insurers to implement the law in a clear and consistent manner.

Proposal does not change existing rules. The proposed rule is a new WAC section.

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 Kacy Scott, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, AND RECEIVED BY December 24, 2002.

October 23, 2002
Mike Kreidler
Insurance Commissioner

NEW SECTION

WAC 284-30-510 Auto premium due date. For the purposes of RCW 48.18.140, insurers must state a consistent and specific date of the month when a monthly payment for private passenger automobile insurance is due. For example, the payments could be due on the 15th of each month. After a due date is established for a policyholder, the date can only be changed (a) by agreement of the policyholder and insurer or (b) because of late payment. Insurers are not required to make filings with the insurance commissioner to satisfy the requirements of this section.

**WSR 02-21-122
EXPEDITED RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

[Filed October 23, 2002, 9:39 a.m.]

Title of Rule: Special liability reports.

Purpose: Implement chapter 22, Laws of 2002 (ESSB 6326).

Other Identifying Information: R 2002-09.

Statutory Authority for Adoption: RCW 48.02.060 and 48.05.380.

Statute Being Implemented: RCW 48.02.060, 48.05.-380, and 48.05.390.

Summary: RCW 48.05.380 was amended to eliminate the requirement that a property and casualty insurer must file a special liability report even when the insurer has no data or experience to report. The proposed rules reflect that legislative change. The proposed rules also reflect a change made to the form and instructions.

Reasons Supporting Proposal: The changes will bring the rules into accord with the new law and existing Office of the Insurance Commissioner (OIC) practices.

Name of Agency Personnel Responsible for Drafting: Lee Barclay, Tumwater, Washington, (360) 725-7115; Implementation: Beth Berendt, Tumwater, Washington, (360) 725-7117; and Enforcement: Carol Sureau, Tumwater, Washington, (360) 725-7050.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule amends WAC 284-07-010 to reflect chapter 22, Laws of 2002. Insurers who have no data or experience to report are no longer required to file a report under RCW 48.05.380 and 48.05.390. Previously, insurers were required to file even when they had no information to report. Additional language changes are made to more accurately reflect OIC practices.

Proposal Changes the Following Existing Rules: WAC 284-07-010 is amended.

Subsection (2): The OIC no longer puts the definitions "on the form." The form, definitions, and instructions sheet are all available on the OIC website. The change reflects that practice.

Subsection (4) is changed. The new version reflects ESSB 6326. The deleted portions are no longer needed; insurers that are not authorized to write general casualty insurance will have no data to report.

Subsection (5): The deleted subsection (5) is no longer needed. Professional reinsurers will have no data to report, so reports will not be required of them under the new subsection (4). Thus, there is no need for a reinsurer to request an exemption.

Existing subsection (6) is renumbered as (5).

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 Kacy Scott, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA

EXPEDITED

98504-0255, e-mail Kacys@oic.wa.gov, AND RECEIVED
BY December 24, 2002.

October 23, 2002
Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending WSR 94-20-049,
filed 9/29/94, effective 10/30/94)

WAC 284-07-010 Special liability insurance report required annually. (1) Pursuant to RCW 48.05.380, each insurer authorized to write property and casualty insurance in the state of Washington shall record and report its Washington state loss and expense experience and other data, as required by RCW 48.05.390, on a form issued by the commissioner.

(2) Each such insurer shall complete the form in accordance with the definitions and instructions (~~(on the form)~~) provided by the commissioner.

(3) Each such insurer shall submit this report to the insurance commissioner annually. The report covering the period ending December 31 of each year must be submitted no later than May 1 of the following year.

(4) (~~Insurers not licensed to write general casualty insurance are exempt from the requirement to submit this report.~~) If an insurer has no data or experience to report, it is not required to submit a report.

(5) (~~Upon the written request of a professional reinsurer which never writes business anywhere on a direct basis, the commissioner may grant such reinsurer a permanent exemption from the requirement to submit this report.~~

(6)) With respect to products liability data, the commissioner finds that comparable information is included in the annual statement required by RCW 48.05.250. Therefore, products liability data shall not be reported on the form required by this section.

EXPEDITED

WSR 02-21-001
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed October 2, 2002, 1:57 p.m.]

Date of Adoption: October 1, 2002.

Purpose: The WAC describes fees, annual inspections, and safety equipment for limousine businesses.

Citation of Existing Rules Affected by this Order: Amending chapter 204-95 WAC, State patrol (Commission on Equipment)—Limousine businesses.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 02-16-046 on August 1, 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 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.

October 1, 2002

Ronal W. Serpas
 Chief

AMENDATORY SECTION (Amending WSR 97-03-127, filed 1/22/97, effective 2/22/97)

WAC 204-95-030 Fees. The master license service of the department of licensing, as authorized in RCW 46.72A.030 and 46.72A.090, shall charge and collect the following fees on behalf of the Washington state patrol:

Fees listed in WAC 308-87-060

Initial and Annual \$25.00

Limousine Vehicle Safety Inspection

~~((Reinspection \$15.00))~~

Background Check Fees as set in WAC 446-20-600

When required for a limousine carrier business license applicant, licensee, or limousine chauffeur, the background check shall consist of a fingerprint((-) card based criminal background search at the state level conducted by the Washington state patrol identification section.

AMENDATORY SECTION (Amending WSR 97-03-127, filed 1/22/97, effective 2/22/97)

WAC 204-95-080 Annual inspections, safety of equipment. Upon the request of a ~~((new))~~ limousine carrier business license applicant or ((a limousine operator)) licensee applying for the initial issuance, or annual renewal of their limousine ((license)) vehicle certificate(s) with the department of licensing, the Washington state patrol shall conduct a safety inspection of the ((equipment)) vehicle(s) to be used in the limousine service. Applicants ((or operators)) and licensees must present their limousine vehicle(s) at a Washington state patrol ((district or detachment office for)) inspection site, by appointment, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The limousine vehicle must pass the inspection to qualify for initial issuance or renewal of ((original)) the limousine ((operators license with)) vehicle certificate by the department of licensing. The vehicle inspection will consist ((for)) of the following:

(1) All standard equipment for vehicles will be checked to include brake systems, functional brake performance test, wheel systems, steering and suspension, fuel system, exhaust system, lighting and signal system, visibility system, body components, interior condition and cleanliness.

~~((2)) ((If a vehicle fails an initial inspection and must be reinspected, a reinspection fee as provided in WAC 308-87-060 will apply. The applicant or operator must present the original inspection form and reinspection form to the department of licensing.~~

~~((3))~~ Upon successful completion of the safety inspection, ~~((a commercial vehicle safety alliance decal will be applied to the upper right hand corner of the windshield))~~ the licensee will be given a copy of the inspection form to submit to department of licensing. Upon receipt and approval of all licensing documents and fees, the master license service will issue a decal to the limousine carrier business licensee for each limousine vehicle to be placed on the vehicle's right rear bumper.

PERMANENT

WSR 02-21-004
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed October 3, 2002, 9:09 a.m.]

Date of Adoption: September 26, 2002.

Purpose: To adjust the maximum civil penalty amount for inflation; to update and provide clarification regarding the delegated NSPS and NESHAPs provisions; and to update our references to EPA rules to reflect changes EPA has made.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 3.11, 3.25, and 6.11 and Regulation III, Sections 2.02 and 4.01.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 02-17-111 on August 21, 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 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.

October 1, 2002

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$13,663.00)~~) \$13,977.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than (~~(\$13,663.00)~~) \$13,977.00 for each day of continued noncompliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;

(2) A copy of the Notice and Order of Civil Penalty appealed from;

(3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing

the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION

REGULATION I SECTION 3.25 FEDERAL REGULATION REFERENCE DATE

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, (~~(2001)~~) 2002.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (~~((CFR)))~~) (excluding Subparts B, S, BB, and AAA) in effect as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (~~((CFR)))~~) (excluding Part 61, Subparts B, H, I, K, Q, R, T, and W; and Part 63, Subpart LL, the provisions of Subpart M

pertaining to area source perchloroethylene dry cleaners, and the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills) in effect as of the federal regulation reference date listed in Section 3.25 of Regulation I herein incorporated by reference.

AMENDATORY SECTION

REGULATION III SECTION 4.01 ASBESTOS DEFINITIONS

(a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C) (~~to Subpart E, I.B.3~~) and whose certification is current.

(b) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

(c) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix ((A)) E, Subpart ((F)) E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

(d) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

(e) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of friable, asbestos-containing material. It includes the removal and disposal of stored, friable, asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

(f) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.

(g) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

(h) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

(i) **FRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by

the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

(j) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

(k) **NONFRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(l) **RENOVATION** means altering a facility or a component in any way, except demolition.

(m) **SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(n) **SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.

(o) **SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding.

(p) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

WSR 02-21-005

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed October 3, 2002, 11:38 a.m.]

Date of Adoption: October 3, 2002.

Purpose: This rule provides definitions of terms used in WAC 458-40-610 through 458-40-690, which prescribe the policies and procedures for the taxation of timber harvested from public and private forest lands as required by RCW 84.33.010 through 84.33.096.

Subsection (27) defines the term "taxable stumpage value" as it applies to timber harvested by small harvesters, public timber, and all other timber. The Department of Revenue is revising subsection (27)(b)(i), which explains the taxable stumpage value for competitive sales of public timber. The purpose of this revision is to explain that the value of

PERMANENT

additional services required from the stumpage purchaser by the seller is considered "other consideration" for purposes of determining the taxable stumpage value, if those services are not necessary for the harvesting or marketing of the timber. The rule also explains, for example, that the value of road abandonment activities for roads that existed prior to the stumpage sale is "other consideration" and to be included when determining the taxable stumpage value for public timber.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-610 Timber excise tax—Definitions.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Adopted under notice filed as WSR 02-15-079 on July 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 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.

October 3, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-24-068, filed 12/1/00, effective 1/1/01)

WAC 458-40-610 Timber excise tax—Definitions. (1)

Introduction. The purpose of WAC 458-40-610 through 458-40-690 is to prescribe the policies and procedures for the taxation of timber harvested from public and private forest lands as required by RCW 84.33.010 through 84.33.096.

Unless the context clearly requires otherwise, the definitions in this rule apply to WAC 458-40-610 through 458-40-690. In addition to the definitions found in this rule, definitions of technical forestry terms may be found in *The Dictionary of Forestry*, 1998, edited by John A. Helms, and published by the Society of American Foresters.

(2) **Codominant trees.** Trees whose crowns form the general level of the main canopy and receive full light from above, but comparatively little light from the sides.

(3) **Competitive sales.** The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is

awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(4) **Cord measurement.** A measure of wood with dimensions of 4 feet by 4 feet by 8 feet (128 cubic feet).

(5) **Damaged timber.** Timber where the stumpage values have been materially reduced from the values shown in the applicable stumpage value tables due to damage resulting from fire, blow down, ice storm, flood, or other sudden unforeseen causes.

(6) **Dominant trees.** Trees whose crowns are higher than the general level of the main canopy and which receive full light from the sides as well as from above.

(7) **Harvest unit.** An area of timber harvest, defined and mapped by the harvester before harvest, having the same stumpage value area, hauling distance zone, harvest adjustments, harvester, and harvest identification. The harvest identification may be a department of natural resources forest practice application number, public agency harvesting permit number, public sale contract number, or other unique identifier assigned to the timber harvest area prior to harvest operations. A harvest unit may include more than one section, but harvest unit may not overlap a county boundary.

(8) **Harvester.** Every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use. The term "harvester" does not include persons performing under contract the necessary labor or mechanical services for a harvester. In cases where the identity of the harvester is in doubt, the department of revenue will consider the owner of the land from which the timber was harvested to be the harvester and the one liable for paying the tax.

The definition above applies except when the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use. When a governmental entity described above fells, cuts, or takes timber, the harvester is the first person, other than another governmental entity as described above, acquiring title to or a possessory interest in such timber.

(9) **Harvesting and marketing costs.** Only those costs directly and exclusively associated with harvesting the timber from the land and delivering it to the buyer. The term includes the costs of slash disposal required to abate extreme fire hazard. Harvesting and marketing costs do not include the costs of reforestation, permanent road construction, or any other costs not directly and exclusively associated with the harvesting and marketing of the timber. The actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of such costs, the deduction for harvesting and marketing costs is thirty-five percent of the gross receipts from the sale of the logs.

(10) **Hauling distance zone.** An area with specified boundaries as shown on the statewide stumpage value area

and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(11) **Legal Description.** A description of an area of land using government lots and standard general land office subdivision procedures. If the boundary of the area is irregular, the physical boundary must be described by metes and bounds or by other means that will clearly identify the property.

(12) **Log grade.** Those grades listed in the "*Official Log Scaling and Grading Rules*" developed and authored by the Northwest Log Rules Advisory Group (Advisory Group). "Utility grade" means logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the "*Official Log Scaling and Grading Rules*" published by the Advisory Group but are suitable for the production of firm useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

- (a) Minimum gross diameter—two inches.
- (b) Minimum gross length—twelve feet.
- (c) Minimum volume—ten board feet net scale.
- (d) Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable chips.

(13) **Lump sum sale.** Also known as a cash sale or an installment sale, it is a sale of timber where all the volume offered is sold to the highest bidder.

(14) **MBF.** One thousand board feet measured in Scribner Decimal C Log Scale Rule.

(15) **Noncompetitive sales.** Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

(16) **Other consideration.** Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. Some examples of permanent improvements are as follows: Construction of permanent roads; installation of permanent bridges; stockpiling of rock intended to be used for construction or reconstruction of permanent roads; installation of gates, cattle guards, or fencing; and clearing and reforestation of property.

(17) **Permanent road.** A road built as part of the harvesting operation which is to have a useful life subsequent to the completion of the harvest.

(18) **Private timber.** All timber harvested from privately owned lands.

(19) **Public timber.** Timber harvested from federal, state, county, municipal, or other government owned lands.

(20) **Remote island.** An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

(21) **Scale sale.** A sale of timber in which the amount paid for timber in cash and/or other consideration is the arithmetic product of the actual volume harvested and the unit price at the time of harvest.

(22) **Small harvester.** A harvester who harvests timber from privately or publicly owned forest land in an amount not exceeding two million board feet in a calendar year.

(23) **Species.** A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Hand-

book No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following are considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) **Other conifer.** All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) **Other hardwood.** All hardwoods not separately designated in the stumpage value tables. See WAC 458-40-660.

(c) **Special forest products.** The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

(d) **Chipwood.** All timber processed to produce chips or chip products delivered to an approved chipwood destination that has been approved in accordance with the provisions of WAC 458-40-670 or otherwise reportable in accordance with the provisions of WAC 458-40-670.

(e) **Small logs.** All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, purchased by weight measure at designated small log destinations that have been approved in accordance with the provisions of WAC 458-40-670. Log diameter and length is measured in accordance with USFS scaling rules with length not to exceed twenty feet.

(f) **Sawlog.** For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics: Gross scaling diameter of five inches and a gross scaling length of eight feet.

(g) **Piles.** All logs sold for use or processing as piles that meet the specifications described in the most recently published edition of the *Standard Specification for Round Timber Piles (Designation: D 25)* of the American Society for Testing and Materials.

(h) **Poles.** All logs sold for use or processing as poles that meet the specifications described in the most recently published edition of the *National Standard for Wood Poles—Specifications and Dimensions (ANSI 05.1)* of the American National Standards Institute.

(24) **Stumpage.** Timber, having commercial value, as it exists before logging.

(25) **Stumpage value.** The true and fair market value of stumpage for purposes of immediate harvest.

(26) **Stumpage value area (SVA).** An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

(27) **Taxable stumpage value.** The value of timber as defined in RCW 84.33.035(7), and this chapter. Except as provided below for small harvesters and public timber, the taxable stumpage value is the appropriate value for the species of timber harvested as set forth in the stumpage value tables adopted under this chapter.

(a) **Small harvester option.** Small harvesters may elect to calculate the excise tax in the manner provided by RCW 84.33.073 and 84.33.074. The taxable stumpage value must

be determined by one of the following methods as appropriate:

(i) **Sale of logs.** Timber which has been severed from the stump, bucked into various lengths and sold in the form of logs has a taxable stumpage value equal to the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber.

(ii) **Sale of stumpage.** When standing timber is sold and harvested within twenty-four months of the date of sale, its taxable stumpage value is the actual purchase price in cash and/or other consideration for the stumpage for the most recent sale prior to harvest. If a person purchases stumpage, harvests the timber more than twenty-four months after purchase of the stumpage, and chooses to report under the small harvester option, the taxable stumpage value is the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber. See WAC 458-40-626 for timing of tax liability.

(b) **Public timber.** The taxable stumpage value for public timber sales is determined as follows:

(i) **Competitive sales.** The taxable stumpage value is the actual purchase price in cash and/or other consideration. The value of other consideration is the fair market value of the other consideration; provided that if the other consideration is permanent roads, the value is the appraised value as appraised by the seller. If the seller does not provide an appraised value for roads, the value is the actual costs incurred by the purchaser for constructing or improving the roads. Other consideration includes additional services required from the stumpage purchaser for the benefit of the seller when these services are not necessary for the harvesting or marketing of the timber. For example, under a single stumpage sale's contract, when the seller requires road abandonment (as defined in WAC 222-24-052(3)) of constructed or reconstructed roads which are necessary for harvesting and marketing the timber, the construction and abandonment costs are not taxable. Abandonment activity on roads that exist prior to a stumpage sale is not necessary for harvesting and marketing the purchased timber and those costs are taxable.

(ii) **Noncompetitive sales.** The taxable stumpage value is determined using the department of revenue's stumpage value tables as set forth in this chapter. Qualified harvesters may use the small harvester option.

(iii) **Sale of logs.** The taxable stumpage value for public timber sold in the form of logs is the actual purchase price for the logs in cash and/or other consideration less appropriate deductions for harvesting and marketing costs. Refer above for a definition of "harvesting and marketing costs."

(iv) **Defaulted sales and uncompleted contracts.** In the event of default on a public timber sale contract, wherein the taxpayer has made partial payment for the timber but has not removed any timber, no tax is due. If part of the sale is logged and the purchaser fails to complete the harvesting, taxes are due on the amount the purchaser has been billed by the seller for the volume removed to date. See WAC 458-40-628 for timing of tax liability.

(28) **Thinning.** Timber removed from a harvest unit located in stumpage value area 1, 2, 3, 4, 5, or 10:

(a) When the total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest; and

(b) The harvester leaves a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

WSR 02-21-014
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed October 8, 2002, 2:10 p.m.]

Date of Adoption: September 25, 2002.

Purpose: Grant out-of-state certified teachers applying for a Washington state residency teaching certificate up to one year to take and successfully pass the WEST-B basic skills test.

Statutory Authority for Adoption: RCW 28A.410.210, 28A.410.220.

Adopted under notice filed as WSR 02-17-100 on August 21, 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 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, 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.

October 4, 2002

Jennifer Wallace

Executive Director

NEW SECTION

WAC 181-01-001 WEST-B exemption. Individuals applying for a Washington State residency teaching certificate who have completed a teacher preparation program in another state or country have up to one calendar year from issuance of temporary permit to pass the WEST-B basic skills test, provided that they have completed all other requirements for residency certification other than passage of the WEST-B and are thus eligible for a temporary permit under WAC 180-79A-128.

WSR 02-21-019
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed October 8, 2002, 4:11 p.m.]

Date of Adoption: October 4, 2002.

Purpose: Updates policy regarding enhanced payments for trauma care and grants administered by MAA. Clarifies rate setting methods related to state-administered rates and payment methods and the hospital outpatient payment rate and payment methods. Identifies payment methods for critical access hospitals (CAHs) and long-term acute care (LTAC) hospitals. Removes language that identifies the percentage of funding from the legislatively appropriated pool assigned to the state teaching financing program disproportionate share hospital (STHFPDSH) and the county teaching hospital financing program disproportionate share hospital (CTHFPDSH).

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-2800, 388-550-4800, 388-550-5300, 388-550-5350, and 388-550-6000.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500, 74.09.035(1), and 43.88.290.

Adopted under notice filed as WSR 02-17-082 on August 19, 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 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 4, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-16-142, filed 7/31/01, effective 8/31/01)

WAC 388-550-2800 Inpatient payment methods and limits. (1) The department reimburses hospitals for Medicaid inpatient hospital services using the rate setting methods identified in the department's approved state plan that includes:

| Method | Used for |
|---|---|
| <u>Diagnoses related group (DRG) negotiated conversion factor</u> | Hospitals participating in the Medicaid hospital selective contracting program under waiver from the federal government |
| DRG cost-based conversion factor | Hospitals not participating in or exempt from the Medicaid hospital selective contracting program |
| Ratio of costs-to-charges (RCC) | Hospitals or services exempt from DRG payment methods |
| Fixed per diem rate | Acute physical <u>medicine and rehabilitation (Acute PM&R) Level B (contracted) facilities and long-term acute care (LTAC) hospitals</u> |
| <u>Cost settlement</u> | <u>MAA-approved critical access hospitals (CAHS)</u> |

PERMANENT

(2) The department's annual aggregate Medicaid payments to each hospital for inpatient hospital services provided to Medicaid clients will not exceed the hospital's usual and customary charges to the general public for the services (42 CFR § 447.271). The department recoups annual aggregate Medicaid payments that are in excess of the usual and customary charges.

(3) The department's annual aggregate payments for inpatient hospital services, including state-operated hospitals, will not exceed the estimated amounts that the department would have paid using Medicare payment principles.

(4) When hospital ownership changes, the department's payment to the hospital will not exceed the amount allowed under 42 U.S.C. Section 1395x (v)(1)(O).

(5) Hospitals participating in the medical assistance program must annually submit to the medical assistance administration:

(a) A copy of the hospital's HCFA 2552 Medicare Cost Report; and

(b) A disproportionate share hospital application.

(6) Reports referred to in subsection (5) of this section must be completed according to:

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by MAA.

(7) The department requires hospitals to follow generally accepted accounting principles unless federally or state regulated.

(8) Participating hospitals must permit the department to conduct periodic audits of their financial and statistical records.

(9) (~~Payments for trauma services may be enhanced per WAC 246-976-935~~) Under WAC 246-976-935, MAA may:

(a) Enhance payments for trauma care provided to a client under a Title XIX Medicaid program when the trauma:

(i) Qualifies under the trauma program; and

(ii) Care is provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center.

(b) Provide an annual grant for trauma services to:

(i) A governmental hospital certified by DOH as a trauma services center; and

(ii) An MAA-approved critical access hospital (CAH).

(10) The department reimburses hospitals for claims involving clients with third-party liability insurance:

(a) At the lesser of either the DRG:

(i) Billed amount minus the third-party payment amount;

or

(ii) Allowed amount minus the third-party payment amount; or

(b) The RCC allowed payment minus the third-party payment amount.

AMENDATORY SECTION (Amending WSR 01-16-142, filed 7/31/01, effective 8/31/01)

WAC 388-550-4800 Hospital payment methods—State((-only)) administered programs. (1) ~~((The medical assistance administration (MAA):~~

~~(a) Calculates payments to hospitals for covered services provided to eligible clients under the state-only MI and medical care services programs using one of the following payment methods:~~

~~(i) Diagnosis-related group (DRG); or~~

~~(ii) Ratio of costs to charges (RCC) methodologies; and~~

~~(b) Calculates the respective state-only program RCC rate and cost-based conversion factor (CBCF) by reducing:~~

~~(i) The hospital's Title XIX inpatient RCC rate by the hospital's ratable; and~~

~~(ii) The hospital's Title XIX DRG CBCF.~~

~~(2) To calculate ratables, MAA:~~

~~(a) Adds a hospital's Medicare and Medicaid revenues, to the value of the hospital's charity care and bad debts. MAA deducts the hospital's low income disproportionate share hospital (LIDSH) revenue from this total to arrive at the hospital's community care dollars; then~~

~~(b) Subtracts revenue generated by hospital-based physicians from total hospital revenue. Both revenues are as reported in the hospital's HCFA 2552 cost report; then~~

~~(c) Divides the amount derived in step (2)(a) by the amount derived in step (2)(b) to obtain the ratio of community care dollars to total revenue; then~~

~~(d) Subtracts the result of step (2)(c) from 1.000 to obtain the hospital's ratable. The hospital's Title XIX CBCF is multiplied by (1 minus the ratable), and that result is multiplied by the equivalency factor (EF) to calculate the state-only CBCF. The hospital's Title XIX RCC rate is multiplied by (1 minus the ratable) to calculate the state-only program RCC.~~

~~(e) The payments for services under the state-only MI and medical care services programs are mathematically represented as follows:~~

~~State-only program RCC = Title XIX RCC x (1 minus the ratable) x EF~~

~~State-only program CBCF = Title XIX Conversion Factor x (1 minus the ratable) x EF~~

~~(3) MAA updates each hospital's ratable annually on August 1.~~

~~(4) MAA:~~

~~(a) Uses the EF to hold the DRG reimbursement rates for the state-only programs at their current level prior to any rebasing. MAA applies the EF only to the Title XIX DRG CBCFs, not to the Title XIX RCCs. The EF does not apply when the DRG rate change is due to the application of an inflation factor.~~

~~(b) Calculates a hospital's equivalency factor as follows:~~

~~EF = (Current state-only program CBCF divided by (Title XIX CBCF) multiplied by (1 minus the ratable))~~

~~(5) When a client eligible for the MI program or medical care services program has a trauma that qualifies under the trauma program, the hospital is reimbursed the full Medicaid reimbursement amount when care has been provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center. MAA gives an annual grant for trauma services to governmental hospitals certified by DOH)) Except as provided in subsection (2) of this section, the medical assistance administration (MAA) uses the ratio of costs-to-charges (RCC) and diagnosis-related group (DRG) payment methods described in this section to reimburse hospitals at reduced rates for covered services provided to clients eligible under the following state-administered programs:~~

~~(a) Medically indigent (MI) program;~~

~~(b) General assistance unemployable (GAU) program;~~

~~(c) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program; and~~

~~(d) Involuntary Treatment Act (ITA)-Q program. (The ITA-Q program covers ITA services for non-Medicaid eligible clients.)~~

~~(2) MAA exempts the following services from the state-administered programs' payment methods and reduced rates:~~

~~(a) Detoxification services when the services are provided under an MAA-assigned provider number starting with "thirty-six." (MAA reimburses these services using the Title XIX Medicaid RCC payment method.)~~

~~(b) Program services provided by MAA-approved critical access hospitals (CAHs) to clients eligible under state-administered programs. (MAA reimburses these services through cost settlement as described in WAC 388-550-2598.)~~

~~(3) MAA determines:~~

~~(a) A state-administered program RCC payment by reducing a hospital's Title XIX Medicaid RCC rate using the hospital's ratable.~~

~~(b) A state-administered program DRG payment by reducing a hospital's Title XIX Medicaid DRG cost based conversion factor (CBCF) using the hospital's ratable and equivalency factor (EF).~~

~~(4) MAA determines:~~

~~(a) The RCC rate for the state-administered programs mathematically as follows:~~

~~State-administered programs' RCC rate = current Title XIX Medicaid RCC rate x (one minus the current hospital ratable)~~

~~(b) The DRG conversion factor (CF) for the state-administered programs mathematically as follows:~~

State-administered programs' DRG CF = current Title XIX Medicaid DRG CBCF x (one minus the current hospital ratable) x EF

(5) MAA determines payments to hospitals for covered services provided to clients eligible under the state-administered programs mathematically as follows:

(a) Under the RCC payment method:

State-administered programs' RCC payment=state-administered programs' RCC Rate x allowed charges

(b) Under the DRG payment method:

State-administered programs' DRG payment=state-administered programs' DRG CF x all patient DRG relative weight (to include any necessary high-cost outlier payment)

(6) To calculate a hospital's ratable that is applied to both the Title XIX Medicaid RCC rate and the Title XIX Medicaid DRG CBCF used to determine the respective state-administered program's reduced rates, MAA:

(a) Adds the hospital's Medicaid revenue (Medicaid revenue as reported by department of health (DOH) includes all Medicaid revenue and all other medical assistance revenue) and Medicare revenue to the value of the hospital's charity care and bad debts, all of which is taken from the most recent complete calendar year data available from DOH at the time of the ratable calculation; then

(b) Deducts the hospital's low-income disproportionate share hospital (LIDSH) revenue from the amount derived in (a) of this subsection to arrive at the hospital's community care dollars; then

(c) Subtracts the hospital-based physicians revenue that is reported in the hospital's most recent HCFA-2552 Medicare cost report received by MAA at the time of the ratable calculation, from the total hospital revenue reported by DOH from the same source as discussed in (a) of this subsection, to arrive at the net hospital revenue; then

(d) Divides the amount derived in (b) of this subsection by the amount derived in (c) of this subsection to obtain the ratio of community care dollars to net hospital revenue (also called the preliminary ratable factor); then

(e) Subtracts the amount derived in (d) of this subsection from 1.0 to obtain the hospital's preliminary ratable; then

(f) Determines a neutrality factor by:

(i) Multiplying hospital-specific Medicaid revenue that is reported by DOH from the same source as discussed in (a) of this subsection by the preliminary ratable factor; then

(ii) Multiplying that same hospital-specific Medicaid revenue by the prior year's final ratable factor; then

(iii) Summing all hospital Medicaid revenue from the hospital-specific calculations that used the preliminary ratable factor discussed in (f)(i) of this subsection; then

(iv) Summing all hospital revenue from the hospital-specific calculations that used the prior year's final ratable factor discussed in (f)(ii) of this subsection; then

(v) Comparing the two totals; and

(vi) Setting the neutrality factor at 1.0 if the total using the preliminary ratable factor is less than the total using the prior year's final ratable factor; or

(vii) Establishing a neutrality factor that is less than 1.0 that will reduce the total using the preliminary ratable factor to the level of the total using the prior year's final ratable fac-

tor, if the total using the preliminary ratable factor is greater than the total using the prior year's ratable factor; then

(g) Multiplies, for each specific hospital, the preliminary ratable by the neutrality factor to establish hospital-specific final ratables for the year; then

(h) Subtracts each hospital-specific final ratable from 1.0 to determine hospital-specific final ratable factors for the year; then

(i) Calculates an in-state-average ratable and an in-state-average ratable factor used for new hospitals with no prior year history.

(7) MAA updates each hospital's ratable annually on August 1.

(8) MAA:

(a) Uses the equivalency factor (EF) to hold the hospital specific state-administered programs' DRG CF at the same level prior to rebasing, adjusted for inflation; and

(b) Calculates a hospital's EF as follows:

EF= State-administered programs' prior DRG CF divided by current Title XIX Medicaid DRG CBCF x (one minus the prior ratable)

(9) Effective December 1, 1991, for hospital admissions of clients eligible under the state-administered MI program, MAA:

(a) Further reduces RCC and DRG payments to a hospital for covered services provided to clients eligible under the MI program by multiplying the respective payment referred to in subsection (5) of this section by ninety-seven percent; and

(b) Applies this payment reduction to the medically indigent disproportionate share hospital (MIDSH) payment methodology in accordance with section 3(b) of the "Medicaid Voluntary Contributions and Provider-Specific Tax Amendment of 1991."

(10) Under WAC 246-976-935, MAA may:

(a) Enhance payments for trauma care provided to a client eligible under the MI program or GAU program when the trauma:

(i) Qualifies under the trauma program; and

(ii) Care is provided in a nongovernmental hospital designated by DOH as a trauma services center.

(b) Provide an annual grant for trauma services to:

(i) A governmental hospital certified by DOH as a trauma services center; and

(ii) An MAA-approved critical access hospital (CAH).

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5300 Payment method—STHFPDSH.

(1) The medical assistance administration (MAA) considers a hospital eligible for the state teaching hospital financing program disproportionate share hospital (STHFPDSH) program if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is a state-owned university or public corporation hospital (border area hospitals are excluded);

(c) Provides a major medical teaching program, defined as a program in a hospital with more than one hundred residents and/or interns; and

(d) Has a Medicaid inpatient utilization rate (MIPUR) of at least twenty percent.

(2) MAA, using a prospective payment method:

(a) Pays hospitals (~~((deemed eligible under))~~) meeting the criteria in subsection (1) of this section a STHFPDSH payment from the legislatively appropriated pool specifically designated for disproportionate share hospital (DSH) payments to state and county teaching hospitals.

(b) Limits STHFPDSH payments to eligible hospitals to ~~((seventy percent))~~ an annually determined amount of the legislatively appropriated pool for DSH payments to state and county teaching hospitals. MAA establishes the annual amount by identifying the amount of available DSH funding the hospital has within its individual hospital DSH cap as determined through hospital data used for the prospective payment method.

AMENDATORY SECTION (Amending WSR 99-14-025, filed 6/28/99, effective 7/1/99)

WAC 388-550-5350 Payment method—CTHFP-DSH. (1) The medical assistance administration (MAA) considers a hospital eligible for the county teaching hospital financing program disproportionate share hospital (CTHFP-DSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is a county hospital in Washington state (border area hospitals are excluded), so designated by the county in which located;

(c) Provides a major medical teaching program, defined as a program in a hospital with more than one hundred residents and/or interns; and

(d) Has a low-income utilization rate (LIUR) of at least twenty-five percent.

(2) MAA, using a prospective payment method:

(a) Pays hospitals (~~((considered eligible under))~~) meeting the criteria in subsection (1) of this section a CTHFPDSH payment from the legislatively appropriated pool specifically designated for disproportionate share hospital (DSH) payments to state and county teaching hospitals.

(b) Limits CTHFPDSH payments to eligible hospitals to ~~((thirty percent))~~ an annually determined amount of the legislatively appropriated pool for DSH payments to state and county teaching hospitals. MAA establishes the annual amount by identifying the amount of available DSH funding the hospital has within its individual hospital DSH cap as determined through historical data used for the prospective payment method.

AMENDATORY SECTION (Amending WSR 99-14-028, filed 6/28/99, effective 7/1/99)

WAC 388-550-6000 Payment—Outpatient hospital services. (1)~~((a))~~ Excluding nonallowable revenue codes and the services specified in subsection (2) ~~((below))~~ of this section, MAA determines ~~((allowable costs for hospital out-~~

~~patient services by the application of the hospital-specific outpatient ratio of costs to charges (RCC).~~

~~(b) MAA does not pay separately for ancillary hospital services which are included in the hospital's RCC reimbursement rate)) payment and reimburses for outpatient hospital services by multiplying a hospital's outpatient rate by the allowed charges on the hospital's outpatient claim. MAA's rate-setting method for a hospital outpatient rate is described in WAC 388-550-4500.~~

~~(2) MAA ((pays the lesser of billed charges or MAA's published maximum allowable fees for the following outpatient services)) excludes the following outpatient services from the outpatient rate reimbursement method described in subsection (1) of this section and reimburses for these services the lesser of the hospital billed charges or MAA's maximum allowable fees:~~

~~(a) Laboratory/pathology;~~

~~(b) Radiology, diagnostic and therapeutic;~~

~~(c) Nuclear medicine;~~

~~(d) Computerized tomography scans, magnetic resonance imaging, and other imaging services;~~

~~(e) Physical therapy;~~

~~(f) Occupational therapy;~~

~~(g) Speech/language therapy; ((and))~~

~~(h) Sleep studies;~~

~~(i) Synagis; and~~

~~(j) Other hospital services as identified and listed in MAA's published ((by the department)) fee schedule.~~

~~(3) ((MAA is not responsible for payment of hospital care and/or services provided to a client enrolled in a MAA-contracted, prepaid medical plan when the client fails to use:~~

~~(a) For a nonemergent condition, a hospital provider under contract with the plan;~~

~~(b) In a bona fide emergent situation, a hospital provider under contract with the plan; or~~

~~(c) The provider whom MAA has authorized to provide and receive payment for a service not covered by the prepaid plan, but covered under the client's medical assistance program)) For outpatient observation room, the department reimburses the lesser of the:~~

~~(a) Allowed charges multiplied by the hospital outpatient rate; or~~

~~(b) Administrative day rate described in WAC 388-550-4500 (8)(a).~~

~~(4) ((Providers or managed care entities that charge Medicare beneficiaries excess amounts are subject to sanctions as listed in 42 U.S.C. 1320A-7b (d)(1). These sanctions include a fine of up to twenty five thousand dollars or imprisonment of up to five years, or both.~~

~~(5) MAA considers a hospital stay of twenty-four hours or less as an outpatient short stay. MAA does not pay an outpatient short stay under the DRG system except when it involves one of the following situations))~~

The department considers hospital stays of twenty-four hours or less outpatient short stays and uses the outpatient payment method to reimburse a hospital for these stays. However, when an outpatient short stay involves one of the following situations, the department uses inpatient payment methods to reimburse a hospital for covered services:

(a) Death of a client;

- (b) Obstetrical delivery;
- (c) Initial care of a newborn; or
- (d) Transfer of a client to another acute care hospital.

~~((6) MAA does not pay for patient room and ancillary services charges beyond the twenty-four period for outpatient stays.~~

~~(7) MAA does not cover short stay unit, emergency room facility, and labor room charges in combination when these billing periods overlap.~~

~~(8) MAA requires that the hospital's bill to the department shows the admitting, principal, and secondary diagnoses. Include the attending physician's name and MAA provider number.~~

~~(9) Payments for trauma services may be enhanced per WAC 246-976-935))~~

(5) Under WAC 246-976-935, MAA may:

(a) Enhance payments for trauma care provided to a client eligible under the medically indigent (MI) program or a Title XIX Medicaid program when the trauma:

(i) Qualifies under the trauma program; and

(ii) Care is provided in a nongovernmental hospital designated by the department of health (DOH) as a trauma services center.

(b) Provide an annual grant for trauma services to:

(i) A governmental hospital certified by DOH as a trauma services center; and

(ii) An MAA-approved critical access hospital (CAH).

(6) The department uses the outpatient payment method to reimburse covered inpatient hospital services provided within twenty-four hours of a client's inpatient admission that are not related to the admission. Inpatient hospital services provided within twenty-four hours of a client's inpatient admission that are related to the admission are paid according to WAC 388-550-2900(12).

(7) For a client enrolled in an MAA-contracted Healthy Options managed care plan, the plan is responsible to reimburse a hospital provider for hospital services that the plan covers. MAA reimburses for a service not covered by the managed care plan only when:

(a) The service is included in the scope of coverage under the client's medical assistance program;

(b) The service is medically necessary as defined in WAC 388-550-1050; and

(c) The provider has a current core provider agreement with MAA and meets applicable MAA program requirements in other published WACs.

(8) The department does not reimburse for:

(a) Room and ancillary services charges beyond the twenty-four hour period for outpatient short stays; or

(b) Emergency room, labor room, observation room, and other room charges in combination when billing periods for these charges overlap.

(9) In order to be reimbursed for covered outpatient hospital services, hospitals must bill MAA according to the conditions of payment under WAC 388-502-0100, time limits under WAC 388-502-0150, and other applicable published issuances. In addition, MAA requires hospitals to bill outpatient claims using the line item date of service and the appropriate revenue codes, CPT codes, and modifiers listed in MAA's published fee schedule. A hospital's bill to the

department must show the admitting, principal, and secondary diagnoses and include the attending physician's name and MAA-assigned provider number.

WSR 02-21-021
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed October 8, 2002, 4:15 p.m.]

Date of Adoption: October 4, 2002.

Purpose: To establish rules for the TAKE CHARGE family planning program. TAKE CHARGE began in July 2001 under pilot rule making. TAKE CHARGE is a federally-approved, five-year demonstration and research program. The goal of the program is to demonstrate the cost-avoidance of providing family planning services (to prevent pregnancy) to persons who are not eligible for other MAA medical assistance programs, but who would most likely be eligible for them if they were to become pregnant. New WAC sections established WAC 388-532-700, 388-532-710, 388-532-720, 388-532-730, 388-532-740, 388-532-750, 388-532-760, 388-532-780, and 388-532-790.

Citation of Existing Rules Affected by this Order: Amending WAC 388-532-050 and 388-532-100.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.800.

Other Authority: SSB 5968, section 2(12), chapter 392, Laws of 1999.

Adopted under notice filed as WSR 02-14-160 on July 3, 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 9, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 9, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 4, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-14-066, filed 7/5/00, effective 8/5/00)

WAC 388-532-050 Family planning definitions.
"Family planning services" means the services, including

the use of contraceptive techniques, that a client uses to plan the number and spacing of the client's children.

AMENDATORY SECTION (Amending WSR 00-14-066, filed 7/5/00, effective 8/5/00)

WAC 388-532-100 Family planning services. (1) The department informs eligible clients about available family planning services. This service includes, but is not limited to, information about the synthetic progestin capsule implant form of contraception.

(2) For eligible clients, except those participating in the TAKE CHARGE demonstration and research program (see WAC 388-532-700 through 388-532-790 for complete program description), the department provides the following services when needed in conjunction with family planning:

- (a) Physicians' services;
- (b) Advanced registered nurse practitioners' (ARNP) services;
- (c) Clinic or hospital services;
- (d) Laboratory services; and
- (e) Contraceptive supplies and/or prescription drugs.

NEW SECTION

WAC 388-532-700 TAKE CHARGE demonstration and research program. (1) The medical assistance administration (MAA) is conducting a five-year family planning demonstration and research program called "TAKE CHARGE." The program will run from July 1, 2001, through June 30, 2006 (unless terminated or extended prior to June 30, 2006). TAKE CHARGE is approved by the federal government under a Medicaid program waiver.

- (2) The TAKE CHARGE program:
 - (a) Pays for family planning services for eligible men and women as described in WAC 388-532-720;
 - (b) Requires providers to meet all general MAA provider requirements and the requirements of WAC 388-532-730; and
 - (3) Contains a research and evaluation component for clients and providers as described in WAC 388-532-730 (1)(f).

NEW SECTION

WAC 388-532-710 TAKE CHARGE—Definitions. The following definitions and abbreviations apply only to the medical assistance administration's (MAA's) TAKE CHARGE demonstration and research program.

"Ancillary services" means those family planning services that are given to TAKE CHARGE clients that are performed by the medical assistance administration's contracted providers who are not TAKE CHARGE providers. These services include, but are not limited to, family planning pharmacy services, family planning laboratory services and sterilization surgical services.

"Application assistance" means the process a TAKE CHARGE provider follows in helping a client be determined eligible for the TAKE CHARGE demonstration and research program.

"Education, counseling and risk reduction service" or **"ECRR"** means a set of medical assistance administration designated services (see WAC 388-532-740 (1)(c)) that strengthen a client's decision-making skills to make the best choice of contraceptive method and reduce the risk of unintended pregnancy.

"Family planning services" means medical care and educational services, which enable individuals to plan and space the number of children by using contraceptive methods to avoid an unintended pregnancy.

"Good cause" means that the medical assistance administration (MAA) has determined that an applicant for TAKE CHARGE has a valid reason for not using comprehensive third party family planning coverage that is available to the applicant for TAKE CHARGE. When good cause has been determined by MAA, the applicant is considered for TAKE CHARGE without regard to the available third party family planning coverage.

"Intensive follow-up services" or **"IFS"** means those supplemental services specified in some TAKE CHARGE provider contracts that support clients in the successful use of contraceptive methods. DSHS-selected TAKE CHARGE providers perform IFS as part of the research component of the TAKE CHARGE demonstration and research program (see WAC 388-532-730 (1)(f)).

"Principal purpose diagnosis" means the reason given by the licensed medical provider for the TAKE CHARGE service. The TAKE CHARGE program is limited to a principal purpose diagnosis of family planning.

"TAKE CHARGE" means the medical assistance administration's five-year demonstration and research program approved by the federal government under a Medicaid program waiver to provide family planning services. See WAC 388-532-700.

"TAKE CHARGE provider" means a provider who is approved by the medical assistance administration (MAA) to participate in TAKE CHARGE by:

- (1) Having a core provider agreement with MAA;
- (2) Being approved to participate in MAA's long-standing family planning programs; and
- (3) Having a supplemental TAKE CHARGE agreement to provide TAKE CHARGE demonstration and research program family planning services to eligible clients under the terms of the federally approved Medicaid waiver for the TAKE CHARGE demonstration and research program.

NEW SECTION

WAC 388-532-720 TAKE CHARGE—Client eligibility. (1) To be eligible for the TAKE CHARGE program, a client must:

- (a) Be a United States citizen, U.S. national, or qualified alien of the U.S.A. as described in WAC 388-424-0005(1);
- (b) Be a resident of the state of Washington as described in WAC 388-468-0005;
- (c) Have income at or below two hundred percent of the federal poverty level as described in WAC 388-478-0075;
- (d) Apply voluntarily for family planning services with a TAKE CHARGE provider; and

(e) Need family planning services but have:

(i) No family planning coverage through health insurance or another medical assistance administration (MAA) program;

(ii) Family planning coverage that does not cover all family planning methods or services; or

(iii) Good cause for not using family planning coverage through health insurance. See WAC 388-532-790 for information on good cause.

(2) To be eligible for the TAKE CHARGE program, a client must not be:

(a) Eligible for the requested TAKE CHARGE family planning services under another MAA medical program;

(b) Pregnant; or

(c) Currently sterilized.

(3) A client is authorized for TAKE CHARGE coverage for one year from the date MAA determines eligibility. Upon reapplication for TAKE CHARGE by the client, MAA may renew the coverage for additional periods of up to one year each, for the duration of the demonstration and research program.

NEW SECTION

WAC 388-532-730 TAKE CHARGE—Provider requirements. (1) A TAKE CHARGE provider must:

(a) Have a current medical assistance administration (MAA) core provider agreement to provide family planning services to eligible MAA clients;

(b) Sign the supplemental TAKE CHARGE agreement to participate in the TAKE CHARGE demonstration and research program according to MAA's TAKE CHARGE program guidelines;

(c) Participate in MAA's specialized training for the TAKE CHARGE demonstration and research program prior to providing TAKE CHARGE services;

(d) Comply with the required general MAA and TAKE CHARGE provider policies, procedures, and administrative practices as detailed in MAA's billing instructions;

(e) Obtain both:

(i) Authorization from clients for release of information related to this program; and

(ii) Informed consents as defined in WAC 388-531-0050 and as required by WAC 388-531-1550, as necessary.

(f) If requested by MAA, participate in the research and evaluation component of the TAKE CHARGE demonstration and research program. If selected by DSHS for the research and evaluation component, the provider must accept assignment to either:

(i) A randomly selected group of providers that give intensive follow-up service (IFS) to TAKE CHARGE clients under a TAKE CHARGE research component client services contract. See WAC 388-532-740(3) for a related limitation; or

(ii) A randomly selected control group of providers subject to a TAKE CHARGE research component client services contract.

(2) MAA providers (e.g., pharmacies, laboratories, surgeons performing sterilization procedures) who are not TAKE CHARGE providers may furnish family planning ancillary ser-

vices, as defined in this chapter, to eligible TAKE CHARGE clients. MAA reimburses for these services under the rules and fee schedules applicable to the specific services provided under MAA's other programs.

NEW SECTION

WAC 388-532-740 TAKE CHARGE—Covered services.

(1) The medical assistance administration (MAA) covers the following TAKE CHARGE services for men and women:

(a) One session of application assistance per client, per year;

(b) All Food and Drug Administration (FDA) approved prescription and non-prescription contraceptives as provided in chapter 388-530 WAC;

(c) One initial education, counseling, and risk reduction (ECRR) service to include the following elements:

(i) Assisting the client evaluate contraceptive methods;

(ii) Preconception counseling if no contraceptive method is chosen or planned;

(iii) Planning for contingencies including emergency contraception;

(iv) Evaluation of client risk factors;

(v) Scheduling of follow-up visits; and

(vi) Assisting male clients understand their role in contraception.

(d) Follow-up ECRR services as described above and at intervals specified in subsection (2) of this section;

(e) One surgical sterilization service that meets the requirements of WAC 388-531-1550(1), if the service is:

(i) Requested by the TAKE CHARGE client; and

(ii) Performed in an ambulatory surgery center or hospital outpatient setting only.

(f) Testing for sexually transmitted diseases/infections (STD-I) when performed in conjunction with a principle purpose diagnosis of family planning;

(g) Treatment of STD-I when medically required as part of the client's selected contraceptive method(s).

(2) MAA covers follow-up ECRR services under the TAKE CHARGE demonstration and research program at the following intervals:

(a) For women, one ECRR service ten months after the initial ECRR service and one every ten months thereafter; and

(b) For men, one ECRR service per calendar year, after the initial ECRR service.

(3) MAA covers intensive follow-up services (IFS) for certain clients as part of the research component of the TAKE CHARGE demonstration and research program. Only those clients served by MAA's randomly selected research sites receive IFS (see WAC 388-532-730 (1)(f)(i)). The specific elements of IFS are negotiated with each research site.

NEW SECTION

WAC 388-532-750 TAKE CHARGE—Noncovered services. The medical assistance administration (MAA) does not cover certain services under the TAKE CHARGE demonstration and research program. These services include, but are not limited to, the following:

(1) Hospital inpatient services of any kind (see WAC 388-532-780(8) for related information);

(2) Pregnancy services, with the exception of an initial pregnancy test performed by a TAKE CHARGE provider to rule out an existing pregnancy. Excluded pregnancy services include:

(a) Services that are ancillary to an existing pregnancy; or

(b) Abortions, services related to pregnancy termination, or services required due to complications from pregnancy termination.

(3) Reproductive health services not performed in relation to a principal purpose diagnosis of family planning, such as:

(a) Infertility diagnosis, treatments, or drugs;

(b) Hysterectomies;

(c) Treatment for menopause; or

(d) Cancer screening or treatment, other than those services that are related to a contraceptive method or other service with a principal purpose diagnosis of family planning.

(4) Testing or treatment for sexually transmitted diseases/infections (STD-I), AIDS, or HIV unless the testing and/or treatment is:

(a) Done in conjunction with a principal purpose diagnosis of family planning; and

(b) Required as an essential component of the family planning services being delivered to the client.

(5) Genetic counseling; and

(6) Any service not specifically listed in MAA's TAKE CHARGE program billing instructions unless MAA's specific advance approval is obtained in writing.

NEW SECTION

WAC 388-532-760 TAKE CHARGE—Documentation requirements. In addition to the documentation requirements in WAC 388-502-0020, the medical assistance administration (MAA) requires a TAKE CHARGE provider to keep the following records:

(1) TAKE CHARGE pre-application worksheet form(s) and application(s);

(2) The reason for the visit (the principal reason for the visit must be for family planning to be covered under TAKE CHARGE);

(3) Contraceptive methods discussed with the client;

(4) Notes on any discussions of emergency contraception and needed prescription(s);

(5) The client's plan for the contraceptive method to be used, or the reason for no client plan;

(6) Documentation of the education, counseling and risk reduction (ECRR) service, including all elements in WAC 388-532-740 (1)(c);

(7) Copies of referrals to or from other providers as necessary;

(8) An MAA approved form signed by the client authorizing release of information for referral purposes, as necessary; and

(9) Copies of the informed consent for sterilization form (see WAC 388-531-1550) signed by the client, as necessary.

NEW SECTION

WAC 388-532-780 TAKE CHARGE—Payment limitations. (1) The medical assistance administration (MAA) limits reimbursement under the TAKE CHARGE program to those services that are the result of client visits having a principal purpose diagnosis of family planning. The diagnosis must be made by a qualified licensed medical practitioner.

(2) Except as noted in subsection (3) of this section, MAA reimburses providers for covered TAKE CHARGE services according to the same fee schedules used under MAA's primary programs (e.g., resource based relative value system (RBRVS), pharmacies, laboratories).

(3) For those TAKE CHARGE services not listed in MAA's primary fee schedules described in subsection (2) of this section, MAA provides a TAKE CHARGE fee schedule.

(4) MAA limits reimbursement for TAKE CHARGE intensive follow-up services (IFS) to those randomly selected research sites described in WAC 388-532-740(3). See WAC 388-532-730 (1)(f)(i) for related information.

(5) Federally qualified health centers (FQHCs), rural health centers (RHCs), and Indian health providers who choose to become TAKE CHARGE providers must bill MAA for TAKE CHARGE services without regard to their special rates and fee schedules. MAA does not reimburse FQHCs, RHCs or Indian health providers under the encounter rate structure for TAKE CHARGE services.

(6) MAA requires TAKE CHARGE providers to meet the billing requirements of WAC 388-502-0150 (billing time limits). In addition, all final billings and billing adjustments related to the TAKE CHARGE demonstration and research program must be completed no later than June 30, 2008, or no later than two years after the demonstration and research program terminates, whichever occurs first. MAA will not accept any new billings or any billing adjustments that increase expenditures for the TAKE CHARGE demonstration and research program after the cut-off date in this subsection.

(7) Providers are responsible to identify and refund to MAA any erroneous, excessive, or inappropriate payments. The time limits in subsection (6) of this section do not apply to overpayments owed to MAA.

(8) MAA does not cover inpatient services under the TAKE CHARGE program. However, inpatient charges may be incurred as a result of complications arising directly from a covered TAKE CHARGE service. Providers of TAKE CHARGE related inpatient services that are not otherwise covered by third parties or other medical assistance programs must submit to MAA a complete report of the circumstances and conditions that caused the need for inpatient services. From the complete report, MAA makes a determination of the extenuating circumstances and the potential payment sources (e.g., the TAKE CHARGE provider, the ancillary service provider(s) and/or MAA).

NEW SECTION

WAC 388-532-790 TAKE CHARGE—Good cause for coverage despite third party availability. (1) The medical assistance administration (MAA) requires applicants for TAKE CHARGE who have comprehensive third party family

planning coverage but who choose not to use that third party coverage to demonstrate to MAA good cause for MAA not to consider that third party coverage in determining eligibility for TAKE CHARGE.

(2) Applicants may apply for a good cause exclusion of available and comprehensive third party coverage by demonstrating that the use of the third party coverage would violate the applicant's privacy. Privacy is violated if:

(a) The third party routinely or randomly sends verification of services to the third party subscriber and that subscriber is other than the applicant;

(b) The third party requires the applicant to use a primary care provider who is likely to report the applicant's request for family planning services to another party.

WSR 02-21-050
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed October 14, 2002, 3:21 p.m., effective December 1, 2002]

Date of Adoption: October 11, 2002.

Purpose: The Division of Employment and Assistance Programs is permanently adopting food assistance income and benefit standards for federal fiscal year 2003. These standards were implemented through an emergency adoption under WSR 02-18-103.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0060.

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

Adopted under notice filed as WSR 02-18-102 on September 3, 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 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: December 1, 2002.

October 11, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

WAC 388-478-0060 What are ((my)) the income limits and maximum benefit amounts for food assistance? If your assistance unit (AU) meets all other eligibility requirements for food assistance, your AU must have income at or below the limits in column ((f))B((g)) and ((f))C((g)) to get food assistance, unless you meet one of the exceptions listed below((:)). The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE 10-1-((2001)) 2002

| Column A Number of Eligible AU Members | Column B Maximum Gross Monthly Income | Column C Maximum Net Monthly Income | Column D Maximum Allotment | Column E 165% of Poverty Level |
|---|--|---|----------------------------------|--------------------------------------|
| 1 | \$(934) <u>960</u> | \$(716) <u>739</u> | \$(135) <u>139</u> | \$(1,182) <u>1,219</u> |
| 2 | ((1,258)) <u>1,294</u> | ((968)) <u>995</u> | ((248)) <u>256</u> | ((1,597)) <u>1,642</u> |
| 3 | ((1,585)) <u>1,628</u> | ((1,220)) <u>1,252</u> | ((356)) <u>366</u> | ((2,012)) <u>2,066</u> |
| 4 | ((1,913)) <u>1,961</u> | ((1,474)) <u>1,509</u> | ((452)) <u>465</u> | ((2,427)) <u>2,489</u> |
| 5 | ((2,240)) <u>2,295</u> | ((1,723)) <u>1,765</u> | ((537)) <u>553</u> | ((2,843)) <u>2,913</u> |
| 6 | ((2,567)) <u>2,629</u> | ((1,975)) <u>2,022</u> | ((644)) <u>663</u> | ((3,258)) <u>3,336</u> |
| 7 | ((2,894)) <u>2,962</u> | ((2,226)) <u>2,279</u> | ((712)) <u>733</u> | ((3,673)) <u>3,760</u> |
| 8 | ((3,221)) <u>3,296</u> | ((2,478)) <u>2,535</u> | ((814)) <u>838</u> | ((4,088)) <u>4,183</u> |

PERMANENT

| | | | | |
|------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| 9 | ((3,549)) <u>3,630</u> | ((2,730)) <u>2,792</u> | ((916)) <u>943</u> | ((4,504)) <u>4,607</u> |
| 10 | ((3,877)) <u>3,964</u> | ((2,982)) <u>3,049</u> | ((1,018)) <u>1,048</u> | ((4,920)) <u>5,031</u> |
| Each Additional Member | +((328)) <u>334</u> | +((252)) <u>257</u> | +((102)) <u>105</u> | +((416)) <u>424</u> |

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns ~~((f))B((g))~~ and ~~((f))C((g))~~. ~~((However,)) We do budget your AU's income to decide the amount of food assistance your AU will receive.~~

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column ~~((f))C((g))~~ only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column ~~((f))E((g))~~ to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column ~~((f))D((g))~~, based on the number of eligible members in your AU.

Purpose: The department is adopting revisions to chapter 388-02 WAC, DSHS hearing rules, requiring administrative law judges (ALJ) of the Office of Administrative Hearings to enter final orders for many types of DSHS cases. The rules also set forth cases where the ALJ's initial orders are subject to review by the DSHS Board of Appeals. Other changes were made to clarify language or to change procedures so that they are consistent with the revised process. The department is withdrawing the amendments to WAC 388-02-0005 as proposed in WSR 02-17-090.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-02-0535; and amending WAC 388-02-0010, 388-02-0015, 388-02-0025, 388-02-0215, 388-02-0524, 388-02-0525, 388-02-0527, 388-02-0530, 388-02-0540, 388-02-0545, 388-02-0550, 388-02-0555, 388-02-0560, 388-02-0570, 388-02-0575, 388-02-0580, 388-02-0585, 388-02-0595, 388-02-0600, 388-02-0605, 388-02-0610, 388-02-0615, 388-02-0620, 388-02-0625, 388-02-0630, 388-02-0635, 388-02-0640, 388-02-0645, and 388-02-0650.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: Chapter 34.05 RCW, Parts IV and V, section 211, chapter 371, Laws of 2002.

Adopted under notice filed as WSR 02-17-090, 02-17-091 and 02-17-092 on August 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of comments received:

WSR 02-21-061
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed October 15, 2002, 3:48 p.m.]

Date of Adoption: October 15, 2002.

| Rules as proposed (added language underlined; deleted language struck through) | Changes in the adopted version of the rules: |
|---|--|
| WAC 388-02-0005: See note in the right column. | All proposed amendments to WAC 388-02-0005 are withdrawn, and this rule is not included in the rules as adopted. |
| WAC 388-02-0010 What definitions apply to this chapter? "Final order" means an order that is the final DSHS decision and may not be reviewed by a reviewing officer under RCW 34.05.464. "Initial order" is a hearing decision made by an ALJ that may be reviewed by a DSHS reviewing officer per RCW 34.05.464. "Program" means a DSHS organizational unit and the services that it provides, including services provided by DSHS staff and through contracts with providers. Organizational units include, but are not limited to, administrations, divisions, and offices. "Review judge" means an attorney employed by the DSHS board of appeals (BOA) who reviews decisions made by an ALJ and makes a final agency decision. The review judge is the reviewing officer in RCW 34.05.464 is the reviewing officer in RCW 34.05.464 for cases listed in WAC 388-02-0215 (4)(a). "Reviewing officer" means an employee of DSHS who reviews initial decisions made by an ALJ and makes the final agency decision in cases set forth in WAC 388-02-0215 (4)(a) and (b). | Revised definitions as adopted or changes from the proposed rule: <u>"Final order" means an order that is the final DSHS decision.</u> <u>"Initial order" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4).</u> Deleted "and offices" and added "and" after "administrations." Deleted the reference to subsection "(a)" in WAC 388-02-0215(4). Deleted the term "Reviewing officer" and its definition entirely. |

PERMANENT

WAC 388-02-0215(4):

(4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge or by a DSHS program.

(a) Cases where the parties may request a review of an initial order by a review judge are those relating to:

(i) Adult family home licenses under RCW 70.128.100 and 70.128.160 and WAC 388-76-705;

(ii) Boarding home licenses under RCW 18.20.190 and WAC 388-78A-030;

(iii) Resident protection program finding under WAC 388-97-077;

(iv) Nursing home licenses under RCW 18.51.054, 18.51.060, 18.51.065, and 74.42.580, and chapter 388-97 WAC;

(v) Domestic violence perpetrator treatment program certification under RCW 26.50.150 and chapter 388-60 WAC;

(vi) Licensing or certification of child foster care homes, programs, facilities and agencies under chapter 74.15 RCW and chapter 388-148 WAC;

(vii) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;

(viii) Child care licenses under chapter 74.15 RCW and WAC 388-10-090, 388-151-090 and 388-155-090;

(ix) Chemical dependency treatment provider certification under RCW 70.96A.090(2) and 43.20A.205 and WAC 388-805-065(3) and 388-805-135;

(x) Community residential services and support certification under WAC 388-820-920;

(xi) Licensed community facilities under RCW 74.15.120 and WAC 388-730-0090;

(xii) Community mental health and involuntary treatment program licenses under WAC 388-865-0480(3).

Deleted "or by a DSHS program."

Combined subsections (4) and (4)(a), and deleted the subsection numbering "(a)."

Revised the numbering format of proposed subsections (i) through (xii) to lower case letters. In the adopted version, proposed subsection (4)(a):

(i) is now subsection (4)(a); and "RCW 70.128.100 and 70.128.160, and WAC 388-76-705" is deleted and replaced with "chapter 388-76 WAC."

(ii) is now subsection (4)(b); and "RCW 18.20.190 and WAC 388-78A-030 is deleted and replaced with "chapter 388-78A WAC."

(iii) is now subsection (4)(c).

(iv) is now subsection (4)(d); and "RCW 18.51.054, 18.51.065 and 74.42.580, and chapter 388-97 WAC" is deleted and replaced with "WAC 388-97-550 through 388-97-695."

(v) is now subsection (4)(k); and "RCW 26.50.150 and" is deleted.

(vi) is now subsection (4)(l); and "chapter 388-148 WAC " is replaced with "chapters 388-148 WAC and 388-160 WAC."

(vii) is now subsection (4)(m).

(viii) is now subsection (4)(o); and "WAC 388-150-090, 388-151-090 and 388-155-090" is replaced with "chapters 388-150, 388-151, and 388-155 WAC."

(ix) is now subsection (4)(u), and "RCW 70.96A.090(2) and 43.20A.205 and WAC 388-805-065(3) and 388-805-135" is deleted and replaced with "chapter 388-805 WAC."

(x) is now subsection (4)(v), and ", for which a hearing has been held" is added after "Community residential services and support certification."

(xi) is now subsection (4)(z).

(xii) is now subsection (4) (aa), and "(3)" is deleted after "WAC 388-865-0480."

The following new subsections are added to WAC 388-02-0215(4) as adopted:

(e) Self-directed care under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155;

(f) Termination of provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;

(g) Termination of provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;

(h) Denial of contract to provider due to inability of provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

(i) Denial or termination of contract to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710 and WAC 388-71-0540;

(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-202 and 388-71-203;

(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;

(p) Background check of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;

(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;

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| | <p>(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);</p> <p>(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;</p> <p>(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;</p> <p>(w) Denial or termination of eligibility for services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120(a);</p> <p>(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120(b);</p> <p>(y) Authorization, denial, reduction, or termination of services under WAC 388-825-100, for which a hearing has been held under WAC 388-820-120(c);</p> <p>(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;</p> <p>(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17).</p> |
| <p>WAC 388-02-0215: <u>(b) Cases where the parties may request review of an initial order by a DSHS program are those where the review by a DSHS program is provided by statute or by program specific rule.</u> <u>(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4)(a) and (b) of this section.</u> <u>(6) A review judge reviewing officer has the same authority as an ALJ when presiding at a hearing.</u></p> | <p>Proposed subsection (4)(b) is deleted entirely.</p> <p>In subsection (5), deleted references to subsections "(a) and (b)."</p> <p>In subsection (6), restored the deleted phrase "review judge" and deleted "reviewing officer."</p> |
| <p>New WAC 388-02-0524: ...as set forth in WAC 388-02-0215 (4)(a) and (b).</p> | <p>Deleted "(a) and (b)" from the WAC citation.</p> |
| <p>WAC 388-02-0525: ... if a review request is dismissed, the initial order is final <u>twenty-one calendar days</u> after...</p> | <p>Restored the word "calendar" deleted from the proposed rule.</p> |
| <p>New WAC 388-02-0527: In cases not covered by WAC 388-02-0215 (4)(a) and (b)...</p> | <p>Deleted "(a) and (b)" from the WAC citation.</p> |
| <p>WAC 388-02-0530: Subsection (2): ...<u>an initial order for a case listed in WAC 388-02-0215 (4)(a)...</u> Subsection (3): <u>If a party disagrees with an initial order for a case covered by WAC 388-02-0215 (4)(b) and wants it changed, the party must request review by the DSHS program as provided by DSHS program rules in other chapters of Title 388 WAC.</u> Subsection (5): ...<u>You may also petition for judicial review of the final order as stated in WAC 388-02-0640 to 388-02-0650...</u></p> | <p>Deleted "(a)" from the WAC citation.</p> <p>Proposed subsection (3) is deleted entirely and all of the following subsections are renumbered accordingly.</p> <p>Deleted "to" and replaced with "through" to read "WAC 388-02-0640 through WAC 388-02-0650."</p> |
| <p>WAC 388-02-0555: Subsection (3): ...<u>initial order for a case listed in WAC 388-02-0215 (4)(a)...</u> Subsection (5): <u>If the ALJ denies a request for a corrected initial order for a case covered by WAC 388-02-0215 (4)(b) and the party still wants it changed, the party must request review by the DSHS program as provided by DSHS program rules in other chapters of Title 388 WAC.</u></p> | <p>Deleted "(a)" from the WAC citation.</p> <p>Subsection (5) was deleted entirely and the following subsection (6) is renumbered as (5).</p> |
| <p>WAC 388-02-0560: Subsection (2): ...<u>for a case listed in WAC 388-02-0215 (4)(a)...</u></p> | <p>Deleted "(a)" from the WAC citation.</p> |
| <p>WAC 388-02-0570: Subsection (1): ...<u>for a case listed in WAC 388-02-0215 (4)(a)...</u></p> | <p>Deleted "(a)" from the WAC citation.</p> |
| <p>WAC 388-02-0580 What is the deadline for requesting review <u>of cases listed in WAC 388-02-0215 (4)(a)?</u></p> | <p>Deleted "(a)" in the caption.</p> |
| <p>WAC 388-02-0585 Where does a party send a <u>request to review request a case listed in WAC 388-02-0215 (4)(a)?</u> Subsection (1): ...<u>to review a case listed in WAC 388-02-0215 (4)(a)...</u></p> | <p>Deleted "(a)" in the caption.</p> <p>Deleted "(a)" from the WAC citation.</p> |
| <p>WAC 388-02-0600: Subsection (1): <u>A review judge may only review the cases listed in WAC 388-02-0215 (4)(a).</u> Subsection (1): A review judge has the same decision-making authority as an ALJ in <u>the following such</u> cases... Deleted subsections (1)(a), (b), and (c); (2)(a) through (e).</p> | <p>Deleted "(a)" from the WAC citation.</p> <p>Restored "the following" and deleted "such."</p> <p>Restored subsections (1)(a), (b) and (c), and (2) (a) through (e) that were deleted in the proposed rules.</p> |

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| Proposed subsection (2) : (3) Review judges have the authority to <u>enter final orders for the cases listed in WAC 388-02-0215 (4)(a).</u> | Deleted "(a)" from the citation. |
| New subsection (3): (3) <u>Review judges may remand cases listed in WAC 388-02-0215 (4)(a) to the ALJ for further action.</u> | Deleted "(a)" from the WAC citation. |
| WAC 388-02-0635: Subsection (1): After <u>OA</u> H or BOA receives a reconsideration request, <u>a</u> <u>an</u> <u>ALJ</u> or review judge has twenty calendar days to send a reconsideration decision unless <u>OA</u> H or BOA send notice allowing the review judge more time. | Deleted "the review judge" after "send notice allowing." |
| WAC 388-02-0645: Subsection (1): You must file your petition for judicial review with the superior court within thirty calendar days after <u>BOA</u> <u>OA</u> H or <u>DSHS</u> mails its final <u>decision</u> order. | Deleted "DSHS" and replaced with "BOA." |

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 29, 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 29, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

October 15, 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 02-22 issue of the Register.

**WSR 02-21-066
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. A-020405, General Order No. R-504—Filed October 16, 2002, 8:33 a.m.]

In the matter of amending WAC 480-70-411, 480-90-113, 480-90-118, 480-100-113, 480-100-118 and 480-110-335, relating to interest on deposits and WAC 480-100-148, relating to service responsibility of electric utilities.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 02-17-088, filed with the code reviser on August 20, 2002. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, and 81.04.160.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission often includes a discussion of those matters in its rule adoption order. In addition, most rule-making proceedings involve extensive work by commission staff that includes summaries in memoranda of stakeholder comments, commission decisions, and staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the commission designates the discussion in the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 REFERENCE TO AFFECTED RULES: These rules amend the following sections of the Washington Administrative Code: WAC 480-70-411 Establishing credit and deposits, 480-90-113 Residential deposit requirements, 480-90-118 Nonresidential deposit requirements, 480-100-113 Residential deposit requirements, 480-100-118 Nonresidential deposit requirements and 480-110-335 Establishment of credit and deposits, to replace the fifty-two week treasury bill rate with the rate for the one-year Treasury Constant Maturity; and WAC 480-100-148 Service responsibility, to clarify the question of utility liability if repairs or changes to meters are necessary.

8 PREPROPOSAL STATEMENT OF INQUIRY: The commission filed a preproposal statement of inquiry (CR-101) on April 25, 2002, at WSR 02-10-055.

9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule making to determine a new standard for calculating the interest rate on customer deposits to replace the discontinued fifty-two week treasury bill standard. The statement also advised interested persons that the commission would consider amendment of WAC 480-100-148 Service responsibility, to clarify the question of utility responsibility if repairs or

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changes to meters are necessary. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to solid waste, gas, electric, and water companies. Pursuant to the notice, the commission called for comments. Representatives of Avista Corporation, Puget Sound Energy, and Northwest Natural Gas submitted written comments.

10 Written comments received from the stakeholders proposed alternatives to the fifty-two week treasury bill rate.

11 **NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on August 20, 2002, at WSR 02-17-088. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 02-17-088 at 9:30 a.m., Wednesday, September 25, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice also provided interested persons the opportunity to submit written comments to the commission.

12 **COMMENTERS (WRITTEN COMMENTS):** Northwest Natural Gas submitted written comments in support of the proposal.

13 **RULE-MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on September 25, 2002, before Chairwoman Marilyn Showalter and Commissioner Patrick Oshie. The commission heard oral comments from Sharyn Bate, representing commission staff. No other interested person made oral comments.

14 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission adopts the proposed rules without change.

15 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-70-411, 480-90-113, 480-90-118, 480-100-113, 480-100-118 and 480-110-335 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2003.

16 WAC 480-100-148 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

ORDER

17 THE COMMISSION ORDERS That:

18 WAC 480-70-411, 480-90-113, 480-90-118, 480-100-113, 480-100-118 and 480-110-335 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2003.

19 WAC 480-100-148 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after filing with the code reviser pursuant to RCW 34.05-380(2).

20 This order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this ____ day of October, 2002.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-411 Establishing credit and deposits.

Prepayments made to secure temporary drop-box service are not subject to the provisions of this rule. Refer to WAC 480-70-416 for provisions related to prepayments.

(1) **Establishing credit - residential service.** A company (~~must~~) may not collect a security deposit if an applicant for residential service can establish satisfactory credit by any one of the following:

(a) The applicant had prior service with the company or another solid waste collection company for at least six of the twelve months before the application date and:

((*) (i) Service was not canceled for nonpayment;

((*) (ii) The customer received no more than one delinquency notice; and

((*) (iii) References with the other company (~~may be~~) (if applicable) can quickly and easily be checked. ((A)) The company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of solid waste bills in the event of cancellation or default by the customer, in a spec-

ified amount, not to exceed the amount of the ~~((required))~~ cash deposit required.

(e) The applicant personally produces at the company's business office two major credit cards, or other credit references that the company ~~((may))~~ can quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing credit - commercial service.** A company may require an applicant for commercial service ~~((may be required))~~ to demonstrate that ~~((it))~~ the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit ~~((when))~~ if:

~~((*)~~) (a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) and (2) of this section;

~~((*)~~) (b) The applicant's service from another solid waste company was canceled for failure to pay amounts owing when due during the twelve months before the application date;

~~((*)~~) (c) The applicant has an unpaid, overdue balance owing for similar service from the solid waste company to which application is being made or from any other solid waste company;

~~((*)~~) (d) Two or more delinquency notices have been served on the applicant by any solid waste company during the prior twelve months; ~~((and))~~ or

~~((*)~~) (e) The application is ~~((to begin or continue))~~ for beginning or continuing service to a residence where a prior customer still lives and owes a past due bill to the ~~((solid waste))~~ company.

(4) ~~((Amount of))~~ **Deposit amount.** Deposits required for a customer or location must not exceed:

| ((Company billing period:)) | Maximum deposit amount allowed: |
|--|--|
| Monthly | Two-twelfths of the estimated annual billing |
| Bimonthly | Three-twelfths of the estimated annual billing |
| Trimonthly (quarterly) | Four-twelfths of the estimated annual billing |

(a) Two-twelfths of the estimated annual billings for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address ~~((in))~~ within the company's service territory, the deposit plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** ~~((Interest on deposits collected from applicants or customers must:~~

~~((a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing~~

~~through November 30 of the following year. The commission will annually mail a notice to solid waste collection companies advising them of the specific rate.~~

~~((b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.~~

~~((c) Be computed from the time of deposit and compounded annually.)~~ Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) ~~((Extended payment arrangement of deposits. When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of starting or continuing service, the company must allow the applicant or customer to pay on the following schedule:~~

~~• Fifty percent of the deposit must be paid before service;~~

~~• Twenty five percent must be paid in each of the next two months.)~~ Deposit payment arrangements. The company must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "**Satisfactory payment**" means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

~~((*)~~) (i) The company has not started a cancellation process against the customer; and

~~((*)~~) (ii) The company has ~~((issued))~~ sent no more than two delinquency notices ~~((of delinquency))~~ to the customer.

(b) **Termination of service.** When service is ~~((anceled))~~ terminated, the company must return to the customer the ~~((amount then on))~~ deposit amount plus accrued interest, less any amounts due ~~((to))~~ the company by the customer.

(10) ~~((Refund of deposits, manner))~~ How deposits are refunded. ~~((A))~~ The company must refund any deposit ~~((;))~~ plus accrued interest, ~~((in the manner chosen))~~ as indicated by the customer at the time of deposit, or as modified by the customer on a later date ~~((The customer must choose)),~~ one of the following methods:

(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

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(b) A credit applied to the customer's account for service beginning in the thirteenth month.

~~(11) **Additional deposit.** ((Nothing in this rule prevents the requiring of a larger deposit or a new deposit when conditions warrant. A company requiring a new or larger deposit must specify the reasons in writing to the customer. Any requirement for a new or larger deposit must comply with the standards in this rule.))~~ If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsections (1) and (2) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-113 Residential service deposit requirements. (1) **Deposit criteria for residential customers.** A gas utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past-due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another natural gas utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and ~~((is))~~ neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past-due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** ~~((The utility may require a deposit not to))~~ Deposits required for a customer or location must not exceed ((the amount of)):

(a) ~~((For utilities billing monthly, two twelfths of the service location's estimated annual usage; or~~

~~((b) For utilities billing bimonthly, three twelfths of the service location's estimated annual usage.))~~ Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty per-

cent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor must be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-90-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can ~~((be))~~ quickly and easily be checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit(+) plus accrued interest ~~((and))~~, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **Interest on deposits.** ~~((Interest on deposits collected from applicants or customers must:~~

~~((a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury~~

~~bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;~~

~~(b) Earn the calculated interest rate as determined in (a) of this subsection from January 1st through December 31st of the subsequent year;~~

~~(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and~~

~~(d) Be compounded or paid annually. Utilities that collect customer deposits must pay interest on those deposits calculated:~~

~~(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and~~

~~(b) From the date of deposit to the date of refund or when applied directly to the customer's account.~~

~~(10) **When refund of deposits is required.** ((Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.)) A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.~~

~~(a) "Satisfactory payment" ((Satisfactory payment is established when the)) means a customer has paid for service ((during)) for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:~~

~~(i) The utility has not ((initiated)) started a disconnection ((proceedings)) process against the customer; and~~

~~(ii) The utility has sent no more than two delinquency notices to the customer.~~

~~(b) Termination of service. ((Upon termination of)) When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.~~

~~(11) **How deposits are refunded.** ((Any deposit plus accrued interest must be made available to the customer not later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:~~

~~(a) Applied to the customer's account for service beginning in the thirteenth month; or~~

~~(b) At the customer's request, paid in the form of a check either delivered by mail or given to the customer in person at the utility's local business office.)) A utility must refund any deposit plus accrued interest as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:~~

~~(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or~~

~~(b) A credit applied to the customer's account for service beginning in the thirteenth month.~~

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-118 Nonresidential services deposit requirements. (1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service ((may be required)) to demonstrate that ((it)) the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** ((The utility may require a deposit not to)) Deposits required for a customer or location must not exceed ((the amount of)):

(a) ((For utilities billing monthly, two twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three twelfths of the service location's estimated annual usage.)) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit((;)) plus accrued interest ((and)), less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(4) **Additional deposit.** ((Nothing in this section will prevent the requirement of a larger deposit, a new deposit, or other alternative forms of a deposit when conditions warrant. Should a new, larger, or alternative form of deposit be required, the reason must be specified in writing to the customer.)) If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) **Interest on deposits.** ((Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

~~(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and~~

~~(d) Be compounded or paid annually.)~~ Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) When refund of deposits is required. ~~((Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.))~~ A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "Satisfactory payment" ~~((Satisfactory payment is established when the))~~ means a customer has paid for service ((during)) for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not ((initiated)) started a disconnection ((proceedings)) process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. ~~((Upon termination of))~~ When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-113 Residential services deposit requirements. (1) **Deposit criteria for current residential customers.** An electric utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past-due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another electric utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past-due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** ~~((The utility may require a deposit not to))~~ Deposits required for a customer or location must not exceed ((the amount of)):

(a) ((For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.)) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-100-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can ((be)) quickly and easily be checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit((;)) plus accrued interest ((and)), less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this sec-

tion. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **Interest on deposits.** ~~(Interest on deposits collected from applicants or customers must:~~

(a) ~~Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;~~

(b) ~~Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;~~

(c) ~~Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and~~

(d) ~~Be compounded or paid annually.)~~ Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(10) **When refund of deposits is required.** ~~(Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.)~~ A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "Satisfactory payment" (Satisfactory payment is established when the) means a customer has paid for service (during) for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not (initiated) started a disconnection (proceedings) process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. (Upon termination of) When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** ~~(Any deposit plus accrued interest must be made available to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:~~

(a) ~~Applied to the customer's account for service beginning in the thirteenth month; or~~

(b) ~~At the customer's request, paid in the form of a check either delivered by mail or given to the customer in person at the utility's local business office.)~~ A utility must refund any deposit plus accrued interest as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

(b) A credit applied to the customer's account for service beginning in the thirteenth month.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-118 Nonresidential service deposit requirements. (1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service ((may be required)) to demonstrate that ((it) the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** ~~((The electric utility may require a deposit not to))~~ Deposits required for a customer or location must not exceed ((the amount of)):

(a) ~~((For utilities billing monthly, two twelfths of the service location's estimated annual usage; or~~

(b) ~~For utilities billing bimonthly, three twelfths of the service location's estimated annual usage.)~~ Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit(,) plus accrued interest ((and)), less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(4) **Additional deposit.** ~~((Nothing in this section will prevent the requirement of a larger deposit, a new deposit, or other alternative forms of a deposit when conditions warrant. Should a new, larger, or alternative form of deposit be required, the reason must be specified in writing to the customer.))~~ If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) **Interest on deposits.** (~~Interest on deposits collected from applicants or customers must:~~

(a) ~~Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;~~

(b) ~~Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;~~

(c) ~~Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and~~

(d) ~~Be compounded or paid annually.)) Utilities that collect customer deposits must pay interest on those deposits calculated:~~

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **When refund of deposits is required.** (~~Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.)) A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.~~

(a) ~~"Satisfactory payment"((Satisfactory payment is established when the))~~ means a customer has paid for service ((during)) for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not (~~initiated~~) started a disconnection ((proceedings)) process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. ((Upon termination of)) When service is terminated, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-148 Service responsibility. (1) **Customer responsibility.** The customer must notify the electric utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Electric utility responsibility.** Each electric utility:

(a) Must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible;

(b) Must promptly notify all affected customers of any substantial change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when such change is required by law, the customer must bear all costs in connection with making changes to the customer's own equipment.

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service.

(d) Must make those efforts that are reasonable under the circumstances to avoid interruptions of service and, when such interruptions occur, to reestablish service with a minimum of delay. Interruptions as used in this subsection do not refer to the discontinuance of service to those customers receiving service under an interruptible service schedule.

When it is necessary for an electric utility to make repairs to or to change its facilities (~~other than meters~~), the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. When practicable, such interruption will be during the working hours regularly maintained by the utility. The utility must individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption associated with facilities other than meters, will be given notification through newspapers, radio announcements, or other means at least one day in advance.

(e) Must keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-335 (~~Establishment of~~) **Establishing credit and deposits.** (1) (~~Establishment of~~) **Establishing credit - residential.** A company (~~must~~) may not collect a security deposit if an applicant for residential (~~water~~) service can establish satisfactory credit by any one of the following (~~factors~~):

(a) The applicant had prior service with the (~~water~~) company (~~within the prior~~) or another water company for twelve months before the application date and:

(i) (~~At least twelve consecutive months with no more than one delinquency notice; and~~

(ii) The) Service was not disconnected for nonpayment(~~-~~

~~(b) Prior residential water service);~~

(ii) The customer received no more than one delinquency notice; and

(iii) References with (~~another water~~) the other company(~~-as demonstrated in (a) of this subsection, for which references may be~~) (if applicable) can quickly and easily be checked. The (~~water~~) company may request that the references (~~be in writing~~) from the previous (~~water~~) company(~~;~~) be in writing.

(~~(e) Full-time~~) (b) The applicant had consecutive employment during the prior twelve months with no more than two employers(~~;~~) and (~~the applicant~~) is currently employed or has a regular source of income(~~;~~).

(~~(d) Ownership of~~) (c) The applicant owns or has a legal interest in the premises being served(~~;~~).

(~~(e) Furnishing~~) (d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of water service bills in the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required(~~;~~).

(~~(f) Producing, in person~~) (e) The applicant personally produces at the (~~water~~) company's business office(~~;~~) two major credit cards, or other credit references(~~;~~) that the company can quickly and easily check, that demonstrate a satisfactory payment history.

(2) (~~Establishment of~~) **Establishing credit - nonresidential.** A company may require an applicant for nonresidential water service (~~may be required~~) to demonstrate that (~~it~~) the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A (~~deposit may be required when~~) company may require a deposit if:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) (~~During the prior twelve months, the applicant's service from another water company has been disconnected for failure to pay amounts owing when due;~~) The applicant's service from another water company was disconnected for failure to pay amounts owing when due during the twelve months before the application date;

(c) (~~There is~~) The applicant has an unpaid, overdue balance owing for similar service from the water company to

which application is being made or from any other water company;

(d) Two or more delinquency notices have been served (~~upon~~) on the applicant by any water company during the prior twelve months; or

(e) The application is for (~~the initiation or continuation of~~) beginning or continuing service to a residence where a prior customer still lives and owes a past due bill to the (~~water~~) company.

(4) (~~Amount of~~) **Deposit amount.** (~~Required~~) Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings (~~for that customer or location~~) for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the (~~water~~) company's service territory, the deposit (~~must be transferable~~) plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** (~~Interest on deposits collected from applicants or customers must:~~

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. The commission will advise the water company each year of the specific rate by mail.

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.

(c) Be computed from the time of deposit to the time of refund or total application of the deposit and must be compounded annually.

(7) Extended payment arrangement of deposits. When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the applicant or customer must be allowed to pay fifty percent of the deposit prior to service, with the remaining balance payable in equal amounts over the next two months.

(8) Cash payments. When payment is made in person and in cash, a receipt must be furnished to each applicant or customer for the amount paid.) Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or cus-

tomer and the company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) Receipt for deposit. A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) When refund of deposits ((when)) is required. A company must refund deposits plus accrued interest ((must be refunded)) when there has been satisfactory payment, as defined in (a) of this subsection, or ((upon termination of service)) when service is terminated.

(a) "Satisfactory payment"((—when)) means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The ~~((water))~~ company has not ~~((initiated))~~ started a disconnection ~~((proceedings))~~ process against the customer; and

(ii) The company has sent no more than two delinquency notices ((of delinquency have been made)) to the customer ((by the water company)).

(b) Termination of service~~((—upon termination of))~~. When service is terminated, the ((utility)) company must return to the customer the deposit amount ((then on deposit)) plus accrued interest, less any amounts due the ((utility)) company by the customer.

(10) ((Refund of deposits method.)) How deposits are refunded. The company must refund any deposit((s)) plus accrued interest, ((must be refunded to the customer in accordance with the preference)) as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) ~~((In the form of))~~ A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

(b) A credit applied to the customer's account for service beginning in the ~~((13th))~~ thirteenth month.

(11) Additional deposit. ((Nothing in this rule prevents the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons must be specified in writing to the customer. Any requirement for a new or larger deposit must comply with the standards set forth in this rule.)) If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsections (1) and (2) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

WSR 02-21-067

PERMANENT RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UT-990146, General Order No. R-503—Filed October 16, 2002, 8:34 a.m.]

In the matter of repealing WAC 480-120-057 and adopting WAC 480-120-125, relating to telephone companies.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 02-12-055, filed with the code reviser on May 30, 2002. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 The commission has included a discussion of these matters in this rule adoption order. In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the open meetings where the commission considered whether to begin a rule making and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This order repeals the following section of the Washington Administrative Code: WAC 480-120-057 Deposit or security—Interexchange telecommunications companies.

7 This order adopts the following section of the Washington Administrative Code: WAC 480-120-125 Deposit or security—Telecommunications companies.

8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on April 15, 1999, at WSR 99-09-027.

9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule making to review rules relating to regulated telephone companies for content and readability pursuant to Executive Order 97-02, with attention to the rules' need, effectiveness and efficiency; clarity, intent, and statutory authority, coordination, cost, and fairness. The statement also advised that the review would include consideration of whether substantive

changes or additional rules are required for telecommunications regulation generally, and in concert with the Federal Telecommunications Act of 1996 and potential actions by the Washington legislature during its 1999 session. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered telecommunications companies and the commission's list of telecommunications attorneys. The commission posted the relevant rule-making information on its Internet website at www.wutc.wa.gov.

10 MEETINGS OR WORKSHOPS; ORAL COMMENTS: The commission held rule-making workshops on May 8, 2001, April 16, 2001, June 5, 6, and 7, 2001, September 19, 2001, October 18 and 19, 2001, and November 20, 2001. Representatives of a diverse group of telecommunications companies, organizations representing consumers, and public counsel, attended these workshops.

11 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on May 30, 2002, at WSR 02-12-055 in which it proposed to repeal, adopt, and amend a number of sections. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 02-12-055 at 9:30 a.m., Friday, July 26, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

12 NATURE OF THE PROPOSED ACTION: In this order the commission acts to repeal and to adopt only the portions of the proposal relating to deposit and security requirements pertinent to services provided by one telecommunications company to other telecommunications companies. The commission will address other aspects of the proposal in WSR 02-12-055 in a later order.

13 ORAL AND WRITTEN COMMENTS: The current rule is three pages, and sets numerous prescriptive standards and proposed steps that a telecommunications company must follow in situations where the rule determines that a deposit is required. The new rule would replace those prescriptive and burdensome requirements with a one-sentence rule that allows, but does not require telecommunications companies to collect a deposit. If a company should choose to require deposits, the terms under which it would do so would need to be spelled out in its tariff or price list. The commission received written comments on the proposed rule from the Washington Independent Telephone Association (WITA) on July 12, 2002. WITA also made oral comments opposing adoption of the proposed rule.

14 WITA recommends that the commission retain a rule that spells out specific standards for determining when a deposit is required, and provided the text of an alternative rule for the commission's consideration. WITA's suggested rule uses a company's debt rating as a proxy for its credit worthiness. It prescribes how soon a deposit must be paid after it is requested. It states what types of deposits would be acceptable, and lets the company requesting the deposit determine if

any form of deposit not listed in the rule is acceptable. It contains a presumption of receipt of a mailed request for deposit. It provides the circumstances under which a deposit may be applied to a delinquent account. Finally, it provides for additional deposits if the level of service is increased.

15 WorldCom, Inc. (WorldCom) stated at the rules hearing that it opposed both the existing rule and the proposed rule. WorldCom contends that deposit requirements will limit the number of companies that can afford to offer service.

16 AT&T Communications of the Pacific Northwest, Inc. (AT&T) stated at the rules hearing that it opposed WITA's suggested rule.

17 WITA also took issue with the characterization in the small business economic impact statement (SBEIS) of proposed WAC 480-120-125 as being not substantively different from the existing rule, WAC 480-120-057.¹

18 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on July 26, 2002, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie.

19 The commission heard oral comments from Mr. Richard Finnigan, representing WITA; Ms. Michel Singer-Nelson, representing WorldCom; and Ms. Cathy Brightwell, representing AT&T. The comments are summarized in paragraphs 14 through 17, above.

20 SUGGESTIONS FOR CHANGE THAT ARE REJECTED: The commission rejects the suggestions of WITA, WorldCom, and AT&T described above in paragraphs 14 through 17.

21 WITA suggests alternative language that would specify the details of intercompany deposits and standards for their application. We reject it because it is too prescriptive. A prescriptive rule has the merit of spelling out how certain facts must be applied in making a decision, but this certainty comes at the cost of a loss of flexibility, and of the ability of companies to make their own business decisions.

22 The proposed rule allows for more flexibility on the part of local exchange companies. It allows, rather than requires, companies to review the credit standing of other telecommunications companies. A company's management will not be required to collect deposits, if the company's management believes that this effort is unnecessary. The proposed rule lets companies behave much like businesses operating in unregulated industries; some companies will not pursue deposits and others can pursue reasonable deposits, depending on their view of what is reasonable action under the circumstances to protect both them and their customers. Companies that choose to require deposits will need to replace the prescriptive rule with their own deposit standards, as spelled out in their tariffs or price lists, thus providing authority to charge the deposits and notice to customers of their deposit policies.

23 The commission notes that telecommunications companies must propose tariffs to adopt deposit requirements as allowed by the rule, and that the commission may deny a tariff that is unreasonable with respect to the amount of the

deposit and any other aspect of the tariff (e.g., the form of deposit).

24 At the same time, the proposed rule serves an important regulatory purpose because it puts every company on notice that it may request reasonable deposits and that reasonable deposits may be requested of it. It also puts every company on notice that the commission may accept tariffs that contain reasonable deposit requirements.

25 WorldCom opposes having any rule on company-to-company deposits because it believes that deposit requirements will limit the number of companies that can afford to offer service. That may be so, but even if it is so, that approach would leave providers with no way to protect themselves in circumstances in which any prudent business would seek a deposit or other assurance of payment. We understand AT&T's position to be the same as that of WorldCom.

26 The commission does not agree with WorldCom and AT&T. The commission believes that it should allow companies the ability to require a deposit. This is a good policy because it provides protection to companies that are required by law to sell services to other telecommunications companies (e.g., local exchange providers must permit equal access to long distance carriers). The commission has determined that the better choice is to adopt a rule that is as flexible as possible so that companies have recourse, if necessary, to deposits to protect against credit risks.

27 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission repeals WAC 480-120-057 and adopts WAC 480-120-125 as included in the CR-102 at WSR 02-12-055 to the extent specified herein, with the changes described below.

28 **CHANGES FROM PROPOSAL:** The commission adopts the proposal with the following changes from the text noticed at WSR 02-12-055. The caption is changed to describe more accurately the effect of the rule. The language of the rule text remains unchanged from the proposal in WSR 02-12-055.

29 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-120-057 should be repealed, effective on the thirty-first day after filing with the code reviser pursuant to RCW 34.05.380(2).

30 The commission also determines that WAC 480-120-125 should be adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

¹ The commission's small business economic impact statement (SBEIS) questionnaire on this rule was sent to every company affected by the proposed change. No company responded to the portion of the SBEIS that asked for information about any increased costs that might be caused by this rule. The new rule would eliminate both the requirement that companies collect deposits from other companies and the detailed provisions governing the circumstances, manner, and amount of those deposits. While the rule is changed, the characterization in the SBEIS with respect to proposed WAC 480-120-125 is made in the context of the Regulatory Fairness Act. The SBEIS describes the change as "no substantive change" indicating that the rule does not make a change that would impose more than minor costs on businesses in an industry.

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.

ORDER

31 THE COMMISSION ORDERS:

32 WAC 480-120-057 is repealed, effective on the thirty-first day after filing with the code reviser pursuant to RCW 34.05.380(2).

33 WAC 480-120-125 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

34 This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 15th day of October, 2002.

Washington Utilities and Transportation Commission
 Marilyn Showalter, Chairwoman
 Richard Hemstad, Commissioner
 Patrick J. Oshie, Commissioner

NEW SECTION

WAC 480-120-125 Deposit or security—Telecommunications companies. A telecommunications company may be required to pay a reasonable deposit to another telecommunications company if it is unable to demonstrate satisfactory credit.

REPEALER

The following section of the Washington Administrative Code is repealed:

| | |
|-----------------|---|
| WAC 480-120-057 | Deposit or security—Interexchange telecommunications companies. |
|-----------------|---|

PERMANENT

WSR 02-21-072
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed October 17, 2002, 12:27 p.m.]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

Citation of Existing Rules Affected by this Order: Amending chapter 350-16 WAC.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-074 on August 19, 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 7, 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 7, 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.

October 15, 2002

Robert K. McIntyre
Rules Coordinator

AMENDATORY SECTION

350-16-003. Description of Organization; Service of Order; Effect of Not Putting Order in Writing.

(1) In addition to other rulemaking requirements imposed by law, the commission shall publish a description of its organization and the methods whereby the public may obtain information or make submissions or requests.

(2) The commission shall appoint a rules coordinator and file a copy of that appointment annually with the Oregon Secretary of State and Washington Code Reviser. The rules coordinator shall:

(a) Maintain copies of all rules adopted by the agency and be able to provide information to the public about the status of those rules;

(b) Provide information to the public on all rulemaking proceedings of the agency; and

(c) Keep and make available the mailing list required by 350-16-004(7).

ORS 183.330 and RCW 34.05.31

(32) An order shall not be effective as to a person or party unless it is served upon him either personally or by

mail. This subsection is not applicable in favor of any person or party who has actual knowledge of the order.

(43) An order is not final until it is reduced to writing.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-004. Notice Requirements for Rule Adoption; Temporary Rule Adoption, or Amendment; Substantial Compliance Required.

(1) The commission shall prepare a semiannual agenda for rules under development. The commission shall file the agenda with the Oregon Secretary of State and Washington Code Reviser for publication in the states' registers not later than January 31st and July 31st of each year. Not later than three days after its publication in the states' registers, the commission shall send a copy of the agenda to each person who has requested receipt of a copy of the agenda. RCW 34.05.314

(2) When applicable under Washington law, the commission shall prepare a statement of inquiry on the form provided by the Washington Code Reviser, that shall be: filed with the Washington Code Reviser for publication in the state's register at least thirty days before the date the agency files notice of proposed rule making, sent to any party that has requested receipt of the agency's statements of inquiry, and published on the Commission's website or other similar means of electronic communication. RCW 34.05.310(1)

(34) Prior to the adoption, amendment or repeal of any rule, the commission shall give notice of its intended action:

(a) In the manner established by rule adopted by the commission, which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the Oregon bulletin and Washington register at least 210 days prior to the commencement of any commission action; and *ORS 183.335 (1)(b)*

(c) At least 28 days before the effective date, to persons who have requested notice pursuant to subsection (9) of this section; and, *ORS 183.335 (1)(c)* No later than three days after publication in the register and bulletin, to persons who have requested notice pursuant to subsection (7) of this section.

(d) On its website or other similar means of electronic communication.

(42)(a) The notice required by subsection (34) of this section shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The commission shall include with the notice of intended action given under subsection (34) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(C) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(D) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.

(E) A statement of the anticipated effects of the proposed rule;

(F) A statement whether the rule is necessary as a result of federal law or a court decision;

(G) An indication of the person or persons proposing the rule;

(H) The date on which the commission intends to adopt the rule; and

(I) The commission personnel responsible for implementation and enforcement of the rule, with office location and telephone number.

(J) If an advisory committee is not appointed, or an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided, an explanation as to why no advisory committee or participation by interested persons was used to assist the agency in drafting the rule. ORS 183.335 (2)(b)(F); RCW 34.05.310 (3)(b)

(53) When the commission proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views at a public hearing. The commission shall consider fully any written or oral submissions, including all submissions received by facsimile, telephonic communication, or electronic mail. RCW 34.05.325(3)

(64) Upon request of an interested person received within 15 days after commission notice pursuant to subsection (21) of this section, the commission shall postpone the date of its intended action no less than 21 40 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude the commission from adopting a temporary rule pursuant to subsection (75) of this section. ORS 183.335(4)

(75) Notwithstanding subsections (1) to (64) of this section, the commission may adopt or amend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the commission prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interests of the parties concerned and the specific reasons of its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspections.

(86) A rule adopted or amended under subsection (75) of this section is temporary and may be effective for a period of not longer than 120 90 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (64) of this section. RCW 34.05.350(2); ORS 183.335 (6)(a)

(97) Any person may request in writing that the commission mail to the person copies of its notice of intended action given pursuant to subsection (34) of this section. Upon receipt of any request the commission shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. The commission may establish procedures for establishing and maintaining the mailing lists current and, by rule, establish fees necessary to defray the costs of mailings and maintenance of the lists.

(108) This section does not apply to public contracts and purchasing.

(119) No rule is valid unless adopted in substantial compliance with the provisions of this section in effect on the date the rule is adopted.

(1240) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

(13) The commission may correct its failure to substantially comply with the requirements of subsections (4) and (7) of this section in adoption of a rule by an amended filing, so long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule. However, this subsection does not authorize correction of a failure to comply with subsection (3)(b)(D) of this section requiring inclusion of a fiscal impact statement with the notice required by subsection (1) of this section. ORS 183.335(12)

(14) When the commission establishes a deadline for comment on a proposed rule under the provisions of subsection (4) of this section, the commission may not extend that deadline for another agency or person unless the extension applies equally to all interested agencies and persons. An agency shall not consider any submission made by another agency after the final deadline has passed. ORS 183.335(14)

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-009. Notice, Hearing and Record in Contested Cases; Informal Dispositions; Hearings Officer; Statement of Ex Parte Communications.

(1) In a contested case hearing, all parties shall be afforded an opportunity for hearing after notice of not less

than 20 days, served personally or by registered or certified mail.

(2) The notice shall include:

(a) A statement of the party's right to hearing, or a statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved; and

(d) A short and plain statement of the matters asserted or charged;

(e) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(f) The official file or other reference number and the name of the proceeding;

(g) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(h) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with this chapter; and

RCW 34.05.434(2)

(i) Any other matters considered desirable by the agency.
RCW 34.05.434(4)

(3) Parties may elect to be represented by counsel and to respond and present evidence and argument on all issues involved.

(4) The commission may adopt rules of procedure governing participation in contested cases by person appearing as limited parties.

(5) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(6) An order adverse to a party may be issued upon default only upon prima facie case made on the record of the commission. When an order is effective only if a request for hearing is not made by the party, the record may be made at the time of issuance of the order, and if the order is based only on material included in the application or other submissions of the party, the commission may so certify and so notify the party, and such material shall constitute the evidentiary record of the proceeding if hearing is not requested. The commission shall serve a default order upon the defaulted party or the party's attorney, if any.

(7) Within seven days after service of a default order under subsection (6) of this section, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. At the commencement of the hearing, the officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove.

(8) Testimony shall be taken upon oath or affirmation of the witness form when received. The officer presiding at the hearing shall administer oaths or affirmatives to witnesses.

~~(9) A presiding officer who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. repetitive, see 350-16-016 below~~

~~(9+0)~~ The officer presiding at the hearing shall insure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues property before the presiding officer in the case.

~~(10+1)~~ The record in a contested case shall include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Stipulations.

(d) A statement of matters officially noticed.

(e) Questions and offers of proof, objections and rulings thereon.

(f) A statement of any ex parte communications on a fact in issue made to the officer presiding at the hearing.

(g) Proposed findings and exceptions.

(h) Any proposed, intermediate or final order prepared by the commission or a hearings officer.

~~(11+2)~~ A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The commission may charge the party requesting transcription, unless the party files an appropriate affidavit of indigency.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-014. Evidence in Contested Cases.

(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude commission action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their ~~serous~~ serious affairs shall be admissible. The commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to an except as provided in subsection (4) of this section no other factual information or evidence shall be considered in the

determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

(3) Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence. Persons appearing in a limited party status shall participate in the manner and to the extent prescribed by rule of the commission.

(4) The commission may take notice of judicially cognizable facts, and may take official notice of general, technical or scientific facts within its specialized knowledge. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of material officially noticed and the sources of the materials and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

(5) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence.

(6) The commission may, at its discretion, be represented at the hearings by the Attorney General of Washington or Oregon.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-016. Commission Statement of Ex Parte Communications; Notice.

(1) A presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any person employed by the agency without notice and opportunity for all parties to participate, except as provided in this subsection:

(a) Where the ultimate legal authority of an agency is vested in a multimember body, and where that body presides at an adjudication, members of the body may communicate with one another regarding the proceeding;

(b) Any presiding officer may receive aid from legal counsel, or from staff assistants who are subject to the presiding officer's supervision; and

(c) Presiding officers may communicate with other employees or consultants of the agency who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(d) This subsection does not apply to communications required for the disposition of ex parte matters specifically authorized by statute.

(2) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to pro-

cedural aspects of maintaining an orderly process, a presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding, with any person not employed by the agency who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(3) Unless necessary to procedural aspects of maintaining an orderly process, persons to whom a presiding officer may not communicate under subsections (1) and (2) of this section may not communicate with presiding officers without notice and opportunity for all parties to participate.

(4) If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5) of this section.

(5) Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the matter unless a party moves the admission of any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to 350-16-014.

(6) Any commissioner who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the commissioner received an ex parte communication. The commissioner, or the Chair or presiding officer, shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

(7) The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a recommendation to the Commission to ensure fairness and the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may also request the member of the Commission to participate in the appeal or proceedings or the member of the Commission step down from hearing the matter, and the Chair or presiding officer may seal the portions of the record pertaining to the communication by protective order.

(8) The agency shall, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law.

RCW 34.05.455

~~Any commissioner who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the commissioner received an ex parte communication. The commissioner shall advise all parties~~

~~that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

350-16-017. Appearance of Fairness

Members of the Commission shall comply with Washington's appearance of fairness doctrine in appeals and proceedings under this rule and under Rules 350-60 et seq. and Rules 350-70 et seq.

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

AMENDATORY SECTION

350-16-0187. Proposed Order by Hearings Officer; Amendment by Commission; Exemptions.

(1) Except as otherwise provided in subsections (1) to (3) of this section, unless a hearings officer is authorized or required by law or commission rule to issue a final order, the hearings officer shall prepare and serve on the commission and all parties to a contested case hearing a proposed order, including recommended findings of fact and conclusions of law. The proposed order shall become final after the 30th day following the date of service of the proposed order, unless the commission within that period issues an amended order.

(2) The commission may be rule specify a period of time after which a proposed order will become final that is different from that specified in subsection (1) of this section.

(3) If the commission determines that additional time will be necessary to allow the commission adequately to review a proposed order in a contested case, the commission may extend the time after which the proposed order will become final by a specified period of time. The commission shall notify the parties to the hearing of the period of extension.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-0198. Orders in Contested Cases.

(1) Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.

(2) A final order shall be accompanied by findings of fact and conclusions of law, and the reasons and basis therefore, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction. Any findings based substantially upon credibility of evidence or

demeanor of witnesses shall be so identified. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of facts and as to each ultimate fact required to support the commission's order.

(3) The commission shall serve in writing any final order within 90 days after the hearing or after the submission of any additional memoranda, briefs or proposed findings. The commission shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

(4) Every final order shall include a citation of the statutes under which the order may be appealed.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-21-073

PERMANENT RULES

COLUMBIA RIVER GORGE COMMISSION

[Filed October 17, 2002, 12:28 p.m.]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

Citation of Existing Rules Affected by this Order:
Amending chapter 350-12 WAC.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-075 on August 19, 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 1, Amended 3, 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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, 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.

October 15, 2002

Robert K. McIntyre

Rules Coordinator

AMENDATORY SECTION

350-12-002. Right to inspect public records.

PERMANENT

Every person has a right to inspect any public record of the commission, except as otherwise expressly provided by 350-12-0068.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-12-005. Certified—copies Forms of public records; fees.

(1) The custodian of any public record which a person has a right to inspect shall give the person, on demand, a certified copy of it, if the record is of a nature permitting such copying, or shall furnish reasonable opportunity to inspect or copy.

(2) If a public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If the public record is not available in the form requested, it shall be made available in the form in which it is maintained. ORS 192.440(2)

~~(2) The Commission will establish a schedule of fees to reimburse it for its actual costs in making such records available except for requests from government agencies and the media. This applies to both regular and certified copies of records.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-12-006. Fees.

The Commission will establish a schedule of fees to reimburse it for its actual costs in making such records available except for requests from government agencies and the media, and for routine notices and agendas. This applies to both regular and certified copies of records.

NEW SECTION

350-12-007. Prompt response required

The Commission shall respond promptly to requests for public records. Within five business days of receiving a public records request, the Commission shall respond by (1) providing the record; (2) acknowledging that the Commission has received the request and providing a reasonable estimate of the time the Commission will require to respond; or (3) denying the public record request. Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the Commission may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the Commission need not respond to the original request. Denials of requests

must be accompanied by a written statement of the specific reasons for denial. RCW 42.17.320

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

AMENDATORY SECTION

350-12-0068. Public records exempt from disclosure.

(1) The following public records are exempt from disclosure under 350-12-001 to 350-12-0068 unless the public interest requires disclosure in the particular instance:

(a) Records of the commission pertaining to litigation to which the commission is a party if the complaint has been filed, or if the complaint has not been filed, if the commission shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(b) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or service or to locate minerals or other substances, having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(c) Investigatory information compiled for criminal law purposes, except that the record of an arrest or the report of a crime shall not be confidential unless and only so long as there is a clear need in a particular case to delay disclosure in the course of a specific investigation. Nothing in this paragraph shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purpose of this paragraph, the record of an arrest or the report of a crime includes, but is not limited to:

(A) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(B) The offense with which the arrested person is charged;

(C) The conditions of release;

(D) The identity of and biographical information concerning both complaining party and victim;

(E) The identity of the investigation and arresting agency and the length of the investigation;

(F) The circumstances of arrest, including time, place, resistance in apprehending fugitives from justice;

(G) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again;

(e) Information relating to the appraisal of real estate prior to its acquisition;

(f) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;

(g) Investigatory information relating to any complaint filed relating to unlawful employment practices until such time as the complain is resolved, or a final administrative determination is made;

(h) Investigatory information relating to any complaint filed relating to unfair labor practices;

(i) Information concerning the location of archaeological sites or objects, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist activity or attraction; and

(j) A personnel discipline action, or materials or documents supporting that action.

(k) Sensitive fish, wildlife, and plant data obtained by or created by the Gorge Commission. However, sensitive fish, wildlife and plant data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive fish, wildlife, and plant data includes:

(1) The nesting sites or specific locations of endangered, threatened or sensitive species listed in the Management Plan or otherwise designated by the appropriate agencies in Oregon and Washington;

(2) Radio frequencies used in or locational data generated by telemetry studies;

(3) Other location data that could compromise the viability of a specific fish, wildlife or plant population and where one or more of the following criteria are met:

(A) The species has a known commercial or black market value

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

ORS 192.501(13) and RCW 42.17.310 Note that under Oregon law this is a conditional exemption, but that under Washington law, the exemption is absolute. Also, Oregon law exempts plant information from disclosure, but Washington law does not.

(2) The following public records are exempt from disclosure under 350-12-001 to 350-12-0068:

(a) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the commission shows that in the particular instance the public interest in encouraging frank communication between officials and employees of the commission clearly outweighs the public interest in disclosure;

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular

instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy;

(c) Information submitted to the commission in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the commission has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure;

(d) Any public records or information the disclosure of which is prohibited by federal or state law or regulations;

(e) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged;

(f) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(3) If any public record contains material which is not exempt under subsection (1) or (2) of this section, as well as material which is exempt from disclosure, the commission shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

~~(4) Student records required by state or federal law are exempt from disclosure.~~

(4) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address or personal telephone number of the individual. A public body shall not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address or personal telephone number remains available for public inspection.

(a) A request described in subsection (1) of this section shall remain effective until the public body receives a written request for termination but no later than five years after the date that a public body receives the request.

(b) A public body may disclose a home address or personal telephone number of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(c) A public body shall not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address or personal telephone number granted an exemption from disclosure under this section.

ORS 192.445

(5) Notwithstanding the exemptions in 350-12-008 (1) and (2), public records that are more than 25 years old shall be available for inspection. ORS 192.495

(6) Notwithstanding 350-12-001 through 350-12-008, the Commission shall not disclose records in violation of a user agreement or license that prohibits the Commission from disclosing such records. The Commission shall refer persons

to the creator of the record if the Commission has obtained the records through agreement or license, or for which the Commission was charged a fee, other than a nominal fee for reimbursement of duplicating costs, for the record.

(75) Disclosure of information in violation of Rule 350-12-006(2) is grounds for assessment of a civil penalty pursuant to Rule 350-30 et seq.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-21-074
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed October 17, 2002, 12:29 p.m.]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

Citation of Existing Rules Affected by this Order: Amending chapter 350-14 WAC.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-076 on August 19, 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 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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 15, 2002

Robert K. McIntyre
 Rules Coordinator

AMENDATORY SECTION

Columbia River Gorge Commission

Division Chapter 350

Chapter Division 14

**Conflict of Interest, Ex Parte Contact, Appearance of
 Fairness**

Amended July 21, 1998

Amendments effective November 24, 1998

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-001. Definitions for 350-14-001 to 350-14-005.

As used in these rules, unless the context requires otherwise:

(1) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person. "Assist" does not include referring another person to other persons or sources of advice and information.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(3) "Business with which the person is associated" means any business of which the person or a member of the person's household is a director, officer, owner or employee, or any corporation in which the person or a member of the person's household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(4) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or a member of the person's household, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of a state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged.

(5) "Gift" means something of economic value given to a public official or member of the official's household without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials on the same terms and conditions; and something of economic value given to a public official or member of the official's household for valuable consideration less than that required from others who are not public officials. However, "gift" does not mean:

(a) Campaign contributions.

(b) Gifts from relatives.

(c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to

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the public official's office and when appearing in an official capacity.

(65) "Honoraria" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event at which the public official appears in an official capacity.

(76) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(87) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the vote of a person acting in the capacity of a public official.

(98) "Member of household" means the spouse of the public official and any children of either who reside with the public official.

(109) "Public official" means any person who is serving in a governmental capacity for the Columbia River Gorge Commission as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(11)(a) "Transaction involving the Commission" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that a current or former public official, as defined in this division, believes, or has reason to believe:

- (i) Is, or will be, the subject of Commission action; or
- (ii) Is one to which the Commission is or will be a party;

or

(iii) Is one in which the Commission has a direct and substantial proprietary interest.

(b) "Transaction involving the Commission" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the Commission that is the basis for the claim, case, or lawsuit.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-002. Application.

Nothing in these rules is intended to affect:

- (1) Any other statute or rule requiring disclosure of economic interest by ~~an~~ a public official or public employee.
- (2) Any statute or rule prohibiting or authorizing specific conduct on the part of any public official or public employee.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-003. Code of Ethics.

The following actions are prohibited regardless of whether potential conflicts of interest are announced or disclosed pursuant to 350-14-004:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official or a member of the household of the public official is associated.

(2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has any official position or over which the official exercises any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts to any public official or candidate therefore or a member of the household of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has any official position or over which the official exercises any authority.

(6)(a) Except in the course of official duties or incident to official duties, a public official, as defined in this division, may not assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the Commission:

(1) In which the public official has at any time participated; or

(2) If the transaction involving the Commission is or has been under the official responsibility of the public official within a period of two years preceding such assistance.

(b) No public official may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (a) or (c) of this section.

(c) A business entity of which a public official is a partner, managing officer, or employee shall not assist another person in a transaction involving the Commission if the public official is prohibited from doing so by subsection (a) of this section.

(d) This chapter does not prevent a public official from assisting, in a transaction involving the Commission:

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(1) The public official's parent, spouse, or child, or a child thereof for whom the public official is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the public official did not participate in the transaction; or

(2) Another employee involved in disciplinary or other personnel administration proceedings.

RCW 42.52.040

AMENDATORY SECTION

350-14-006. Ex Parte Contact

~~(1) Members of the Commission shall not have ex parte contact, i.e. discussion of specific issues regarding a pending land use permit, with applicants or interested parties seeking a land use permit, or opponents to the permit, while the application or appeal thereto is pending under a land use ordinance for the Scenic Area.~~

~~(3) Members of the Commission shall place on the record of the appeal or proceedings under these rules any ex parte contact set forth in subsection (2). The Chair or presiding officer shall notify all parties to the appeal or proceeding. The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a recommendation to the Commission to ensure the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may also request the member of the Commission to participate in the appeal or proceedings or the member of the Commission step down from hearing the matter.~~

"Ex parte contact" is different than a "conflict of interest." Conflicts of interest are applicable for all business of the Commission. Ex parte contacts are only applicable for quasi-judicial matters (also called contested cases). This section is also repetitive of 350-16-009(9) (proposed for deletion) and 350-16-016. This section need only appear in the Commission's rules governing quasi-judicial matters.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-007. Appearance of Fairness

~~(1) Members of the Commission shall comply with the appearance of fairness in appeals and proceedings under Rules 350-60 et seq. and Rules 350-70 et seq.~~

The appearance of fairness doctrine is only applicable for quasi-judicial matters (also called contested cases). This section should appear in the Commission's rules governing quasi-judicial matters.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-21-075
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION**
[Filed October 17, 2002, 12:30 p.m.]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

Citation of Existing Rules Affected by this Order: Amending chapter 350-11 WAC.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-077 on August 19, 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 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

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Effective Date of Rule: Thirty-one days after filing.

October 15, 2002

Robert K. McIntyre
Rules Coordinator

AMENDATORY SECTION

350-11-003. Meetings of commission to be open to public; location of meetings

(1) All meetings of the commission shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by 350-011-0001 to 350-11-010. A member of the public shall not be required, as a condition of attending a meeting, to give his or her name or other information, complete a questionnaire or fulfill any other condition precedent. RCW 42.30.040

(2) No quorum of the commission shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by 350-11-001 to 350-11-010.

(3) The commission shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by the commission if use of a place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the commission shall be held within the geographic boundaries over which the commission has juris-

diction, or at the administrative headquarters of the commission or at the other nearest practical location. Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies shall be held within the geographical boundaries over which one of the participating public bodies has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5) Notwithstanding the requirements of section (4) above, committee meetings may be held in any location where the committee deems it useful.

(6) Meetings of the commission shall be held in locations that are accessible to the disabled.

(7) Upon request of a hearing impaired person, the commission shall make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The person requesting the interpreter shall provide the commission at least 48 hours' notice of the request, shall provide the name of the requester, sign language preference and any other relevant information the commission may require. As used in this subsection, "good faith effort" includes, but is not limited to, contacting the Oregon Disabilities Commission, the Washington Aging and Adult Services Administration, or other state or local government or community service agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services. ORS 192.630 (5)(e)

(8) It shall be considered discrimination on the basis of disability for commission to meet in a place inaccessible to the disabled, or upon request of a hearing impaired person, to fail to make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in Commission Rule 350-11-008. ORS 192.630 (5)(a)

(89) Voting by the commission shall take place in public and each member's vote shall be recorded as it is cast. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter. RCW 43.30.060(2)

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-004. Public notice required; special notice for executive sessions, special or emergency meetings

(1) The commission shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by the commission. RCW 42.30.070.

(2) The Commission shall file with the Secretary of State in Oregon and the Code Reviser in Washington a schedule of the time and place of such meetings on or before January of each year for publication in the states' registers. Notice of any change from such meeting schedule shall be published in

the states' registers for distribution at least twenty days prior to the rescheduled meeting date. For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule. RCW 42.30.075

(34) The commission shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the commission to consider additional subjects.

(42) If an executive session only will be held, the notice shall be given to the members of the commission, the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(53) No special meeting shall be held without at least 24 hours' notice to the members of the commission, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. The call and notice of the meeting shall specify the time and place of the meeting and the business to be transacted. Final disposition shall not be taken on any other matter at a special meeting of the Commission. RCW 42.30.080

(6) The commission shall not adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void. RCW 43.30.060(1)

(74) The commission may adjourn or continue a meeting to a time and place specified in an order of adjournment or continuance. Written notice of the adjournment or continuance shall be provided in accordance with subsection (3) above. A copy of the order of adjournment or continuance shall be conspicuously posted immediately after adjournment or continuance on the door where the meeting was held.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-006. Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits

(1) The commission can hold executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:

(A) The ~~filling~~ filling of a vacancy in an elective office;

(B) The filling of a vacancy on any public committee, commission or other advisory group;

(C) The consideration of general employment policies;

(D) The employment of the chief executive officer, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and ~~their~~ there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing;

(c) To conduct deliberations with persons designated by the commission to carry on labor negotiations;

(d) To conduct deliberations with persons designated by the commission to negotiate real property transactions;

(e) To consider records that are exempt by law from public inspection;

(f) To consider preliminary negotiations involving matters of trade or commerce in which the commission is in competition with governing bodies in other states or nations;

(g) To consult with counsel concerning the legal rights and duties of the commission with regard to current litigation or litigation likely to be filed;

(h) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the commission, the employment-related performance of the chief executive officer of the commission, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the commission in meetings open to comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of any agency goal, objective or operation of any directive to personnel concerning agency goals, objectives, operations or programs;

(i) To carry on negotiations with private persons or business regarding proposed acquisition, exchange or liquidation of public investments.

(2) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice.

(3) Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph (c) of subsection (1) of this section relating to labor negotiations but no information that is the subject of the executive session shall be disclosed. The Commission shall bar any member of the news media from attending the executive session if the member of the news media is a party to the li-

gation or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.670(4)

(4) No executive session may be held for the purpose of taking any final action or making any final decision.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-007. Meetings by Means of Telephonic or Electronic Communication.

(1) Any meetings, including an executive session, of the commission which is held through the use of telephone or other electronic communication shall be conducted in accordance with 350-11-001 to 350-11-~~010006~~.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the commission shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the commission is present.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-008. Enforcement of 350-011-0001 to 350-001-0007; effect of violation on validity of decision of the commission, liability of members

(1) Any person affected by a decision of the commission may commence a suit in the circuit court or superior court of the county in which the commission ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of 350-11-001 to 350-11-007, by members of the commission, or to determine the applicability of 350-11-001 to 350-11-007 to matters or decisions of the commission. The court may order such equitable relief as it deems appropriate in the circumstances. A decision made in violation of 350-11-001 to 350-11-007 is voidable. ORS 192.680(1) ~~A decision shall not be voided if other equitable relief is available. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney's fees at trial and on appeal, by the commission.~~

(2) If the court makes a finding that a violation of 350-11-001 to 350-11-007 has occurred under subsection (1) of this section and that the violation is the result of wilful misconduct by any member or members of the commission, that member or members shall be jointly and severally liable to the commission for the amount paid by the commission under subsection (1) of this section.

(3) Each member of the commission who attends a meeting of the commission where action is taken in violation of any provision of this division, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a

judge of the circuit court or superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. RCW 42.30.120(1)

(4) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. If the commission prevails in an action in the courts for a violation of this chapter, it may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause. RCW 42.30.120(2)

(5) The provisions of this section shall be the exclusive remedy for an alleged violation of 350-11-001 to 350-11-007.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-21-076
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 710—Filed October 17, 2002, 2:59 p.m.]

Date of Adoption: October 1, 2002.

Purpose: The proposed rules clarify the department's proprietary management responsibilities and objectives regarding residential uses (floating houses and vessels used as residences) on state-owned aquatic lands.

Citation of Existing Rules Affected by this Order: Amending WAC 332-30-106, 332-30-109, 332-30-115, 332-30-139, 332-30-144, and 332-30-148.

Statutory Authority for Adoption: RCW 79.90.455, 79.90.460.

Adopted under notice filed as WSR 02-14-157 on July 3, 2002, and continuance filed as WSR 02-14-058 [02-17-058] on August 15, 2002.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 332-30-171 (2)(b)(i): Added the words "are expressly addressed and required" to provide clarification of requirement.

2. WAC 332-30-171 (2)(b)(ii): Added the word "adversely" to clarify the intent is adverse impacts, not positive impacts.

3. WAC 332-30-171 (2)(c): Added the words "recognized by DNR as the percentage limit if the changes are" to provide clarification.

4. WAC 332-30-171(d): Added a heading for the information contained under "d" - however, the information contained within "d" is not new.

5. WAC 332-30-171 (3)(a): Added, for clarification, the words "this subsection shall apply to all lessees occupying state-owned aquatic lands under written leases with the department as of the effective date of this rule."

6. WAC 332-30-171 (3)(a): Added "This reported existing percentage shall be referred to as the 'reported existing percentage' for the moorage facility lessee" to clarify that this percentage reference is distinct from other language on percentages.

7. WAC 332-30-171 (3)(a)(i): Added, for clarification, "subject to attrition described in subsection (2)(b) or (c) of this section."

8. WAC 332-30-171 (4)(b): Added, for clarification, "the purpose of this subsection is to describe the process of attrition used to reach compliance with the percentage limit or locally established percentage limit."

9. WAC 332-30-171 (4)(d): Added "all gray water shall be disposed of in accordance with federal, state and local laws" to ensure consistency with the three previous subsections (a), (b), and (c), which also have the same statement.

10. WAC 332-30-171 (5)(ii): Deleted the entire sentence "Within one hundred eighty days of the effective date of this rule, each moorage facility lessee shall document the existing percentage of residential use slips within their facility and report this information to the department." This language appears elsewhere and is redundant here, thus it was deleted.

11. WAC 332-30-171(8): Inserted "for the purposes of this section, open water moorage and anchorage areas are defined in WAC 332-30-106(45)," for clarification.

12. WAC 332-30-106 (62)(b)(i): Replaced the word "occupies" with the words "resides on," for clarification.

In addition, other miscellaneous changes were made, such as adding the word "percentage" before "limit," to provide clarification, or replacing the word "section" with the word "subsection."

No changes were made to change the substance or intent of the 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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 17, 2002

Doug Sutherland

Commissioner of

Public Lands

PERMANENT

AMENDATORY SECTION (Amending Order 580, filed 11/5/91, effective 12/6/91)

WAC 332-30-106 Definitions. All definitions in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Anniversary date" means the month and day of the start date of an authorization instrument unless otherwise specified in the instrument.

(4) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(5) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters (RCW 79.90.010). Aquatic lands are part of the public lands of the state of Washington (see subsection (49) of this section). Included in aquatic lands are public places subsection (51) of this section, waterways subsection (74) of this section, bar islands, avulsively abandoned beds and channels of navigable bodies of water, managed by the department of natural resources directly, or indirectly through management agreements with other governmental entities.

(6) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(7) "Authorization instrument" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

(8) "Avulsion" means a sudden and perceptible change in the shoreline of a body of water. Generally no change in boundary lines occurs.

(9) "Beds of navigable waters" means those submerged lands lying waterward of the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, "bedlands" means beds of navigable waters.

(10) "Commerce" means the exchange or buying and selling of goods and services. As it applies to aquatic land, commerce usually involves transport and a land/water interface.

(11) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(12) "Department" means the department of natural resources.

(13) "Dredging" means enlarging or cleaning out a river channel, harbor, etc.

(14) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(15) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(16) "Environmental reserves" means areas of environmental importance, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest requiring special protective management.

(17) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(18) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(19) "Fair market value" means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied (Donaldson v. Greenwood, 40 Wn.2d 238, 1952). Such uses must be consistent with applicable federal, state and local laws and regulations affecting the property as of the date of valuation.

(20) "First class shorelands" means the shores of a navigable lake or river belonging to the state not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or the inner harbor line where established and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.90.040). These boundary descriptions represent the general rule; however exceptions do exist. To determine if the shorelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(21) "First class tidelands" means the shores of navigable tidal waters belonging to the state lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.030). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide, or the inner harbor line where established, is the waterward boundary. To determine if the tidelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(22) "Fiscal year" means a period of time commencing on the first day of July and ending on the thirtieth day of June of the succeeding year. A fiscal year is identified by the year in which it ends, e.g., fiscal year 1985 is the period July 1, 1984 through June 30, 1985.

(23) "Floating house" means any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.

(24) "Governmental entity" means the federal government, the state, county, city, port district, or other municipal corporation or political subdivision thereof.

~~((24))~~ (25) "Harbor area" means the area of navigable waters determined as provided in section 1 of Article XV of the state Constitution which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce (RCW 79.90.020). Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission.

~~((25))~~ (26) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

~~((26))~~ (27) "Harbor line" means either or both: (a) A line (outer harbor line) located and established in navigable waters as provided for in section 1 of Article XV of the state Constitution beyond which the state shall never sell or lease any rights whatever to private persons (RCW 79.90.015). (b) A line (inner harbor line) located and established in navigable waters between the line of ordinary high tide and the outer harbor line, constituting the inner boundary of the harbor area (RCW 79.90.025).

~~((27)) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home-))~~

(28) "Inflation rate" means, for a given year, the percentage rate of change in the previous calendar year's all commodity producer price index of the Bureau of Labor Statistics of the United States department of commerce (RCW 79.90.-465). The rate published by the bureau during May of each year for the previous calendar year shall be the rate for the previous calendar year.

(29) "Interest rate" shall be twelve percent per annum (RCW 79.90.520).

(30) "Interim uses" means certain uses which may, under special circumstances, be allowed to locate in harbor areas (see WAC 332-30-115(5)).

(31) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the *Washington Marine Atlas*.

(32) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an

island within the rule that the state takes title to newly formed islands in navigable waters.

(33) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(34) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility (RCW 79.90.465).

(35) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.90.465).

(36) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(37) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(38) "Moorage facility" means a marina, open water moorage and anchorage area, pier, dock, mooring buoy, or any other similar fixed moorage site.

(39) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

~~((39))~~ (40) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

~~((40))~~ (41) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

~~((41))~~ (42) "Navigation" means the movement of vessels to and from piers and wharves.

~~((42))~~ (43) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility (RCW 79.90.465).

~~((43))~~ (44) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

~~((44))~~ (45) "Open water moorage and anchorage areas" are areas of state-owned aquatic lands leased for moorage and anchorage that do not abut uplands and do not include a built connection to the uplands. They are generally in the center of a waterbody, to provide moorage in addition to any marinas and docks along the edge of the waterbody. They may contain mooring buoys, floating moorage docks, other moorage facilities not connected to the shoreline, and/or anchorage

areas, as determined by the lessee and approved by the department. These areas are leased in accordance with WAC 332-30-139(5) and subject to the restrictions therein.

~~((46))~~ (46) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the statewide resource base as modified by any relevant economic, social or ecological factor.

~~((45))~~ (47) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

~~((46))~~ (48) "Ordinary high water" means, for the purpose of asserting state ownership, the line of permanent upland vegetation along the shores of nontidal navigable waters. In the absence of vegetation, it is the line of mean high water.

~~((47))~~ (49) "Port district" means a port district created under Title 53 RCW (RCW 79.90.465).

~~((48))~~ (50) "Public benefit" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; energy and mineral production; utilization of renewable resources; promotion of navigation and commerce by fostering water-dependent uses; and encouraging direct public use and access; and generating revenue in a manner consistent with RCW 79.90.455.

~~((49))~~ (51) "Public lands" means lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as herein defined, and the beds of navigable waters belonging to the state (RCW 79.01.004).

~~((50))~~ (52) "Public interest" means... (reserved)

~~((51))~~ (53) "Public place" means a part of aquatic lands set aside for public access through platted tidelands, shorelands, and/or harbor areas to the beds of navigable waters.

~~((52))~~ (54) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

~~((53))~~ (55) "Public trust" means that certain state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

~~((54))~~ (56) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

~~((55))~~ (57) "Public use beach" means a state-owned beach available for free public use but which may be leased for other compatible uses.

~~((56))~~ (58) "Public utility line" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines (RCW 79.90.465).

~~((57))~~ (59) "Real rate of return" means the average for the most recent ten calendar years of the average rate of

return on conventional real property mortgages as reported by the Federal Home Loan Bank Board or any successor agency, minus the average inflation rate for the most recent ten calendar years (RCW 79.90.465).

~~((58))~~ (60) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

~~((59))~~ (61) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

~~((60))~~ (62) "Residential use" means any noncommercial habitation of:

(a) A floating house, as defined in WAC 332-30-106(23); or

(b) A vessel, as defined in WAC 332-30-106(74), when any one of the following applies:

(i) Any person or succession of different persons resides on the vessel in a specific location, and/or in the same area on more than a total of thirty days in any forty-day period or on more than a total of ninety days in any three hundred sixty-five-day period. "In the same area" means within a radius of one mile of any location where the same vessel previously moored or anchored on state-owned aquatic lands. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered used as a recreational or transient vessel;

(ii) The city or county jurisdiction, through local ordinance or policy, defines the use as a residential use or identifies the occupant of the vessel as a resident of the vessel or of the facility where it is moored;

(iii) The operator of the facility where the vessel is moored, through the moorage agreement, billing statement, or facility rules, defines the use as a residential use or identifies the occupant of the vessel as a resident of the vessel or of the facility; or

(iv) The occupant or occupants identify the vessel or the facility where it is moored as their residence for voting, mail, tax, or similar purposes.

(63) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

~~((64))~~ (64) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

~~((62))~~ (65) "Second class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city (RCW 79.90.045). These boundary definitions represent the general rule; however, exceptions do exist. To determine if shorelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

~~((63))~~ (66) "Second class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.035). In general, the line of

ordinary high tide is the landward boundary. The line of extreme low tide is the waterward boundary. To determine if the tidelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

((64)) (67) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

((65)) (68) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under department agreement by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources (RCW 79.90.465).

((66)) (69) "Statewide value." The term statewide value applies to aquatic land uses and natural resources whose use, management, or intrinsic nature have statewide implications. Such uses and resources may be either localized or distributed statewide. Aquatic land uses of statewide value provide major statewide public benefits. Public use and access, renewable resource use and water-dependent use have been cited by the legislature as examples of such uses. Aquatic land natural resources of statewide value are those critical or uniquely suited to aquatic land uses of statewide value or to environmental quality. For example, wild and scenic rivers, high quality public use beaches and aquatic lands fronting state parks are of statewide value for public use and access. Commercial clam and geoduck beds and sites uniquely suited to aquaculture are of statewide value to renewable resource use. Harbor areas are of statewide value to water-dependent navigation and commerce. Certain aquatic land habitats and plant and animal populations are of statewide value to recreational and commercial fisheries, wildlife protection, and scientific study.

((67)) (70) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

((68)) (71) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers (RCW 79.90.465).

((69)) (72) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

((70)) (73) "Town" means a municipal corporation of the fourth class having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization (RCW 35.01.040).

((71)) (74) "Vessel" means a floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

(75) "Water-dependent use" means use which cannot logically exist in any location but on the water. Examples

include, but are not limited to, waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks (RCW 79.90.465(1)).

((72)) (76) "Waterfront" means a parcel of property with upland characteristics which includes within its boundary, a physical interface with the existing shoreline of a body of water.

((73)) (77) "Water oriented use" means use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and houseboats (RCW 79.90.465).

((74)) (78) "Waterway" means an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water.

((75)) (79) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

AMENDATORY SECTION (Amending Order 404, Resolution No. 433, filed 10/6/83)

WAC 332-30-109 Harbor area. (1) Harbor areas shall be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(2) Water dependent commerce shall be given preference over other uses of harbor areas.

(3) Every consideration shall be given to meeting the expanding need for navigation and water dependent commerce in existing harbor areas.

(4) Several industries using the same harbor area facility shall be given preference over single industry use.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses, in areas requiring extensive maintenance dredging.

(6) Harbor lines may be adjusted, when authorized by the legislature, to provide reasonable opportunity to meet the present and future needs of commerce and navigation.

(7) In harbor areas where no current constitutional use (navigation and commerce) is called for or practical and other uses are in demand, interim uses may be authorized by the board of natural resources if in the public interest.

(8) The department will, where in the public interest, promote the conversion of existing nonconforming uses to conforming uses by assisting if possible, such users in resiting their operations and by withdrawing renewal options on affected state harbor area leases.

(9) The department will promote full development of all existing suitable harbor areas for use by water dependent commerce.

(10) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from harbor areas by the owner of the structures upon demand by the depart-

ment or by the department in which case the owner will be assessed the costs of such removal.

(11) ~~((Houseboats))~~ Floating houses are not permitted in harbor areas.

(12) Resource management cost account portion of the revenue from leasing of harbor areas shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(13) Harbor areas will be managed to produce revenue for the public unless withdrawn as a public place.

(14) Harbor area lease renewal applications must be returned to the department within sixty days of expiration of prior lease term. If not timely returned, the harbor area involved will be put up for public auction.

(15) The department will encourage local government, state and federal agencies to cooperate in planning for the following statewide harbor management needs:

(a) Reserve adequate and appropriate space within the jurisdiction to serve foreseeable navigation and commerce development needs.

(b) Coordinate plans for aquatic land and upland development so that areas reserved for navigation and commerce will be usable in the future.

(c) Identify areas where interim uses may be allowed.

(d) Identify needed changes in harbor lines.

(e) Minimize the environmental impacts of navigation and commerce development.

(f) Prevent existing and future interim uses in harbor areas from lowering the suitability of harbor areas for navigation and commerce development.

AMENDATORY SECTION (Amending Resolution No. 500, filed 11/5/85)

WAC 332-30-115 Harbor area use classes. These classes are based on the degree to which the use conforms to the intent of the constitution that designated harbor areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) **Water-dependent commerce.** Water-dependent commerce are all uses that cannot logically exist in any other location but on the water and are aids to navigation and commerce. These are preferred harbor area uses. Leases may be granted up to the maximum period allowed by the Constitution and may be renewed. Typical uses are:

(a) Public or private vessel terminal and transfer facilities which handle general commerce including the cargo handling facilities necessary for water oriented uses.

(b) Public and private terminal facilities for passenger vessels.

(c) Watercraft construction, repair, maintenance, servicing and dismantling.

(d) Marinas and mooring areas.

(e) Tug and barge companies facilities.

(f) Log booming.

(2) **Water-oriented commerce.** Water oriented commerce are commercial uses which historically have been dependent on waterfront locations, but with existing technology could be located away from the waterfront. Existing

water-oriented uses may be asked to yield to water dependent commercial uses when the lease expires. New water-oriented commercial uses will be considered as interim uses. Typical uses are:

(a) Wood products manufacturing.

(b) Watercraft sales.

(c) Fish processing.

(d) Sand and gravel companies.

(e) Petroleum handling and processing plants.

(f) Log storage.

(3) **Public access.** Facilities for public access are lower priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted providing that the harbor area involved is not needed, or is not suitable for water-dependent commerce. Leases may be issued for periods up to thirty years with possible renewals. Typical uses are:

(a) Public fishing piers.

(b) Public waterfront parks.

(c) Public use beaches.

(d) Aquariums available to the public.

(e) Underwater parks and reefs.

(f) Public viewing areas and walkways.

(4) **Residential use.** ~~((Residential uses include apartments, condominiums, houseboats, single and multifamily housing, motels, boatels and hotels.))~~ Residential uses do not require harbor area locations and are frequently incompatible with water-dependent commerce. New residential uses will not be permitted to locate in harbor areas, except that vessels used as a residence will be permitted wherever other vessels are permitted if the residential uses are otherwise allowed by WAC 332-30-171 and meet all applicable laws and lease requirements. This restriction on new leases differentiates residential uses from interim uses. Existing residential uses may be asked to yield to other uses when the lease expires. Proposed renewals of residential leases will require the same analysis as specified for interim uses.

(5) **Interim uses.** Interim uses are all uses other than water-dependent commerce, existing water-oriented commerce, public access facilities, and residential uses. Interim uses do not require waterfront locations in order to properly function. Leases may only be issued and reissued for interim uses in exceptional circumstances and when compatible with water dependent commerce existing in or planned for the area. See WAC 332-30-137 Nonwater-dependent uses for evaluation standards.

(6) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-139 Marinas and moorages. (1) Moorage facilities developed on aquatic lands should meet the following design criteria:

(a) Moorage shall be designed so as to be compatible with the local environment and to minimize adverse esthetic impacts.

(b) Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

(c) Covered moorage may be considered in highly developed areas and locations having a commercial environment.

(d) Enclosed moorage should be confined to areas of an industrial character where there is a minimum of esthetic concern.

(e) In general, covered moorage is preferred to enclosed moorage and open moorage is preferred to covered moorage.

(f) View encumbrance due to enclosed moorage shall be avoided in those areas where views are an important element in the local environment.

(g) In order to minimize the impact of moorage demand on natural shorelines, large marina developments in urban areas should be fostered in preference to numerous small marinas widely distributed.

(h) The use of floating breakwaters shall be considered as protective structures before using solid fills.

(i) Dry moorage facilities (stacked dry boat storage) shall be considered as an alternative to wet storage in those locations where such storage will:

(i) Significantly reduce environmental or land use impacts within the water area of the immediate shoreline.

(ii) Reduce the need for expansion of existing wet storage when such expansion would significantly impact the environment or adjacent land use.

(2) Anchorages suitable for ~~((both residential and transient))~~ use by transient, recreational boaters will be identified and established by the department in appropriate locations so as to provide additional moorage space.

(3) Upland sewage disposal approved by local government and appropriate state agencies is required for all vessels used as a residence ~~((at a marina or other location))~~.

(4) The department shall work with federal, state, local government agencies and other groups to determine acceptable locations for marina development, properly distributed to meet projected public need for the period 1980 to 2010.

(5) The department may lease open water moorage and anchorage areas only to local governments that have authorized the establishment of open water moorage and anchorage areas in their local Shoreline Master Programs within five years of the effective date of this rule. With the department's approval, the local government lessee may install mooring buoys or other floating moorage devices, designate anchorage locations, sublease moorage and anchorage in the area, collect rent and fees for such moorage and anchorage, and otherwise manage the area as a moorage facility. All open water moorage and anchorage areas must meet the following requirements:

(a) Open water moorage and anchorage areas must meet all relevant requirements normally applicable to a marina lease, which may include the placement, design, limitation on the number of vessels or floating houses, and operation of the area and any improvements within the area, payment of rent to the department, consideration of navigational and environ-

mental impacts, and all other applicable permits and other requirements of law.

(b) Open water moorage and anchorage areas may not be in a harbor area nor in any location or configuration that would interfere with water-borne commerce and navigation.

(c) The leasing of state-owned aquatic lands for open water moorage and anchorage areas is subject to all preferences accorded upland, tideland, or shoreland owners in RCW 79.94.070, 79.94.260, 79.94.280, 79.95.010, and WAC 332-30-122.

(d) Any vessel used for residential use or floating house in an open water moorage and anchorage area must comply with WAC 332-30-171.

(e) Except for nongrandfathered floating house moorage as defined in WAC 332-30-171 (7)(a)(ii), nonwater-dependent uses and commercial uses are prohibited in open water moorage and anchorage areas. Uses prohibited by this subsection (e) are allowed when necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

The department will not lease an open water moorage and anchorage area to an entity other than a local government agency. This restriction shall not affect use authorizations to public or private entities for mooring buoys, aquaculture net pens, or other floating structures otherwise allowed by law.

AMENDATORY SECTION (Amending Resolution No. 500, filed 11/5/85)

WAC 332-30-144 Private recreational docks. (1)

Applicability. This section implements the permission created by RCW 79.90.105, Private recreational docks, which allows abutting residential owners, under certain circumstances, to install private recreational docks without charge. The limitations set forth in this section apply only to use of state-owned aquatic lands for private recreational docks under RCW 79.90.105. No restriction or regulation of other types of uses on aquatic lands is provided. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(2) **Eligibility.** The permission shall apply only to the following:

(a) An "abutting residential owner," being the owner of record of property physically bordering on public aquatic land and either used for single family housing or for a multi-family residence not exceeding four units per lot.

(b) A "dock," being a securely anchored or fixed, open walkway structure visible to boaters and kept in good repair extending from the upland property, primarily used as an aid to boating by the abutting residential owner(s), and accommodating moorage by not more than four pleasure boats typical to the body of water on which the dock is located. Two or more abutting residential owners may install and maintain a single joint-use dock provided it meets all other design requirements of this section; is the only dock used by those owners; and that the dock fronts one of the owners' property.

(c) A "private recreational purpose," being a nonincome-producing, leisure-time, and discretionary use by the abutting residential owner(s).

(d) State-owned aquatic lands outside harbor areas designated by the harbor line commission.

(3) **Uses not qualifying.** Examples of situations not qualifying for the permission include:

(a) Yacht and boat club facilities;

(b) ((Houseboats;)) Floating houses, as defined in WAC 332-30-106(23), and vessels used as a residence (as defined in WAC 332-30-106(62));

(c) Resorts;

(d) Multi-family dwellings, including condominium ownerships, with more than four units;

(e) Uses other than docks such as launches and railways not part of the dock, bulkheads, landfills, dredging, breakwaters, mooring buoys, swim floats, and swimming areas.

(4) **Limitations.**

(a) The permission does not apply to areas where the state has issued a reversionary use deed such as for shellfish culture, hunting and fishing, or park purposes; published an allocation of a special use and the dock is inconsistent with the allocation; or granted an authorization for use such as a lease, easement, or material purchase.

(b) Each dock owner using the permission is responsible for determining the availability of the public aquatic lands. Records of the department are open for public review. The department will research the availability of the public aquatic lands upon written request. A fee sufficient to cover costs shall be charged for this research.

(c) The permission is limited to docks that conform to adopted shoreline master programs and other local ordinances.

(d) The permission is not a grant of exclusive use of public aquatic lands to the dock owner. It does not prohibit public use of any aquatic lands around or under the dock. Owners of docks located on state-owned tidelands or shorelands must provide a safe, convenient, and clearly available means of pedestrian access over, around, or under the dock at all tide levels. However, dock owners are not required to allow public use of their docks or access across private lands to state-owned aquatic lands.

(e) The permission is not transferable or assignable to anyone other than a subsequent owner of the abutting upland property and is continuously dependent on the nature of ownership and use of the properties involved.

(f) Vessels used as a residence and floating houses are not permitted to be moored at a private recreational dock, except when such moorage is necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

(5) **Revocation.** The permission may be revoked or canceled if:

(a) The dock or abutting residential owner has not met the criteria listed in subsection (2) or (4) of this section; or

(b) The dock significantly interferes with navigation or with navigational access to and from other upland properties. This degree of interference shall be determined from the character of the shoreline and waterbody, the character of other in-water development in the vicinity, and the degree of navigational use by the public and adjacent property owners;

(c) The dock interferes with preferred water-dependent uses established by law; or

(d) The dock is a public health or safety hazard.

(6) **Appeal of revocation.** Upon receiving written notice of revocation or cancellation, the abutting residential owner shall have thirty days from the date of notice to file for an administrative hearing under the contested case proceedings of chapter 34.04 RCW. If the action to revoke the permission is upheld, the owner shall correct the cited conditions and shall be liable to the state for any compensation due to the state from the use of the aquatic lands from the date of notice until permission requirements are met or until such permission is no longer needed. If the abutting residential owner disclaims ownership of the dock, the department may take actions to have it removed.

(7) **Current leases.** Current lessees of docks meeting the criteria in this section will be notified of their option to cancel the lease. They will be provided a reasonable time to respond. Lack of response will result in cancellation of the lease by the department.

(8) **Property rights.** No property rights in, or boundaries of, public aquatic lands are established by this section.

(9) **Lines of navigability.** The department will not initiate establishment of lines of navigability on any shorelands unless requested to do so by the shoreland owners or their representatives.

(10) Nothing in this section is intended to address statutes relating to sales of second class shorelands.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-148 Swim rafts and mooring buoys. (1) Swim rafts or mooring buoys will not be authorized where such structures will interfere with heavily traveled routes for watercraft, commercial fishing areas or on designated public use - wilderness beaches.

(2) Swim rafts or mooring buoys may be authorized on aquatic lands shoreward of the -3 fathom contour or within 200 feet of extreme low water or line of navigability whichever is appropriate. The placement of rafts and buoys beyond the -3 fathom contour or 200 feet will be evaluated on a case by case basis.

(3) No more than one structure may be installed for each ownership beyond extreme low water or line of navigability. However, ownerships exceeding 200 feet as measured along the shoreline may be permitted more installations on a case by case basis.

(4) Swim rafts or buoys must float at least 12" above the water and be a light or bright color.

(5) Mooring buoys may be authorized beyond the limits described above on land designated by the department for anchorages.

(6) Vessels for residences, as defined in WAC 332-30-106(62) and floating houses, as defined in WAC 332-30-106(23) shall not moor at swim rafts, mooring buoys, or other moorage facilities not connected to the shoreline, except within an open water moorage and anchorage area leased to a local government agency as provided in WAC 332-30-

139(5). Such moorage may occur when necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

NEW SECTION

WAC 332-30-171 Residential uses on state-owned aquatic lands. (1) **Application.** This section applies to residential uses, as defined in WAC 332-30-106(62), and floating houses, moorage facilities, and vessels, as defined in WAC 332-30-106 (23), (38) and (74), as they relate to residential uses, on state-owned aquatic lands. All requirements in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). This section does not apply to: Activities or structures on aquatic lands not owned by the state; vessels used solely for recreational or transient purposes; floating houses or vessels used as hotels, motels or boatels; or vessels owned and operated by the United States military.

(2) **Limits on the number of residential uses.** Residential uses on state-owned aquatic lands shall only occur in accordance with all federal, state, and local laws. The following apply only to leases entered into following the effective date of this rule unless otherwise provided in subsection (3) of this section.

(a) The total number of slips which may be allocated for residential uses in any marina, pier, open water moorage and anchorage area, or other moorage facility shall be limited to ten percent of the total number of slips within a marina, unless otherwise established as provided in (b) or (c) of this subsection. For the purposes of determining the exact number of residential slips, the department shall round to nearest whole number.

(b) Upon the effective date of this rule, the ten percent limit can be changed by local government, through amendments to the local shoreline master program and/or issuance of a shoreline substantial development conditional use permit, if all of the following conditions are met:

(i) Methods to handle the upland disposal and best management practices for the increased waste associated with residential use are expressly addressed and required; and

(ii) Specific locations for residential use slips do not adversely impact habitat or interfere with water-dependent uses.

(c) If a local shoreline master program or local ordinance has established a different percentage limit prior to the date this rule takes effect, the limit established in that shoreline master program or local ordinance shall be the recognized percentage limit. After the effective date of this rule, changes to the percentage limit shall only be recognized by DNR as the percentage limit if the changes are made through amendments to the Shoreline Master Program or adoption of a shoreline substantial development conditional use permit.

(d) Application of the percentage limit to moorage facilities that occupy both state-owned aquatic and privately owned aquatic lands.

(i) If the city or county jurisdiction has not established a percentage limit, then the total number of vessels used as a residence and floating houses in any moorage facility shall be

limited to ten percent of the total number of slips or spaces usable for moorage or anchorage in that facility. In this case, when a moorage facility occupies both state-owned and non-state-owned aquatic lands, the percent limit will be calculated using only the total number of slips that are located on state-owned aquatic lands and will be applied only to the portion of the facility located on state-owned aquatic lands.

(ii) If a county or city has established a percent limit, and a moorage facility occupies both state-owned and nonstate-owned aquatic lands, the department may authorize any or all of the floating houses or vessels with residential uses within the entire facility to be located in the portion of the facility on state-owned aquatic lands.

(e) If a moorage facility has so few moorage slips or spaces that the percent limit allows for less than one residential use slip, then one residential use slip may be authorized, if not otherwise prohibited by the city or county jurisdiction.

(3) **Excess residential use slips.**

(a) This subsection shall apply to all lessees occupying state-owned aquatic lands under written leases with the department as of the effective date of this rule. Within one hundred eighty days of the effective date of this rule, each existing moorage facility lessee shall document the existing percentage of residential use slips within their facility and report this information to the department. This reported percentage shall be referred to as the "reported existing percentage" for the moorage facility lessee.

(i) If the reported existing percentage of residential use slips is greater than the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, then the reported existing percentage will establish the allowable residential use percentage at the beginning of a new lease for the same moorage facility, regardless of whether ownership of the facility changes subject to attrition described in subsection (3)(b) of this section. At the time the new lease is entered into, those residential uses in excess of the reported existing percentage will be required to vacate the moorage facility.

(ii) If the reported existing percentage of residential use slips is less than or equal to the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will establish the allowable residential use percentage at the beginning of a new lease for the same moorage facility, regardless of whether ownership of the facility changes. At the time the new lease is entered into, those residential uses in excess of the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will be required to vacate the moorage facility.

(iii) If a moorage facility lessee fails to report the existing percentage of residential slips within their facility within one hundred eighty days of the effective date of this rule, then the percentage limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will establish the allowable residential use percentage at the beginning of a new lease for the same moorage

facility, regardless of whether ownership of the facility changes. At the time the new lease is entered into, those residential uses in excess of the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will be required to vacate the moorage facility.

(b) The purpose of this subsection is to describe the process of attrition used to reach compliance with the percentage limit or locally established percentage limit. For all leases entered into following the effective date of this rule, if there are more residential use slips in a moorage facility than allowed by the percent limit, then no new or additional residential use slips, including replacements for grandfathered floating houses under subsection (7)(a) of this section, shall be authorized in that facility. In such cases, any residential uses that leave the facility for a period of time greater than thirty days may not return to the facility until the total number of residential use slips is below the percent limit. For purposes of counting the thirty days described in this subsection (3)(b), the department shall not include time needed for repairs to the vessels or floating houses, nor any time when a vessel is away from the moorage facility but the owner or operator of the vessel continuously maintains a written moorage agreement for that facility.

(c) Marina owners, operators, and/or managers may decrease the ten percent limit on a site-specific basis.

(4) **Waste disposal.** The following apply to all leases entered into following the effective date of this rule:

(a) **Sewage.** All treated and untreated sewage shall be disposed of upland, in accordance with federal, state, and local laws. This section does not require specific disposal methods so long as the measures established by the lessee and the department ensure upland disposal.

(b) **Oil and toxic substances.** All oil, grease, corrosive liquids, and other toxic substances shall be disposed of upland, in accordance with federal, state, and local laws. This section does not require specific disposal methods so long as the measures established by the lessee and the department ensure upland disposal.

(c) **Solid waste.** All solid waste shall be disposed of upland, in accordance with federal, state, and local laws. This section does not require specific disposal methods so long as the measures established by the lessee and the department ensure upland disposal.

(d) **Gray water.** All gray water shall be disposed of in accordance with federal, state, and local laws. Moorage facilities shall develop and implement best management practices to avoid, to the maximum extent possible, all discharges into waters above state-owned aquatic land, of wastewater from showers, baths, sinks, laundry, decks, and other miscellaneous sources, otherwise known as "gray water." For those unavoidable discharges, the best management practices shall minimize discharges, to the maximum extent possible, of gray water from showers, baths, sinks, laundry, decks, and other miscellaneous sources.

(5) **Responsibilities of lessees with residential uses.** The following apply to leases entered into following the effective date of this rule:

(a) Each department lessee must establish and implement measures satisfactory to the department for ensuring upland waste disposal, and the avoidance or minimization of any discharge of waste, as described in (c) of this subsection, onto or in the waters above state-owned aquatic lands from vessels used for residential use and floating houses. This shall include a contingency plan in case of failure or unavailability of the waste disposal methods identified by the lessee and approved by the department.

(b) Each department lessee must annually, or as otherwise provided in the lease, provide the department with evidence that all vessels used for residential use and floating houses in their facility comply with this rule and the terms of the department lease.

(c) Each department lessee shall fully describe the waste disposal measures. These measures may include, but are not limited to:

(i) Connection to an upland sewage system;

(ii) Periodic sewage pump-out service, either at a pump-out station or with transportable pump-out equipment, including prepayment for such services and proof of participation by residential occupants;

(iii) Installation of appropriate waste receptacles;

(iv) Back-up and clean-up facilities and procedures as needed in case of failure or temporary unavailability of waste disposal systems;

(v) Educational efforts, such as posting of notices, distribution of information, and training for residents on waste disposal methods and requirements;

(vi) Monitoring of activities within the facility to prevent or identify and remedy improper waste disposal;

(vii) Contractual requirements in moorage subleases requiring proper waste disposal by residents; and/or

(viii) Other best management practices and/or best available technologies that are established by any local, state, or federal agency, including the department, or by any appropriate nongovernmental organization, that are satisfactory to the department to ensure upland disposal of waste and avoid or minimize any discharge of waste onto or in the waters above state-owned aquatic lands.

(d) Consistent with all federal, state, and local laws and regulations, all leases issued by the department after the effective date of this rule for moorage facilities with residential uses within them shall require and specify:

(i) Methods to handle the upland disposal and best management practices for the increased waste associated with residential use;

(ii) Specific locations for residential use slips that do not adversely impact habitat or interfere with water-dependent uses.

(6) **Vessels.** Moorage of a vessel, as defined in WAC 332-30-106(74), is a water-dependent use.

(7) **Floating houses.** Moorage of a floating house, as defined in WAC 332-30-106(23), is a water-oriented use.

(a) **Classifying floating house moorage under RCW 79.90.465(2).** In classifying floating house moorage under RCW 79.90.465(2), the department will apply the following rules:

(i) If a floating house moorage site had a floating house moored there under a department lease on October 1, 1984, or if a floating house was moored there for at least three years before October 1, 1984, then the department will classify that site as a water-dependent use for the purposes of determining rent. Such sites may be referred to as "grandfathered" sites.

(ii) If a floating house moorage site did not have a floating house moored there under a department lease on October 1, 1984, nor for at least three years before October 1, 1984, then the department shall classify that site as a nonwater-dependent use. Such sites may be referred to as "nongrandfathered" sites.

(iii) The classification of a grandfathered or nongrandfathered floating house moorage site applies to the specific aquatic land being utilized for moorage of the floating house, not to the floating house itself.

(iv) The department shall classify each individual floating house moorage slip within a moorage facility as a separate site. This may result in a marina containing both grandfathered and nongrandfathered floating house moorage sites.

(v) If a floating house vacates a grandfathered moorage site and either returns within thirty days or is replaced with another floating house within thirty days, then the moorage site will remain grandfathered.

(vi) If a floating house vacates a grandfathered moorage site and does not return within thirty days, future moorage of that floating house in the same or a different site shall be nongrandfathered, unless the floating house qualifies as a replacement floating house under (a)(v) of this subsection.

(vii) After October 1, 1984, if a grandfathered site ceased or ceases being used for floating house moorage for more than thirty consecutive days, then the site shall no longer be grandfathered.

(viii) When counting the thirty days described in (a)(v) through (vii) of this subsection, the department will exclude any reasonable time needed for repair of the floating house.

(ix) If a lessee redesignates a grandfathered floating house moorage slip within the lease area, consistent with the lease requirements, and notifies the department in advance of where the slip is to be relocated, then the slip will remain grandfathered. However, if a nongrandfathered site has a floating house relocated to it after the effective date of this rule, the site shall not be designated as grandfathered as provided in this subsection, (7)(a)(ix).

(x) If a floating house was moored at a grandfathered site on October 1, 1984, but was relocated to a site authorized by the department so that on the effective date of this rule the floating house is moored at a nongrandfathered site, then the department may classify this new location as a grandfathered site if the floating house meets all of the following criteria:

(A) The floating house was on state-owned aquatic land leased on October 1, 1984, or was on state-owned aquatic lands for three years prior to October 1, 1984;

(B) The floating house was continuously on state-owned aquatic lands from October 1, 1984, until the effective date of this rule, except for any reasonable time needed for repair of the house; and

(C) The department receives, within one year after the effective date of this rule, a request to have the current moorage site classified as a grandfathered site.

(b) **Managing grandfathered floating house moorage.** Floating houses moored in grandfathered sites that meet all applicable laws and rules, and are consistent with all lease requirements, may remain. The department shall charge the water-dependent rental rate for such moorage.

(c) **Managing nongrandfathered floating house moorage.**

(i) The department may authorize floating house moorage at a nongrandfathered site only if the department determines that the following conditions are met:

(A) All conditions as set forth in this section;

(B) The specific sites and circumstances for floating house moorage have been identified in an adopted local shoreline management plan that provides for the present and future needs of all uses, considers cumulative impacts to habitat and resources of statewide value, identifies specific areas or situations in which floating house moorage will be allowed, and justifies the exceptional nature of those areas or situations; and

(C) The floating house moorage is compatible with water-dependent uses existing in or planned for the area.

(ii) If a floating house is moored at a nongrandfathered site that does not meet the conditions in (c)(i) of this subsection, but the site is authorized by a department lease and the floating house and moorage meet all conditions as set forth in this section and is consistent with all lease requirements, then the floating house may remain until the termination of the lease or one year after the effective date of this rule, whichever is later. Thereafter, unless at that time the floating house meets the conditions in (c)(i) of this subsection, the floating house must vacate the nongrandfathered site.

(iii) If a floating house is moored at a nongrandfathered site that does not meet the conditions in (c)(i) of this subsection and is not authorized by a department lease, then the floating house must vacate the site within one year from the effective date of this rule, unless at that time it meets the conditions in (c)(i) of this subsection and the department chooses to grant a lease.

(iv) For nongrandfathered floating house moorage sites, the department shall charge the nonwater-dependent rental rate. If a leased area contains both nongrandfathered floating house moorage along with grandfathered floating house moorage or other water-dependent uses, then the nonwater-dependent rental rate shall be applied to a proportionate share of any common areas used in conjunction with the nongrandfathered floating house moorage, including, but not limited to, docks, breakwaters, and open water areas for ingress and egress to the facility.

(8) **Open water moorage.** For the purposes of this section, open water moorage and anchorage areas are defined in WAC 332-30-106(45).

(a) Vessels used for residential use and floating houses shall be moored, anchored, or otherwise secured only at a marina, pier, or similar fixed moorage facility that is connected to the shoreline, or in open water moorage and anchorage areas described under WAC 332-30-139(5) and subject to the restrictions therein. Vessels used for residential use and floating houses shall not be moored, anchored or otherwise secured in open waters above state-owned aquatic lands

away from a fixed moorage facility that is connected to the shoreline, nor be moored, anchored, or otherwise secured to any natural feature in the water or on the shoreline, except within an open water moorage and anchorage area. A vessel used for residential use or floating house may moor in areas prohibited by this subsection (8)(a) when necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

(b) Any vessel used for residential use or floating house that is moored on state-owned aquatic lands on the effective date of this rule, and complies with all other applicable laws and all lease requirements, but does not comply with (a) of this subsection, may remain until one year after the effective date of this rule or until the termination date of the existing department lease, whichever is later. Thereafter, unless at that time it meets the conditions in (a) of this subsection, the vessel used for residential use or floating house must vacate the site. The department shall not authorize or reauthorize any moorage for vessels used for residential use or floating houses that do not comply with (a) of this subsection.

WSR 02-21-080

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed October 17, 2002, 4:03 p.m.]

Date of Adoption: October 17, 2002.

Purpose: WAC 458-20-151 (Rule 151) provides tax-reporting information for dentists and other health care providers, as well as for dental laboratories and dental technicians. This rule has been revised to reflect a change in the tax-reporting responsibilities of dental laboratories and dental technicians as a result of EHB 1042 (chapter 168, Laws of 1998). That legislation amended the term "to manufacture" in RCW 82.04.120 to include the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician. Thus, dental laboratories and dental technicians are now treated as manufacturers for purposes of business and occupation (B&O) tax. Gross income earned by dental laboratories and dental technicians had previously been subject to service and other activities B&O tax. This rule also incorporates information about the sales and use tax exemption provided by EHB 1042 for dental appliances, devices, restorations, and substitutes, and the components thereof, including but not limited to full and partial dentures, crowns, inlays, fillings, braces and retainers. Lastly, the scope of this rule has been expanded to include general tax-reporting information for health care providers licensed under Title 18 RCW. As a result, Rule 151 will provide guidance to many more taxpayers.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-151 Dentists((, dental laboratories and physicians)) and other health care providers, dental laboratories, and dental technicians.

Statutory Authority for Adoption: RCW 82.01.060(2) and 82.32.300.

Adopted under notice filed as WSR 02-16-015 on July 26, 2002.

Changes Other than Editing from Proposed to Adopted Version:

- The phrase "(d)entists who manufacture molds or other articles of tangible personal property" in subsection (3)(b) has been revised to read as follows: "(d)entists who manufacture impressions, dental casts, models, or other articles of tangible personal property";
- The term "mold" used in subsection (3)(d) has been replaced with the terms "dental cast" and "model"; and
- A reference to WAC 458-20-112 (value of products) has been added to subsection (3)(d).

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.

October 17, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 91-15-023, filed 7/11/91, effective 8/11/91)

WAC 458-20-151 Dentists((, dental laboratories and physicians)) and other health care providers, dental laboratories, and dental technicians. ~~((1) Business and occupation tax. Dentists, dental laboratories, and physicians are subject to the business and occupation tax as follows:~~

~~(a) Service and other business activities. These persons are taxable under the service and other business activities classification on the gross income from charges for performing professional services.~~

~~(i) This includes any separate charge to the patient for drugs, medicines, and other substances used by a dentist, or physician, or administered to a patient as part of the dental or medical services to the patient.~~

~~(ii) Dental laboratories provide professional services. The product which results from those services is merely evidence of those services. Dental laboratories are taxable under the service and other business activities classification on income from providing their services.~~

~~(b) Retailing. A physician or a medical clinic may occasionally make sales of drugs as a convenience to a customer with the sale not being part of the medical services to the~~

patient. These sales are taxable under the retailing classification. The retailing classification applies only when the physician or medical staff do not administer the drug or other medicine to the patient. Adequate records must be kept by the business to distinguish drugs which are administered as part of a medical service from those which are sold outright.

(2) Retail sales tax. Dentists, dental laboratories, and physicians primarily perform professional services and are not required to collect the retail sales tax from clients and others paying for such services.

(a) Sales by supply houses to such persons of materials, supplies, and equipment which are used incidentally in performing professional services are retail sales and the retail sales tax must be collected. Such sales include, among others, sales of dental chairs, instruments, x ray machines, office equipment, stationery; and sales of supplies, such as dressings, bandages, nonprescription drugs and similar articles. Certain specific items may be purchased without the payment of retail sales tax as discussed below.

(b) Dentists and dental laboratories are required to pay retail sales tax to their suppliers for purchases of orthotic devices or components of such devices which they use or prescribe to their patients as part of the services provided to the patient. Orthotic devices may be purchased exempt of retail sales tax only when prescribed by physicians, osteopaths, or chiropractors for an individual. For example, dentists specializing in the prevention and correction of irregularities in the position of the teeth are required to pay retail sales tax to their suppliers for braces, collars, wires, screws, bands, splints, night guards, etc. See RCW 82.08.0283.

(c) Orthotic devices which are prescribed by physicians, osteopaths, and chiropractors for an individual are not subject to retail sales tax. Orthotic devices are apparatus designed to activate or supplement a weakened or atrophied limb or function. They include braces, collars, casts, splints, and other similar apparatus, as well as parts thereof. Orthotic devices do not include durable medical equipment such as wheelchairs, crutches, walkers, and canes nor consumable supplies such as elastic stockings, arch pads, belts, supports, bandages, and the like, whether prescribed or not.

(d) The sales tax does not apply to sales of ostomic items, insulin, medically prescribed oxygen, and prosthetic devices. Prosthetic devices are artificial substitutes which replace missing parts of the human body such as a limb, bone, joint, eye, tooth, or other organ or part thereof, and materials which become ingredients or components of prostheses. These materials include plastic, wood, hinges, screws, denture acrylic, porcelain, gold, silver, including any alloys of gold or silver. The following is a list of prosthetic devices or components of prosthetic devices that may be purchased or sold by dentists and/or dental laboratories without retail sales tax applying:

- (i) Alloy and mercury—used together to form an amalgam to fill existing teeth;
- (ii) Casting alloy;
- (iii) Cement—to cement crowns or teeth to bridges or dentures;
- (iv) Cavity liner;
- (v) Composites—filling material used in the place of alloy;

- (vi) Filling material;
- (vii) Temporary crowns;
- (viii) Acrylics—dentures, crown, and bridge replacement of teeth;
- (ix) Reline material—to reline dentures;
- (x) Pins—used for retention;
- (xi) Endo post—used in restoring teeth without any surface on tooth to support restoration;

(e) The retail sales tax does not apply to sales of prescription drugs to dentists, physicians, or other medical practitioners when sold for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. See WAC 458-20-18801.

(3) Use tax. Use tax is due when retail sales tax has not been paid on the purchases of supplies and equipment used by a dentist, dental laboratory, or physician in the providing of professional services. This includes orthotic devices used or prescribed by dentists, or dental laboratories when retail sales tax was not paid to the supplier. Refer to subsection (2) of this section (Retail sales tax) for a further discussion of taxable items.

(a) The use tax does not apply to the purchase or use of ostomic items, insulin, medically prescribed oxygen, prosthetic devices or ingredients/components of prostheses.

(b) The use tax also does not apply to purchases of prescription drugs when purchased for the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans. See WAC 458-20-18801.) (1) **Introduction.** This rule explains the application of business and occupation (B&O), retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians. For purposes of this rule, a "health care provider" is a person who is licensed under the provisions of Title 18 RCW to provide health care services to humans in the ordinary course of business or practice of a profession. The department of revenue (department) has adopted other rules dealing with the taxability of various activities relating to the provision of health care. Readers may want to refer to the following rules for additional information:

(a) WAC 458-20-150 (Optometrists, ophthalmologists, and opticians);

(b) WAC 458-20-168 (Hospitals, medical care facilities, and adult family homes);

(c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and

(d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) **Tax-reporting information for dentists and other health care providers.** This subsection provides specific tax-reporting information for dentists and more generalized tax-reporting information for other health care providers. Dentists who employ dental technicians to produce or fabricate dental appliances, devices, restorations, substitutes, or other dental laboratory products should refer to subsection (3)(b) and (e) of this rule for additional information.

(a) Taxability of dental and other health care services. Dentists and other health care providers are subject to the service and other activities B&O tax on their gross income from performing dental and other health care services. The term "gross income" includes any separate charge for drugs, medicines, and other substances administered or provided to a patient as part of the dental or other health care services delivered to the patient. "Gross income" also includes any separate charges for orthotic devices, prosthetic devices, and dental appliances, devices, restorations, substitutes, or other dental laboratory products that are provided as part of the dental or other health care services delivered to patients.

(b) Sales of tangible personal property apart from dental and other health care services. A dentist or other health care provider may make sales of tangible personal property such as drugs, medicines, and bandages as a convenience to a buyer apart from any health care services provided to the buyer. These are sales of tangible personal property only when the dentist or other health care provider does not supply or administer the drug, medicine, or other item in the course of delivering health care services to the buyer. The gross proceeds of these retail sales of tangible personal property are subject to the retailing B&O tax. In addition, the dentist or other health care provider must collect and remit retail sales tax, unless the sale is specifically exempt by law. See WAC 458-20-18801 for detailed information regarding retail sales tax exemptions available for sales of items commonly associated with health care services. Adequate records must be kept by the dentist or other health care provider to distinguish items of tangible personal property that are supplied or administered to patients as part of health care services from those that are sold apart from health care services delivered to the buyer.

Purchases of tangible personal property for resale without intervening use are not subject to the retail sales tax. A dentist or other health care provider purchasing tangible personal property for resale must furnish a resale certificate in the usual form to the seller to document the wholesale nature of the sale. For additional information regarding resale certificates, refer to WAC 458-20-102.

(c) Equipment and supplies used by dentists and other health care providers. Purchases of equipment and supplies used by dentists and other health care providers in performing dental or other health care services are purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dentist or other health care provider must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. For detailed information regarding the use tax, refer to WAC 458-20-178.

Dental appliances, devices, restorations, and substitutes, or the components of these items, are exempt from retail sales and use taxes. RCW 82.08.0283 and 82.12.0277. Exempt items include, but are not limited to, full and partial dentures, crowns, inlays, fillings, braces, retainers, collars, wire, screws, bands, splints, night guards, gold, silver, alloys,

acrylic materials, filling material, reline material, cement, cavity liner, pins, and endo post.

(d) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Dr. A is a physician who specializes in the treatment of allergies. Dr. A treats many of her patients with injections of allergy extracts (antigens). Dr. A separately itemizes the charges for the antigen, the administration of the injection, and the office call in her patients' billings. Dr. A is subject to service and other activities B&O tax on the entire charge for the antigen, administration of the injection, and office call. Even though Dr. A separately itemizes the charges for antigens, these are not retail sales because Dr. A administers the antigens to her patients.

(ii) Dr. B made mail-order purchases of a computer, books, and magazines for use in her dental practice. Dr. B did not pay retail sales tax to the sellers on these purchases. Therefore, Dr. B is liable for deferred retail sales or use tax on the computer, books, and magazines, and must remit the tax directly to the department.

(3) Tax-reporting information for dental laboratories and dental technicians. This subsection provides tax-reporting information for dental laboratories and dental technicians.

(a) Producing or fabricating dental laboratory products for sale. The production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by dental laboratories and dental technicians is a manufacturing activity. RCW 82.04.120 and chapter 168, Laws of 1998. Thus, dental laboratories and dental technicians are subject to manufacturing B&O tax on the value of the dental laboratory products they manufacture. The value of products manufactured is generally the gross proceeds of sales of such manufactured products. For additional information about the manufacturing B&O tax, refer to WAC 458-20-136.

(i) Sales of dental laboratory products manufactured by dental laboratories and dental technicians. Dental laboratories and dental technicians who make sales within this state of dental laboratory products they have manufactured are subject to either the retailing or wholesaling B&O tax, as the case may be. In such cases, the dental laboratory or dental technician must report under the manufacturing as well as the wholesaling and/or retailing B&O tax classifications. However, a multiple activities tax credit (MATC) may be claimed. For detailed information about the MATC, refer to WAC 458-20-19301. Dental laboratories or dental technicians making wholesale sales must obtain a resale certificate from the buyer to document the wholesale nature of the sale. For additional information regarding resale certificates, refer to WAC 458-20-102.

As noted above in subsection (2)(c) of this rule, sales of dental appliances, devices, restorations, and substitutes, and their components, including, but not limited to, full and partial dentures, crowns, inlays, fillings, braces, and retainers are exempt from retail sales tax. RCW 82.08.0283.

(ii) Taxability of income earned by dental laboratories and dental technicians prior to October 1, 1998.

Gross income earned by dental laboratories and dental technicians prior to October 1, 1998, is subject to service and other activities B&O tax. Prior to October 1, 1998, dental laboratories and dental technicians were considered to be providing professional services rather than engaging in manufacturing activities. The products produced by a dental laboratory or dental technician were considered the tangible representation of those professional services.

(b) In-house manufacturing of dental laboratory products by dentists. As noted above, the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by dental laboratories and dental technicians is a manufacturing activity. However, the production or fabrication of dental laboratory products by dentists in the course of providing dental care services to their patients is not a manufacturing activity under the law and, therefore, manufacturing B&O tax does not apply to this activity. A dentist may personally produce or fabricate dental appliances, devices, restorations, substitutes, or other dental laboratory products, or the dentist may have an employee who is a dental technician produce or fabricate the dental laboratory products. These dental laboratory products are considered a tangible representation of professional services that the dentist provides to his or her patients. Dentists who manufacture impressions, dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental appliances, devices, restorations, substitutes, or other dental laboratory products should refer to subsection (3)(d) of this rule for tax reporting instructions applicable to this activity.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) Example. Jane Doe, an employee of Dentist A, fabricates dental appliances, devices, restorations, and substitutes. Dentist A provides these products to patients in the course of rendering dental care services. Dentist A is subject to service and other activities B&O tax on the gross income she receives for providing dental care services, including any charge for the dental appliances, devices, restorations, and substitutes even if Dentist A separately charges her patients for the dental laboratory products. (See subsection (2)(a) of this rule.)

(ii) Example. The facts are the same as in the previous example except that Dentist A also sells to Dentist B dental appliances, devices, restorations, and substitutes produced by Jane Doe in the course of her employment with Dentist A. For these sales of dental laboratory products to Dentist B, Dentist A is acting as a dental laboratory and, therefore, is liable for both manufacturing B&O tax and retailing B&O tax with respect to the manufacture and sale of dental appliances, devices, restorations, and substitutes to Dentist B. Dentist A may also claim a MATC (see subsection (3)(a) and (i) of this rule.) The sales to Dentist B are exempt from retail sales tax under RCW 82.08.0283.

(c) Equipment and supplies used by dental laboratories and dental technicians. Purchases of equipment and supplies by dental laboratories and dental technicians for use in manufacturing dental appliances, devices, restorations, substitutes, or other dental laboratory products are purchases at retail and subject to retail sales tax unless specifically exempt by law. If the seller does not collect retail sales tax, the dental laboratory or dental technician must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department, unless specifically exempt by law. Supplies that become components of dental appliances, devices, restorations, and substitutes are exempt from retail sales and use taxes. RCW 82.08.0283 and 82.12.0277. For detailed information regarding the use tax, refer to WAC 458-20-178.

For example, a dental lab purchases equipment and supplies including gold, silver, alloys, artificial teeth, cement, and tools. The purchases of gold, silver, alloys, artificial teeth, and cement that become components of dental laboratory products are exempt from retail sales and use taxes. The tools are subject to retail sales or use tax unless they qualify for the manufacturing machinery and equipment sales and use tax exemption. Additional information about this exemption is provided below in subsection (3)(e) of this rule.

(d) Dental casts, models, and other articles of tangible personal property manufactured by dental laboratories and dental technicians for commercial or industrial use. Dental laboratories and dental technicians may manufacture dental casts, models, or other articles of tangible personal property that they use in producing or fabricating dental appliances, devices, restorations, substitutes, or other dental laboratory products. In such cases, the dental laboratory or dental technician is manufacturing a product for commercial or industrial use and is subject to the manufacturing B&O tax on the value of the dental cast, model, or other article of tangible personal property. (See WAC 458-20-112 for information regarding the value of products.) As the consumer of the dental cast, model, or other article of tangible personal property manufactured for commercial or industrial use, the dental laboratory or dental technician is also liable for use tax on the value of the dental cast, model, or other article of tangible personal property, unless the use is specifically exempt by law.

(e) Sales and use tax exemptions for manufacturing machinery and equipment. A retail sales and use tax exemption is provided by RCW 82.08.02565 and 82.12.02565 for sales to or use by manufacturers of certain machinery and equipment used directly in a manufacturing operation. This exemption is limited to machinery and equipment used to manufacture products for sale as tangible personal property. Thus, dental laboratories and dental technicians manufacturing dental appliances, devices, restorations, substitutes, or other dental laboratory products for sale may be eligible for this exemption. The exemption is not available if these products are produced or fabricated by a dentist or an employee of a dentist and are provided to patients in the course of delivering dental care services to the patients (as is the case in the example provided in subsection (3)(b)(i) of

this rule). Refer to WAC 458-20-13601 for detailed information regarding this exemption.

WSR 02-21-082

PERMANENT RULES

YAKIMA REGIONAL CLEAN AIR AUTHORITY

[Filed October 18, 2002, 9:29 a.m., effective December 1, 2002]

Date of Adoption: October 9, 2002.

Purpose: Amendment 1 conforms Regulation 1 to chapter 173-400 WAC by repealing inconsistent sections and definitions. It is also part of a Department of Ecology state and local rule making to submit all new source review rules to the state implementation plan (SIP) for federal enforceability by the U.S. Environmental Protection Agency.

Citation of Existing Rules Affected by this Order: Repealing Sections 2.04, 3.01, 3.11, and 4.02, and Appendices D and K, Regulation 1 of the YRCAA; and amending Appendix A, Regulation 1 of the YRCAA.

Statutory Authority for Adoption: FCAA of 1990, Section 110.

Adopted under notice filed as WSR 02-17-80 [02-17-080] on August 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: Signature page - added "Recommend Approval" signature and "Date." Adoption history table - added adopted October 9, 2002, and effective date December 1, 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 1, Repealed 6; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 6.

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: December 1, 2002.

October 16, 2002

Les Ornelas

Air Pollution Control Officer

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 02-22 issue of the Register.

WSR 02-21-097

PERMANENT RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 21, 2002, 4:44 p.m., effective October 24, 2002]

Date of Adoption: October 21, 2002.

Purpose: The purpose of this rule is to explain how we treat the income of people who have family members that cannot receive assistance because of their alien status.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0106.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 02-16-033 on July 29, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: If we do not implement this rule, needy clients would receive incorrect benefits, thereby exposing the department to potential federal sanctions. The earlier effective date is also necessary to prevent the imminent peril to the welfare of these needy clients.

Effective Date of Rule: October 24, 2002.

October 18, 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 388-450-0106 (~~Allocating the~~) How does the department count my income ((of a financially responsible person included in the)) if someone in my family cannot get assistance ((unit to household members excluded)) because of their alien status((+))? This section applies to TANF/SFA, RCA, and RMA ((and TANF/SFA related medical programs)). We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

~~((When a))~~ If you are included in the assistance unit and you are financially responsible ((person)) for someone, as defined in WAC 388-450-0100((+)), is included in the assistance unit, that person's income is allocated to household

members who are excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), after allowing the following deductions), who does not meet the alien requirements described in WAC 388-424-0005, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

(1) ~~((The))~~ We start by only counting fifty percent of your earned income ~~((incentive for TANF/SFA assistance units or the ninety-dollar work expense deduction for RCA assistance units, if the income is earned)), as defined in WAC 388-450-0030;~~

(2) ~~((An amount equal to))~~ We add all of your unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020):

(a) ~~One that ((would include the))~~ includes both eligible assistance unit members and those ~~((individuals excluded from the assistance unit))~~ who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

~~((3))~~ (4) We subtract the payment standard ~~((amount equal to))~~ for the number of people who are ineligible ~~((persons))~~ for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f);

~~(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for);~~

(5) We subtract any court or administratively ordered (current or back) child support ((paid)) you pay for legal dependents(, and

~~(5) The).~~ This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(6) We subtract any employment-related child care expenses ((for which the household is liable)) you have.

(7) Then, we count whatever is left as unearned income.

WSR 02-21-098

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed October 21, 2002, 4:50 p.m.]

Date of Adoption: October 21, 2002.

Purpose: To (1) amend and move remaining home and community services rules in chapter 388-15 WAC into chapter 388-71 WAC; (2) clarify that the requirement of an in-home assessment applies to all recipients of services through the COPES (community options program entry system), MPC (Medicaid personal care), and chore programs; (3) update WAC and RCW cross references in other HCS rules; and (4) repeal rules in chapters 388-15 and 388-110 WAC that are now obsolete or redundant. The following new rules are being adopted by this order: WAC 388-71-0194 Home

and community services—Nursing services, 388-71-0202 Long-term care services—Definitions, 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance, and 388-71-0205 Long-term care services—Service plan.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-194, 388-15-202, 388-15-203, 388-15-204, 388-15-205, 388-110-210, 388-110-230 and 388-110-250; and amending WAC 388-71-0410, 388-71-0430, 388-71-0435, 388-71-0445, 388-71-0450, 388-71-0500, 388-71-0515, 388-71-0600, 388-76-540, and 388-110-020.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: RCW 74.39A.090.

Adopted under notice filed as WSR 02-16-080 on August 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: None, editorial changes only.

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 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 10, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 10, Repealed 8.

Effective Date of Rule: Thirty-one days after filing.

October 18, 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 02-22 issue of the Register.

WSR 02-21-100

PERMANENT RULES DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed October 22, 2002, 10:52 a.m.]

Date of Adoption: October 1, 2002.

Purpose: To prohibit unfair and deceptive advertising and solicitation practices by mortgage brokers and mortgage lenders to residents of Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 208-660-125.

Statutory Authority for Adoption: RCW 19.146.223.

Other Authority: RCW 19.146.225.

Adopted under notice filed as WSR 02-12-003 on May 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 18, 2002

Mark Thomson

Division Director

AMENDATORY SECTION (Amending WSR 96-04-028, filed 2/1/96, effective 4/1/96)

WAC 208-660-125 Recordkeeping and other requirements for advertising materials. (1) Each mortgage broker shall maintain as a part of its books and records one copy of each item of all advertising material which mentions rates or fees. However, an advertising flyer is exempt from this subsection if:

(a) The flyer is prepared by mortgage brokers for specific use by real estate professionals to provide information to consumers and to offer comparisons of the financing options available to consumers;

(b) The flyer complies with all advertising requirements of the Mortgage Broker Practices Act, including without limit, the requirements of the Truth in Lending Act;

(c) The flyer provides full disclosure of rates, fees, and terms, including the annual percentage rate of any loan used for illustrative purposes; and

(d) The flyer contains the following disclosure:

"This document is not intended as an offer to extend credit nor a commitment to lend. The loan interest rates, fees, and terms presented herein are for illustrative purposes only and may not be currently available. This document has been prepared to assist real estate professionals in illustrating some of the financing options available to consumers."

(2) Each mortgage broker is responsible for the accuracy and reliability of its advertising material and its compliance with the Mortgage Broker Practices Act.

(3) A licensee shall advertise only under the name or names on its license.

(4) When an advertisement includes information about a consumer's current loan that did not come from information obtained by the licensee when soliciting or making a residential loan or assisting a person in obtaining or applying to obtain a residential mortgage loan, the licensee shall provide to the consumer the name of the source from which this information was obtained.

(5) It is an unfair and deceptive act or practice and a violation of RCW 19.146.0201 for a licensee to solicit using advertising that includes:

(a) An envelope or stationary that contains an official-looking emblem, such as an eagle or a crest, or that is otherwise designed to resemble an official government mailing, such as a mailing from the Internal Revenue Service or the U.S. Department of the Treasury;

(b) An envelope or stationary containing warnings or notices citing codes or form numbers made to appear like government codes or form numbers that are not required to be shown on the mailing by the U.S. Postal Service;

(c) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent;

(d) Any suggestion or representation that the solicitation is from an entity other than the licensee;

(e) Any suggestion or representation that the information about a consumer's current loan was provided by any source other than the source disclosed pursuant to subsection (4) of this section.

WSR 02-21-101

PERMANENT RULES

DEPARTMENT OF

FINANCIAL INSTITUTIONS

[Filed October 22, 2002, 10:52 a.m.]

Date of Adoption: October 1, 2002.

Purpose: To prohibit unfair and deceptive advertising and solicitation practices by mortgage brokers and mortgage lenders to residents of Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 208-620-160.

Statutory Authority for Adoption: RCW 31.04.165.

Adopted under notice filed as WSR 02-12-004 on May 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 October 18, 2002
 Mark Thomson
 Division Director

AMENDATORY SECTION (Amending WSR 96-04-013, filed 1/26/96, effective 2/26/96)

WAC 208-620-160 Advertising—Restrictions and requirements. (1) A licensee shall advertise only under the name or names on its license.

(2) When an advertisement includes information about a consumer's current loan that did not come from a solicitation, application, or loan made or purchased by the licensee, the licensee shall provide to the consumer the name of the source from which this information was obtained.

(3) It is an unfair and deceptive act or practice and a violation of RCW 31.04.027 for a licensee to solicit using advertising that includes:

(a) An envelope or stationary that contains an official-looking emblem, such as an eagle or a crest, or that is otherwise designed to resemble an official government mailing, such as a mailing from the Internal Revenue Service or the U.S. Department of the Treasury;

(b) An envelope or stationary containing warnings or notices citing codes or form numbers made to appear like government codes or form numbers that are not required to be shown on the mailing by the U.S. Postal Service;

(c) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent;

(d) Any suggestion or representation that the solicitation is from an entity other than the licensee;

(e) Any suggestion or representation that the information about a consumer's current loan was provided by any source other than the source disclosed pursuant to subsection (2) of this section.

(4) A licensee shall maintain a copy of all advertising for a period of ~~((two years))~~ twenty-five months at a location approved by the director. Such copies shall include newspaper and print advertising, scripts of radio and television advertising, telemarketing scripts, all direct mail advertising, and any advertising distributed directly by delivery, facsimile or computer network.

WSR 02-21-103
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 22, 2002, 12:10 p.m.]

Date of Adoption: October 22, 2002.

Purpose: Electrical evaluation/certification laboratory accreditation, chapter 296-402A WAC and Amusement rides or structures, chapter 296-403 WAC.

The purpose of this rule making is to make substantive changes to the Amusement rides or structures, chapter 296-403 WAC and the Electrical evaluation/certification laboratory accreditation, chapter 296-402A WAC, rules with the assistance of advisory committees.

The last substantive changes that were made to the carnival/amusement ride rules date back to 1986. Also, the testing laboratory rules require provisions to allow the department to address unsafe electrical equipment. These rule changes were done with the assistance of advisory committees from the two industry groups.

The changes to the carnival/amusement ride rules are necessary to:

- Update the rules to reflect current department practice;
- Address deficiencies that exist in the rules relating to safety inspections and incident reporting; and
- Develop/clarify the process for becoming a certified amusement ride inspector.

The testing laboratory rule changes are merely to adopt an electrical policy (01-02) to allow the department the ability to address electrical equipment that has been approved by an accredited testing laboratory, which has been found to be unsafe. Also, we clarified that electrical evaluation reports must be submitted electronically.

AMENDED SECTIONS:

WAC 296-402A-040 When is an electrical product considered safe? Changes were made to this section to adopt electrical program inspection policy 01-02 to develop a process for declaring when electrical equipment is unsafe. These changes are necessary to address electrical equipment that is approved by an accredited testing laboratory that the department determines are unsafe. This section also establishes notification requirements that the department will use to inform testing laboratories, the general public and other interested parties about unsafe electrical equipment.

WAC 296-402A-410 Who gets a copy of the evaluation report and what format must be used to submit the report? This section was amended to clarify how the department must be provided copies of the evaluation report electronically in a format approved by the department and clients must be notified in a format acceptable to them.

WAC 296-402A-630 Must an evaluation laboratory apply to perform each field evaluation? Changes were made to this section to clarify that the laboratory's request for permission must be submitted on a department supplied form.

NEW SECTIONS:

WAC 296-403A-100 Definitions. Moved the provisions found in WAC 296-403-010, rewrote the definitions for purposes of clarity, applied clear rule-writing principles, and added new definitions for use with this chapter.

WAC 296-403A-110 Insurance. Moved the provisions found in WAC 296-403-020, rewrote the insurance provisions for purposes of clarity, allowed more time for the insurance company to notify the department, and applied clear rule-writing principles.

WAC 296-403A-120 Application for and renewal of operating permit. Moved the provisions found in WAC 296-403-030, rewrote the operating permit application provisions for purposes of clarity, and applied clear rule-writing principles. Also, clarified that amusement rides or structures that undergo major modification must be recertified by an amusement ride inspector or insurer per RCW 67.42.020(2) before being placed into operation - this change is consistent with RCW 67.42.040 and current practice.

WAC 296-403A-130 Operating permit. Moved the provisions found in WAC 296-403-040, rewrote the operating permit provisions for purposes of clarity, and applied clear rule-writing principles. Also, clarified that temporary operating permits are also acceptable that have been issued as outlined in WAC 296-403A-140 - this change is consistent with current practice.

WAC 296-403A-140 Temporary operating permit. Moved the provisions found in WAC 296-403-050, rewrote the temporary operating permit provisions for purposes of clarity, and applied clear rule-writing principles.

WAC 296-403A-150 Fees. Moved the provisions found in WAC 296-403-060, rewrote the fee provisions for purposes of clarity, and applied clear rule-writing principles. Also, clarified that the fee for issuing operating permits also applies to bungee jumping operating permits - this change is authorized by chapter 67.42 RCW and is consistent with current practice.

WAC 296-403A-160 Appeals. Moved the provisions found in WAC 296-403-070, rewrote the appeal provisions for purposes of clarity, made necessary corrections, and applied clear rule-writing principles.

WAC 296-403A-170 Amusement ride inspector qualifications. Moved the provisions found in WAC 296-403-080, rewrote the inspector qualification provisions for purposes of clarity, and applied clear rule-writing principles. Also, added provisions for competency examinations and established an implementation schedule for compliance. These provisions are necessary to ensure that amusement ride inspectors are competent to perform inspections.

WAC 296-403A-180 Safety and maintenance seminar. Moved the provisions found in WAC 296-403-090, rewrote the seminar provisions for purposes of clarity, and applied clear rule-writing principles. Also, added additional seminars which are acceptable to the department for complying with this section - this change is consistent with current practice.

WAC 296-403A-190 Safety standards for amusement rides and amusement structures. Established provisions for the safety of amusement rides and amusement structures. These provisions require:

- Amusement rides and structures to comply with all applicable requirements of the National Electrical Code and this chapter, manufacturer's specifications, American Society of Testing and Materials (ASTM) Standards on Amusement Rides and Devices, insurance company inspection requirements, and the authority having jurisdiction.

- The amusement ride inspector to verify the correction of all deficiencies noted on the application for an amusement ride operating decal. The correction of any deficiencies must be completed within fifteen calendar days unless the inspector has determined that deficiencies are of a serious nature that will prohibit operation of the amusement ride or amusement structure. The period to correct deficiencies may be extended for a specific period at the discretion of the safety inspector and/or the department.
- The amusement ride inspector to report to the department any amusement ride or structure that is not allowed to operate because of serious safety deficiencies. Any deficiencies must be reinspected by the amusement ride inspector/company or other qualified inspector/company authorized by the original ride inspector/company.

These changes are necessary to establish requirements in rule for which amusement rides and structures are to be inspected for purposes of safety. This includes adopting the ASTM code, manufacturer's specifications, insurance company inspection requirements, and the requirements established by the local authority having jurisdiction. These changes are also consistent with the department's mandate in chapter 67.42 RCW to ensure that amusement rides are inspected for safety.

WAC 296-403A-195 Incident reporting. Established provisions for incident reporting of amusement rides and amusement structures. These provisions include requiring amusement structure/ride owner(s) and/or operator(s) to report to the department:

- Any incident or accident where evacuation of a ride results from an electrical or mechanical malfunction or when emergency personnel are required to assist in the evacuation; and
- Any incident/accident involving an amusement ride or structure involving personal injury that requires medical treatment, other than ordinary first aid. Medical treatment other than ordinary first aid means treatment beyond that which occurs at the location of the incident/accident and is provided by or under the supervision of a physician licensed to practice medicine, and the treatment is in response to a medical concern that is related directly to the incident/accident.

Reports meeting the above criteria must be made in writing within twenty-four hours after any incident/accident. This report may be faxed to a phone number supplied by the department followed by the original report in the mail.

These reporting requirements are necessary to ensure that unsafe rides are either inspected or taken out of service. Currently, the department relies on voluntary information sharing and the media to be made aware of such unsafe amusement rides or structures. It is also important to note that although this is a new requirement no penalty is associated with it as we are hopeful that this rule will at least ensure voluntary compliance and department involvement.

WAC 296-403A-200 Reciprocal certificate. Moved the provisions found in WAC 296-403-120 for reciprocal agreements.

WAC 296-403A-210 Revocation and suspension of certification of amusement ride inspectors—Reinstatement. Moved the provisions found in WAC 296-403-140, rewrote the revocation and suspension provisions for purposes of clarity, and applied clear rule-writing principles. Also, clarified that amusement ride inspectors whose certification has been revoked must reapply for certification according to this chapter.

WAC 296-403A-220 Fees for examination, certification, and renewal of certification for inspectors. Moved the provisions found in WAC 296-403-150 relating to fees.

WAC 296-403A-230 Electrical requirements for amusement rides and amusement structures. Moved the provisions found in WAC 296-403-160, rewrote the electrical requirements for purposes of clarity, made necessary changes, and applied clear rule-writing principles. Also, clarified that concessions and games may also be certified and labeled by the department as a factory assembled structure.

WAC 296-403A-240 Department on-site electrical inspection. Established provisions for on-site electrical inspection and clarified when an on-site electrical inspection and fee are not required. These changes are consistent with current practice.

REPEALED SECTIONS:

Chapter 296-403 WAC is being repealed and replaced with the new chapter 296-403A WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 296-403 WAC; and amending WAC 296-402A-040, 296-402A-410, and 296-402A-630.

Statutory Authority for Adoption: RCW 19.28.010, 19.28.031, 19.28.061, 19.28.101, 19.28.171, 19.28.191, 19.28.201, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 67.42.020, 67.42.025, and 67.42.050.

Other Authority: Chapters 19.28 and 67.42 RCW.

Adopted under notice filed as WSR 02-09-097 on April 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-403A-100 Definitions.** Made clarification changes to the definition of "Amusement ride," including adding a provision to exclude "boats" referred to as personal watercraft or vessels operated on the waters of this state according to chapter 79A.60 RCW. Removed the definition of "board" as it is unnecessary for purposes of this chapter. Lastly, added the specific citation to the National Electrical Code that is to be used for purposes of this chapter.

WAC 296-403A-130 Operating permit. Made a clarification change to this section to remove unnecessary language relating to changing the original action of the amusement ride or structure, as this is not the only criteria associated with an amusement ride or structure being "materially rebuilt or materially modified."

WAC 296-403A-160 Appeals. Made changes to this section to clarify the process for appeals as they are to be submitted to the department and not the electrical board for action.

WAC 296-403A-170 Amusement ride inspector qualifications. Made a minor clarification change to add "other" when referring to "other" governmental bodies regulating

amusement rides. Also, clarified subsection (5)(b) to specify that the ability to become certified without testing provided the individual has been an amusement ride inspector for ten years.

WAC 296-403A-190 Safety standards for amusement rides and amusement structures. Made a clarification change to add "requirements established by the local authority having jurisdiction."

WAC 296-403A-230 Electrical requirements for amusement rides and amusement structures. Added "as amended" when referring to chapter 296-46A WAC.

WAC 296-403A-240 Department on-site electrical inspection. Added "as amended" when referring to chapter 296-46A WAC.

WAC 296-402A-410 Who gets a copy of the evaluation report and what format must be used to submit the report? Made a change to clarify that the evaluation report submitted to local offices may either be a local department of labor and industries' office or a local city government office that has electrical inspection jurisdiction.

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 16, Repealed 16.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 16, Repealed 16.

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 16, Repealed 16.

Effective Date of Rule: Thirty-one days after filing.

October 22, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 00-11-115, filed 5/19/00, effective 6/30/00)

WAC 296-402A-040 When is an electrical product considered safe? An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

The department may declare electrical equipment unsafe if:

- The equipment is not being manufactured or produced in accordance with all standards of design and construction and all terms and conditions set out in the certification report for the equipment referred to in this chapter;

- The equipment has been shown by field experience to be unduly hazardous to persons or property;

• An examination of the equipment or of the certification report for the equipment shows that the equipment does not comply with all applicable standards; or

• An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this code.

When the department declares an electrical product unsafe, the department will:

• Notify the product manufacturer and the appropriate testing laboratory in writing;

• Notify the general public by:

– Report to the Consumer Product Safety Commission;

– A published article in the Electrical Currents;

– Internet website posting; and

– News release.

AMENDATORY SECTION (Amending WSR 00-11-115, filed 5/19/00, effective 6/30/00)

WAC 296-402A-410 Who gets a copy of the evaluation report and what format must be used to submit the report? (1) The department's chief electrical inspector submitted electronically in a format approved by the department.

(2) Local electrical inspection office submitted electronically in a format approved by the department. This office may either be a local department of labor and industries' office or a local city government office that has electrical inspection jurisdiction.

(3) Client submitted in any format acceptable to the client and testing laboratory.

AMENDATORY SECTION (Amending WSR 00-11-115, filed 5/19/00, effective 6/30/00)

WAC 296-402A-630 Must an evaluation laboratory apply to perform each field evaluation? Yes. The laboratory must request permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state. Requests must be made using a department supplied form.

Chapter 296-403A WAC

AMUSEMENT RIDES OR STRUCTURES

NEW SECTION

WAC 296-403A-100 Definitions. Definitions as found in ASTM F 747-97 Standard Terminology Related to Amusement Rides and Devices are adopted in addition to the following:

(1) **"Air supported"** structure or device means an amusement device that incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape and stability by pretensioning with internal air pressure (inflation).

(2) **"Amusement ride"** means any vehicle, boat, or other mechanical or air supported device moving upon or

within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. For purposes of this chapter, "boats" does not refer to personal watercraft or vessels operated on the waters of this state according to chapter 79A.60 RCW. Examples of an amusement ride include, but are not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, roller coasters, mechanical bulls, gyrotron, space balls, bungee operated, simulators and similar devices.

Conveyances for persons in recreational winter sports activities such as: Ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW are not amusement rides. Any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location that does not normally require the supervision or services of an operator is not an amusement ride. Nonmechanized playground equipment including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices are not amusement rides. Permanent water slides are not amusement rides. Animal rides such as: Pony rides, riding stables, hay rides and elephant rides are not amusement rides.

(a) **"Portable amusement ride"** means an amusement ride which is relocated at least once per year with or without disassembly.

(b) **"Permanent amusement ride"** means an amusement ride which is erected to remain a lasting part of the premises.

(3) **"Amusement structure"** means any electrical, mechanical, nonmechanical, or air-supported device or any combinations thereof operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. A game or concession where a member of the public performs an act or makes a purchase is not an amusement structure. Examples of an amusement structure include, but are not limited to, structures commonly known as permanent steel or wooden roller coasters, a permanent dark ride or fun house, a permanent drop tower, or a permanent building enclosing a portable amusement device.

(4) **"ASTM"** means the American Society for Testing and Materials (F-24 committee) as it relates to amusement rides and devices. Copies of the ASTM are available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.

(5) **"Authority having jurisdiction"** means the department.

(6) **"Carnival"** means a mobile enterprise principally devoted to offering amusement or entertainment to patrons in, upon, or by means of portable amusement rides or structures.

(7) **"Certificate of inspection"** means a document given under oath or affirmation from an insurer or a person with whom the insurer has contracted to make a safety inspection of the amusement ride or structure. The certificate must contain: The name, address and signature of the inspec-

tor, the complete description of the amusement ride or structure and the name and address of the owner or operator.

(8) "**Certificate of insurance**" means a document certifying that the insurance required by chapter 67.42 RCW is in effect. Copies of this document/form are available from the department upon request.

(9) "**Department**" means the department of labor and industries.

(10) "**Insurance policy**" means an insurance policy written by an insurer authorized to do business in this state under Title 48 RCW.

(11) "**Major modification**" means any change to the original configuration or layout of components or replacement of components that are not like-for-like.

(12) "**NEC**" means the 2002 edition of the National Electrical Code (NFPA 70-2002) including Annex A, B, and C, but excluding Article 80. Copies of the NEC, NFPA 70-2002 are available from the NFPA (National Fire Protection Association), 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

(13) "**Operating permit**" means a permit that is issued by the department.

(14) "**Operating permit decal**" is a decal issued by the department that must be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure.

(15) "**RCW**" means the *Revised Code of Washington*. Copies of RCWs are available from the office of the code reviser.

(16) "**Safety inspection**" means a procedure to be conducted by a safety inspector to determine whether an amusement ride or device is assembled, maintained, tested, operated, and inspected in accordance with the current ASTM standards, the manufacturer's or insurer's standards, and this chapter, whichever is the most stringent, and that determines the current operational safety of the ride or device.

(17) "**Safety inspector**" and "**amusement ride inspector**" both mean a third-party inspector authorized by the department to conduct safety inspections of amusement rides or devices in compliance with this chapter. The inspector must be an independent, third party with no organizational, managerial, financial, design, or promotional affiliation with the amusement ride or amusement structure being inspected. The inspector must not be a principal, owner, or employee of any amusement company or manufacturer doing business in the state of Washington, unless authorized by the department to conduct specific inspections on a case-by-case basis.

Inspectors who have installed, modified or repaired an amusement ride or structure may not perform the initial inspection on the equipment they have installed, modified, or repaired. The inspector must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding amusement ride or amusement structure safety certification would not be a deciding factor in the financial well being of the inspector.

(18) "**WAC**" means the *Washington Administrative Code*. Copies of WACs are available from the department and the office of the code reviser.

NEW SECTION

WAC 296-403A-110 Insurance. The following are the requirements for insurance for amusement rides and structures:

(1) An original copy of the insurance policy in an amount not less than one million dollars per occurrence from an insurer authorized to do business in the state of Washington must be filed with the department.

(2) A certificate of insurance must be presented to either the sponsor, lessor, landowner or other person responsible for an amusement ride being offered for use by the public.

(3) The insurance company must notify the department at least thirty days before canceling or revoking a policy and upon the nonrenewal of the policy.

(4) If the insurance company withdraws, cancels, revokes, suspends, or excludes coverage of any ride(s) from any policy furnished to the department, such withdrawal, cancellation, revocation, suspension, or exclusion must be plainly stated in documents furnished to the department.

(5) The department must be notified within twenty-four hours of the withdrawal, cancellation, revocation, suspension, or exclusion of insurance coverage of an amusement ride or structure for which an operating permit has been issued by the department.

NEW SECTION

WAC 296-403A-120 Application for and renewal of operating permit. (1) The person(s) making application for an operating permit for an amusement structure or an amusement ride must provide the following documentation on an application form provided by the department and pay the appropriate fee:

(a) The name, address and telephone number of the owner or operator of the amusement ride or structure together with the name and signature of the applicant.

(b) Description of amusement ride or structure. Each amusement ride or structure must be individually identified:

(i) By a trade name or title and a narrative description from which the amusement structure or ride can be identified; and

(ii) A serial number which is welded onto the frame or contained on an identification plate which is permanently affixed to the amusement structure or ride.

(c) Certificate of inspection. The amusement ride inspector or insurer per RCW 67.42.020(2) must certify that the amusement ride or structure has been inspected for safety and meets the standards for compliance with all applicable requirements of the National Electrical Code and this chapter, manufacturer's specifications, American Society of Testing and Materials (ASTM) Standards on Amusement Rides and Devices, and insurance company inspection requirements.

(d) Amusement rides or structures that undergo major modification must be recertified by an amusement ride inspector or insurer per RCW 67.42.020(2) before being placed into operation.

(2) Renewal of operating permit. An operating permit may be renewed before the expiration date by submitting an application with the proper fee and a certificate of safety

inspection. The safety inspection must have been performed within thirty days before the expiration date of the operating permit.

NEW SECTION

WAC 296-403A-130 Operating permit. An amusement ride or structure must not be operated unless the owner or operator has obtained an operating permit and an operating permit decal is posted on the ride, unless a temporary operating permit has been issued as outlined in WAC 296-403A-140. The owner or operator of the amusement ride or structure must have available for inspection, at the location where the amusement ride or structure is to be operated, a copy of the operating permit for each amusement ride or structure. Each operating permit that has been issued to an owner or operator is valid for one year from the date of issue or the date of inspection whichever is less, unless revoked. The operating permit will become null and void in the event that the insurance policy is canceled or is no longer in effect or if an amusement ride or structure is materially rebuilt or materially modified.

NEW SECTION

WAC 296-403A-140 Temporary operating permit. A temporary operating permit expires after fifteen days and will not be renewed or extended unless authorized by the chief electrical inspector. The department electrical section may issue a temporary operating permit when:

- (1) The insurance policy required by chapter 67.42 RCW is on file with the department; and
- (2) The safety inspection of the amusement ride or structure has been performed within the last year; and
- (3) The department has received a complete application for an operating permit.

NEW SECTION

WAC 296-403A-150 Fees. The fee for issuing each operating permit (including bungee jumping operating permits) and operating permit decal is ten dollars.

NEW SECTION

WAC 296-403A-160 Appeals. (1) Decisions by the department under this chapter can be appealed when:

- (a) An operating permit has been denied or revoked.
- (b) The department has ordered the cessation of the operation of an amusement ride or structure.
- (c) An amusement ride inspector application has been denied, or certificate has been suspended or revoked.

The appeal will be conducted in accordance with chapter 34.05 RCW. An appeal does not stay the decision of the department. The appeal must be filed within twenty days after notice of the decision of the department is sent by certified mail, return receipt requested, or is served upon the owner or operator.

(2) An appeal is made by filing a written notice of appeal with the department's chief electrical inspector and must state

the decision by the department that is being appealed and the relief that is desired. The formal appeal must be accompanied by a certified check for two hundred dollars which will be returned to the holder of the certificate or permit if the department's decision is overturned. If the department's decision is not overturned, the two hundred dollars will be applied to pay the costs associated with the appeal, and any balance remaining after payment of per diem and expenses will be paid into the electrical license fund.

(3) All requests for appeals must be filed with the department's chief electrical inspector, Department of Labor and Industries, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. The filings may be submitted by ordinary mail, certified or registered mail, or by personal delivery. The date of filing is the date the paper is actually received in the office of the chief electrical inspector.

(4) See chapter 34.05 RCW and chapter 10-08 WAC for additional information on appeals.

NEW SECTION

WAC 296-403A-170 Amusement ride inspector qualifications. An amusement ride inspector must meet the following minimum qualifications:

- (1) Two years experience with an insurance company as an amusement ride inspector; or
- (2) Two years experience inspecting amusement rides and enforcing amusement ride codes while employed by a state or other governmental body regulating amusement rides; or
- (3) Not less than five years documented field operating and maintenance experience with amusement rides and devices, including responsibility for erection, assembly, disassembly; personnel supervision responsibility for erection, maintenance, and operating functions; or
- (4) Not less than ten years documented practical experience in the design, construction, maintenance, repair, field inspection, and operation of amusement rides and devices as an authorized representative of a recognized amusement ride manufacturer; and

(5) In addition to the above criteria an amusement ride inspector must be certified by the department after demonstrating competency by:

- (a) Passing a competency examination administered by the department; or
- (b) Passing a test administered by the National Association of Amusement Ride Safety Officials for NAARSO Level II or other certification organizations recognized by the department, as an amusement ride inspector.

Those individuals who are certified by the department before December 31, 2000, will have until December 31, 2003, to take and successfully pass one of the examinations in (a) or (b) of this subsection. Individuals with at least ten years as an amusement ride inspector may become certified without testing if they were certified with the department on December 31, 2000.

(6) An amusement ride inspector may work without certification, as a trainee, if directly and continually supervised during the inspection process by a certified amusement ride inspector.

(7) This section does not apply to insurers or a person with whom the insurer has contracted with per RCW 67.42.020(2).

NEW SECTION

WAC 296-403A-180 Safety and maintenance seminar. Every amusement ride inspector must annually attend at least one amusement ride safety and maintenance seminar sponsored by the Amusement Industry Manufacturers and Equipment Suppliers, Northwestern Showman's Club, National Association of Amusement Ride Safety Officials, International Association of Amusement Parks and Attractions, or an equivalent approved by the department. All experience and schooling must be documented and verified and must be furnished to the department with an application for an amusement ride inspector certificate.

NEW SECTION

WAC 296-403A-190 Safety standards for amusement rides and amusement structures. (1) A certified amusement ride inspector will inspect amusement rides and structures for safety. Amusement rides and structures must comply with all applicable requirements of the National Electrical Code and this chapter, manufacturer's specifications, American Society of Testing and Materials (ASTM) Standards on Amusement Rides and Devices, insurance company inspection requirements, and the requirements established by the local authority having jurisdiction.

(2) The amusement ride inspector must verify the correction of all deficiencies noted on the application for an amusement ride operating decal. The correction of any deficiencies must be completed within fifteen calendar days unless the inspector has determined that deficiencies are of a serious nature that will prohibit operation of the amusement ride or amusement structure. The period to correct deficiencies may be extended for a specific period at the discretion of the safety inspector and/or the department. The amusement ride inspector must report to the department any amusement ride or structure that is not allowed to operate because of serious safety deficiencies. Any deficiencies must be reinspected by the amusement ride inspector/company or other qualified inspector/company authorized by the original ride inspector/company.

NEW SECTION

WAC 296-403A-195 Incident reporting. (1) Amusement structure/ride owner(s) and/or operator(s) must report to the department:

(a) Any incident or accident where evacuation of a ride results from an electrical or mechanical malfunction or when emergency personnel are required to assist in the evacuation; and

(b) Any incident/accident involving an amusement ride or structure involving personal injury that requires medical treatment, other than ordinary first aid. Medical treatment other than ordinary first aid means treatment beyond that which occurs at the location of the incident/accident and is

provided by or under the supervision of a physician licensed to practice medicine, and the treatment is in response to a medical concern that is related directly to the incident/accident.

(2) Reports meeting the above criteria must be made in writing within twenty-four hours after any incident/accident. This report may be faxed to a phone number supplied by the department followed by the original report in the mail. The report must include a detailed description of all available facts regarding the incident/accident for review by the department. After review, the department may require the amusement ride or structure to be inspected by an amusement ride inspector before continuing the operation of the ride or structure. When the department revokes a ride operating permit, a complete and detailed account of the incident/accident must be provided to the department before a new operating permit will be issued following an incident/accident.

NEW SECTION

WAC 296-403A-200 Reciprocal certificate. The department may upon proper application, issue an amusement ride inspector certificate to an individual who meets the minimum qualifications as set forth in this chapter and who possesses a current, valid amusement ride inspector certificate in a state or province which has equal or higher standards for amusement ride inspectors as those contained in this chapter. No amusement ride inspection examination will be required of those persons who qualify for a reciprocal amusement ride inspector certificate.

NEW SECTION

WAC 296-403A-210 Revocation and suspension of certification of amusement ride inspectors—Reinstatement. (1) An amusement ride inspector's certificate of competency may be suspended or revoked for cause such as: Certifying the safety of an unsafe ride, falsifying records or reports or certifying an amusement ride or structure which he or she has not personally inspected.

(2) The suspension or revocation of a certificate of competency that is not contested will be suspended or revoked immediately. If the suspension or revocation of a certificate of competency is contested, the suspension or revocation will not occur until after a hearing has been held before the department. The inspector and his or her employer are entitled to appear at such hearings and to be heard.

(3) The department must deliver to both the inspector charged and to his or her employer (if known), not less than ten days prior to the hearing, a written notice of the charges and of the time and place of such hearing.

(4) An inspector whose certificate of competency has been suspended may apply for reinstatement not less than ninety days after the time of suspension. If the certificate of competency has been revoked, the inspector will need to reapply for certification according to this chapter.

NEW SECTION

WAC 296-403A-220 Fees for examination, certification, and renewal of certification for inspectors. (1) Fee for each application for inspector's certificate of competency and examination, one hundred dollars.

(2) Application fee (nonrefundable), twenty dollars.

(3) Fee for annual renewal of certificate of competency or reciprocal inspector certificate, twenty dollars.

NEW SECTION

WAC 296-403A-230 Electrical requirements for amusement rides and amusement structures. (1) Electrical distribution system. Service equipment, separately derived systems, feeders and circuits for each amusement ride, amusement structure or concession must comply with all applicable requirements of the National Electrical Code and chapter 296-46A WAC, as amended.

(2) Flexible multiconductor cords must be connected to equipment by approved connectors designed for the purpose or by listed cord caps. Individual conductors of multiconductor cords in sizes #2 AWG and larger are permitted to be connected by listed and labeled connection systems in accordance with Article 520-53(k) of the National Electrical Code. Where conductors are connected individually by such connection systems, the outer jacket of multiconductor cord must be secured to the electrical equipment independent from the receptacles and plugs by approved cable grips that are installed in a manner to prevent pressure from being applied to the receptacles and plugs.

(3) Individual, single conductor, insulated, portable power cable, in addition to complying with Section 525-13 of the National Electrical Code, must comply with the following:

(a) All conductors of the feeder or circuit including the equipment grounding conductor must originate in the same electrical equipment and terminate in the same equipment.

(b) All conductors of the feeder or circuit including the ungrounded, grounded, and equipment grounding conductors must run together, except for portions installed within approved cable protection systems.

(c) The cables must be secured to the electrical equipment independent from the cable receptacles and plugs by approved cable grips that prevent pressure from being applied to the connectors.

(d) The cables must be connected to electrical equipment by approved listed and labeled connection systems in compliance with Section 520-53(k) of the National Electrical Code.

(4) Disconnecting means. A separate, enclosed, externally operable fused switch or circuit breaker must be installed on each amusement ride, structure or concession to disconnect all electrical equipment. The disconnecting means must be readily accessible and identified as the disconnecting means. The disconnecting means is not required to be readily accessible when a disconnecting means meeting the requirements of NEC 525-30 is also installed. Where more than one power supply is employed, the disconnecting means must be grouped.

(5) Rotating equipment. Components of amusement rides or structures that rotate more than three hundred sixty degrees and which have electrically operated equipment, must be supplied by approved collector rings that are totally enclosed or located so they are accessible to authorized personnel only. The collector rings must be factory produced with an equipment grounding segment having a voltage and current rating that equals or exceeds the rating of the current carrying segments. Collector rings must have an ampacity not less than one hundred twenty-five percent of the full-load current of the largest device served plus the full-load current of all other devices served. Collector rings for control and signal purposes must have an ampacity not less than one hundred twenty-five percent of the full-load current of the largest device served plus the full-load current of all other devices served.

(6) Equipment grounding. All noncurrent carrying metal parts of amusement rides and structures must be grounded by an equipment grounding conductor routed with the feeder or circuit conductors in accordance with the National Electrical Code and these rules. The metallic structure must not be used as a current carrying conductor.

EXCEPTION: The metallic structure is permitted to be used as the return path for low voltage systems that do not exceed thirty volts, provided that the ungrounded conductors are protected by an overcurrent device in accordance with the National Electrical Code and the system is factory built for such use.

(7) Existing concessions or games electrical systems must comply with the National Electrical Code and must be maintained in full compliance with codes and standards in effect at the time they were manufactured. When new concessions or games are purchased, manufactured or constructed, or where existing concessions or games have major modification, the electrical system must comply with this chapter and the edition of the National Electrical Code in effect at the time. All concessions and games must be identified in or on the disconnecting means and in records furnished to the department with the edition of the National Electrical Code the electrical system is intended to comply with, or be certified and labeled by the department as a factory assembled structure.

NEW SECTION

WAC 296-403A-240 Department on-site electrical inspection. (1) Department electrical inspection will be done each time an amusement ride or structure is set up. Fees will be paid in accordance with chapter 296-46A WAC, as amended. An on-site electrical inspection permit and fee is not required for any amusement ride or structure when all of the following conditions are met:

(a) The ride is equipped with a supply cord that does not exceed 120 volts or 20 amps.

(b) The amusement ride inspector, on the operating permit application, has documented the size and length of the supply cord.

(c) No extension cords are used to supply the equipment.

(d) The amusement ride or structure has a current amusement ride operating permit decal.

(2) Itinerary for set-up locations must be made available to the chief electrical inspector upon request.

(3) Amusement rides that are leased and set up for private use (not operated for revenue) must also comply with the following in addition to the on-site inspection and operating permit requirements established by this chapter:

(a) The lessor must provide the lessee with manufacturer's set up instructions.

(b) The lessor or their authorized agent is responsible for providing proper set up and tear down of each amusement ride or structure (authorized agents must be under written contract to the owner or operator).

(c) The lessor is responsible to maintain proper documentation assuring that each lessee has been provided with proper manufacturer's instructions for operating and setting up each individual leased amusement ride or structure.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

| | |
|-----------------|---|
| WAC 296-403-010 | Definitions. |
| WAC 296-403-020 | Insurance. |
| WAC 296-403-030 | Application for operating permit. |
| WAC 296-403-040 | Operating permit. |
| WAC 296-403-050 | Temporary operating permit. |
| WAC 296-403-060 | Fees. |
| WAC 296-403-070 | Appeals. |
| WAC 296-403-080 | Amusement ride inspector qualifications. |
| WAC 296-403-090 | Safety and maintenance seminar. |
| WAC 296-403-100 | On-site examination. |
| WAC 296-403-110 | On-site examination content. |
| WAC 296-403-120 | Reciprocal certificate. |
| WAC 296-403-130 | Insurance company amusement ride inspector. |
| WAC 296-403-140 | Revocation of certification of amusement ride inspectors—Reinstatement. |
| WAC 296-403-150 | Fees for examination, certification, and renewal of certification for inspectors. |
| WAC 296-403-160 | Amusement rides or structures, carnivals, circuses, and similar traveling shows. |

WSR 02-21-104
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 22, 2002, 12:12 p.m.]

Date of Adoption: October 22, 2002.

Purpose: Chapter 296-46A WAC, Safety standards—Installing electric wires and equipment—Administrative rules and chapter 296-401B WAC, Certification of competency for journeyman electricians.

The purpose of these rules is to extend the application and examination dates for several electrical administrator and certified electrician categories. The department has already extended these deadlines as a matter of policy as the allotment of more time will improve public safety and compliance with the regulations for purposes of consumer protection through the registration, licensure, and certification of more licensed and bonded electrical contractors. It is the goal of this extension to increase compliance with the rule, public safety, and consumer protection for all citizens in the state. These rules ensure that potentially competent and compliant individuals and employers have an adequate amount of time to comply with the rules.

Amended Sections:

WAC 296-46A-950 Administrator certificate. This section was amended to:

- Change the last date to submit applications for temporary administrator from December 31, 2001, to May 31, 2002, for several of the specialty administrator categories;
- Correct a typographical error;
- Change the application date for telecommunications administrators from June 30, 2001, to December 31, 2001, to correct an error from the previous rule making;
- Change the timeframe for completing the specialty administrator examination until December 31, 2002, or twelve months after submitting application, whichever is longer, for several of the specialty administrator categories;
- Specify the interim enforcement date for the telecommunications administrators to be January 19, 2001, to correct an error from the previous rule making; and
- Specify in rule that the department may waive the fees associated with the certificate extensions granted under this section.

WAC 296-401B-340 Trainees working without supervision. This section was amended to:

- Specify that applications for an unsupervised electrical training certificate must be submitted prior to May 31, 2002 - no application deadline for applying previous work experience exists in the current rules;
- Change the date allowing electrician candidates to qualify for the third-year training certificate until December 31, 2002, or twelve months after submitting application, whichever is longer, for several of the specialty electrician categories;
- Changing the timeframe for completing the examination until December 31, 2002, or twelve months after submit-

ting application, whichever is longer, for several of the specialty electrician categories; and

- Specify in rule that the department may waive the fees associated with the certificate extensions granted under this section.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46A-950 and 296-401B-340.

Statutory Authority for Adoption: RCW 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, and 19.28.341.

Other Authority: Chapter 19.28 RCW.

Adopted under notice filed as WSR 02-18-093 on September 3, 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 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.

October 22, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-46A-950 Administrator certificate. (1) The department must issue an administrator certificate to a person who qualifies for a certificate in accordance with chapter 19.28 RCW and makes proper application that includes the person's Social Security number, date of birth, and mailing

address. The first certificate issued will expire on the person's birthdate at least one year and not more than three years from the date of issue. If a person was born in an even numbered year, the certificate will expire on the holder's even numbered birthdate. If the person was born in an odd numbered year, the certificate will expire on the holder's odd numbered birthdate. The department will prorate the administrator's certificate fee according to the number of months or major portions of months in a certificate period. All subsequent certificates will be issued for a twenty-four month period.

(2) The department may deny application or renewal of an administrator's certificate if the individual owes outstanding final judgments to the department.

(3) Effective July 1, 1987, an administrator designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of a full-time supervisory employee, or be a full-time supervisory employee. In determining whether the person is a member of the firm, the department will require that the person is named as the sole proprietor, a partner or an officer in a corporation as shown on the electrical contractor's license application on file with the department and the secretary of state. In determining whether a person is a full-time supervisory employee, the department will consider whether the person is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor and carries out the duties shown in chapter 19.28 RCW.

(4) A firm may designate certain temporary specialty administrator(s) or telecommunications initial specialty administrator(s) to satisfy the requirements of chapter 19.28 RCW under the guidelines described in Table 950-1 Temporary Specialty Administrator Application/Enforcement Procedure.

(5) The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked or suspended for serious noncompliance, as defined in WAC 296-46A-960.

(6) The department may waive the fees associated with the certificate extensions granted under this section.

Table 950-1—Temporary Specialty Administrator Application/Enforcement Procedure

SPECIALTIES OPEN FOR CREDIT FOR PREVIOUS WORK EXPERIENCE

| | | | |
|--|--|---|---|
| <p>ACTION DEADLINES AND DETAILS</p> | <p>HVAC/Refrigeration (06A)</p> | <ul style="list-style-type: none"> • Domestic well (03A), • Limited energy (06)- (residential sound only), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (New-07B), • Door, window, gate, and similar systems (New-10) | <p>((Telecommunications)) <u>Telecommunications (09)</u></p> <ul style="list-style-type: none"> • In business on June 8, 2000 STATUS A • In business after June 8, 2000 STATUS B |
|--|--|---|---|

PERMANENT

| | | | |
|--|--|--|---|
| Last date to submit application for temporary administrator¹ | ((December 31, 2001)) <u>May 31, 2002⁵</u> | ((December 31, 2001)) <u>May 31, 2002⁵</u> | ((June 30, 2001)) <u>December 31, 2001⁵</u> |
| Required business status in the contracting specialty² | 18.27 RCW Contractor Registration or Appropriate Business License | 18.27 RCW Contractor Registration or Appropriate Business License | STATUS A—18.27 RCW Contractor Registration STATUS B—Appropriate ((Business)) <u>Business License</u> |
| Minimum previous experience for firm making temporary designation | N/A | N/A | STATUS A—2 Years ⁶ STATUS B—N/A |
| Begin interim enforcement⁴ | July 1, 2000 | July 1, 2001 | ((Effective Date of Chapter 296-46A WAC)) <u>January 19, 2001</u> |
| Begin full enforcement | January 1, 2002 | January 1, 2002 | July 1, 2001 |
| Must pass specialty administrator examination no later than: | ((12 Months After Submitting Temporary Specialty Administrator Application)) <u>December 31, 2002, or 12 months after submitting temporary specialty administrator application, whichever is longer³</u> | ((12 Months After Submitting Temporary Specialty Administrator Application)) <u>December 31, 2002, or 12 months after submitting temporary specialty administrator application, whichever is longer³</u> | STATUS A—N/A ¹ STATUS B—12 Months After Submitting Temporary Specialty Administrator Application ³ |

Notes:

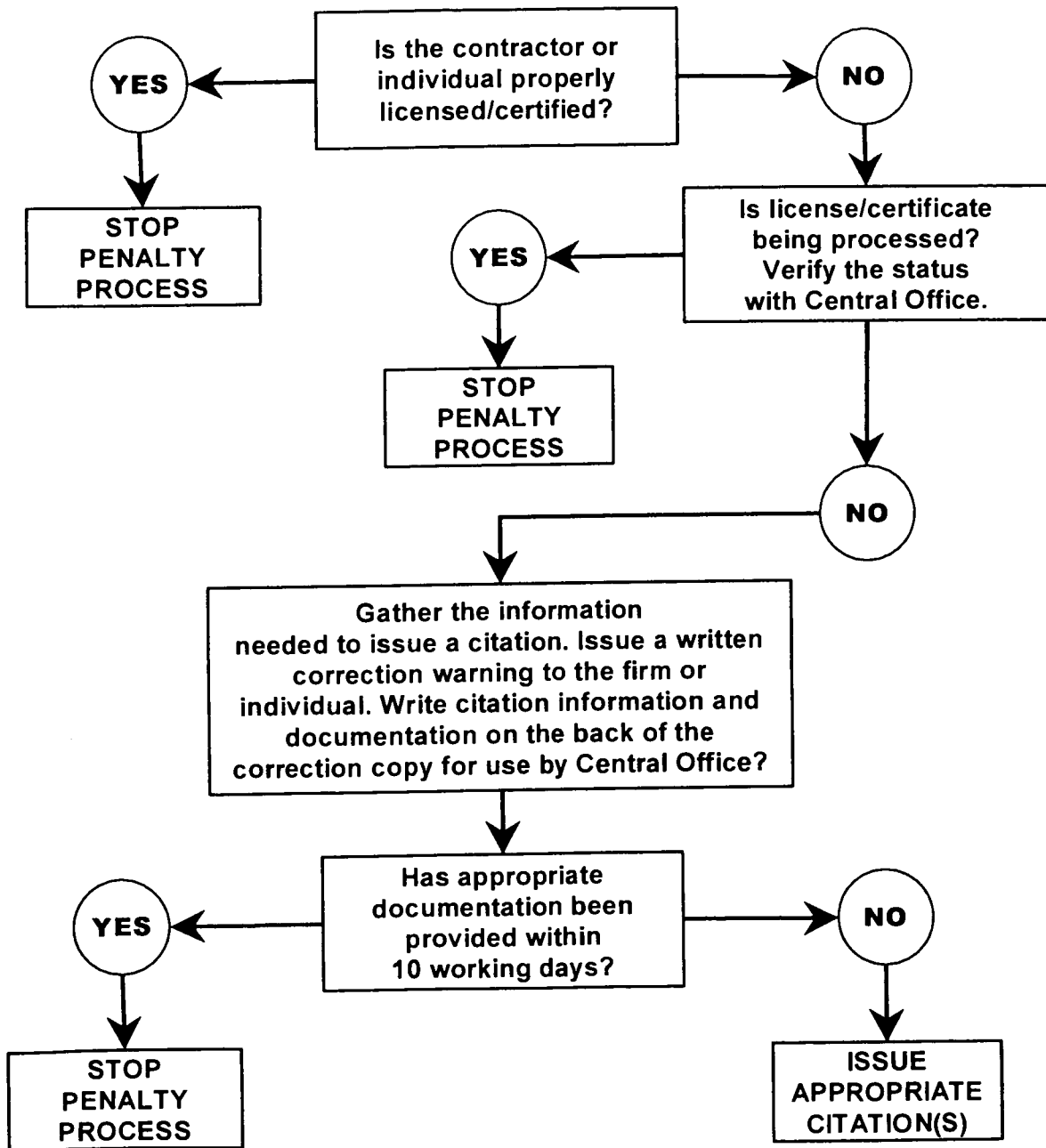
1. The initial telecommunications designated administrators(s) allowed in RCW 19.28.420(6) is not required to pass an examination.
2. If previous experience is required, it must be full-time in the appropriate specialty.
3. No extension of the temporary specialty administrator's status will be permitted unless the examination is successfully completed and a permanent specialty administrator's certificate is obtained within three months of the examination date. A temporary specialty administrator certificate cannot be renewed or extended.
4. See Figure 1. If a citation is issued for failure to comply with the requirements of chapter 19.28 RCW or WAC 296-46A, the individual/firm will lose the ability to assign a temporary administrator prior to examination.
5. To qualify for a temporary specialty administrator certificate or telecommunications initial designated specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete administrator's application and examination package, complete Transfer of Administrator form, and all appropriate fees.
6. No requirement for the **owner** of a telecommunications firm described in RCW 19.28.420 (6)(a).

PERMANENT

Figure 1

ELECTRICAL SPECIALTY

Interim Licensing/Certification Requirements



PERMANENT

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-401B-340 Trainees working without supervision. (1) After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

- (a) Has submitted a complete application for an unsupervised electrical training certificate prior to May 31, 2002;
- (b) Has worked over 7,000 hours properly supervised;
- (c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;

(d) Has paid all appropriate training certificate fees listed in WAC 296-401B-700; and

(e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician in the appropriate specialty.

(2) HVAC/refrigeration limited energy technician trainees may work unsupervised when doing HVAC/refrigeration thermostat installation as follows:

(a) HVAC/refrigeration first- and second-year trainees may work unsupervised when installing HVAC thermostat cable when the system consists of a single thermostat in one- and two-family dwelling units where line voltage power is not connected to the system.

(b) HVAC/refrigeration second year trainees may work unsupervised when installing thermostats or making thermostat cable connections in one- and two-family dwelling units.

(3) Individuals credited with a minimum of two years previous work experience training credit per WAC 296-401B-455(2) will qualify for a third-year training certificate in the specialty listed in WAC 296-401B-455 (1)(c) and will be considered temporarily, until (~~June 30, 2002~~) December 31, 2002, or twelve months after submitting application, whichever is longer, to be a specialty electrician/technician for the purpose of working within the scope of the appropriate specialty without supervision and for the purpose of supervising first and second year trainees in proper ratio.

(4) Individuals credited with a minimum of two years previous work experience training credit per WAC 296-401B-455(2) will qualify for a third-year training certificate in the appropriate specialty, listed in WAC 296-401B-455 (1)(a), (b), (d), (e), (f), or (g) and will be considered temporarily, until (~~June 30, 2002~~) December 31, 2002, or twelve months after submitting application, whichever is longer, to be a specialty electrician/technician for the purpose of working within the scope of the appropriate specialty without supervision and for the purpose of supervising first and second year trainees in proper ratio.

(5) A third-year training certificate issued per subsection (3) or (4) of this section will be revoked if the individual does not successfully complete the appropriate specialty examination before (~~June 30, 2002~~) December 31, 2002, or twelve months after submitting application, whichever is longer, for the appropriate specialty, listed in WAC 296-401B-455 (1)(a), (b), (c), (d), (e), (f), or (g). The individual may then apply for a second-year trainee certificate and must:

(a) Work under the direct supervision of a certified specialty electrician or journeyman electrician;

(b) Not supervise trainees; and

(c) Be supervised in the correct ratio.

(6) The department may waive the fees associated with the certificate extensions granted under this section.

WSR 02-21-105
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 22, 2002, 12:14 p.m., effective December 1, 2002]

Date of Adoption: October 22, 2002.

Purpose: Medical aid rules considering pain as part of the permanent partial disability award, amending WAC 296-20-01002 and new sections WAC 296-20-19000, 296-20-19010, 296-20-19020 and 296-20-19030, to ensure fair and consistent impairment ratings for all workers.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-01002.

Statutory Authority for Adoption: RCW 51.04.010, 51.04.020, 51.04.030, 51.32.080, 51.32.110, 51.32.112, 51.36.060.

Adopted under notice filed as WSR 02-16-086 on August 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: One line in WAC 296-20-19000 was changed to pattern it after the original definition of permanent partial disability. The meaning remains the same.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, 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: December 1, 2002.

October 22, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-18-041, filed 8/29/01, effective 10/1/01)

WAC 296-20-01002 Definitions. Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Attendant care: Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be

determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Surgical procedure(s) and supplementary procedure(s);

(4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;

(5) Estimated follow-up;

(6) Operative time;

(7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

(1) Date(s) of service;

(2) Patient's name and date of birth;

(3) Claim number;

(4) Name and title of the person performing the service;

(5) Chief complaint or reason for each visit;

(6) Pertinent medical history;

(7) Pertinent findings on examination;

(8) Medications and/or equipment/supplies prescribed or provided;

(9) Description of treatment (when applicable);

(10) Recommendations for additional treatments, procedures, or consultations;

(11) X-rays, tests, and results; and

(12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

(1) A detailed history to establish:

(a) The type and severity of the industrial injury or occupational disease.

(b) The patient's previous physical and mental health.

(c) Any social and emotional factors which may effect recovery.

(2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

(a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diag-

nostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely sched-

uled in advance without jeopardizing the worker's health or treatment outcome.

~~((Permanent partial disability: Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.))~~

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or

deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appro-

priateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

NEW SECTION

WAC 296-20-19000 What is a permanent partial disability award? Permanent partial disability is any anatomic or functional abnormality or loss after maximum medical improvement (MMI) has been achieved. At MMI, the worker's condition is determined to be stable or nonprogressive at the time the evaluation is made. A permanent partial disability award is a monetary award designed to compensate the worker for the amputation or loss of function of a body part or organ system. Impairment is evaluated without reference to the nature of the injury or the treatment given. To ensure uniformity, consistency and fairness in rating permanent partial disability, it is essential that injured workers with comparable anatomic abnormalities and functional loss receive comparable disability awards. As such, the amount of the permanent partial disability award is not dependent upon or influenced by the economic impact of the occupational injury or disease on an individual worker. Rather, Washington's Industrial Insurance Act requires that permanent partial disability be established primarily by objective physical or clinical findings establishing a loss of function. Mental health impairments are evaluated under WAC 296-20-330 and 296-20-340.

NEW SECTION

WAC 296-20-19010 Are there different types of permanent partial disabilities? Under Title 51 RCW, there are two types of permanent partial disabilities.

(1) Specified disabilities are listed in RCW 51.32.080 (1)(a). They are limited to amputation or loss of function of extremities, loss of hearing or loss of vision.

(2) Unspecified disabilities include, but are not limited to, internal injuries, back injuries, mental health conditions, respiratory disorders, and other disorders affecting the internal organs.

NEW SECTION

WAC 296-20-19020 How is it determined which impairment rating system is to be used to rate specified and unspecified disabilities? (1) Specified disabilities are rated in one of two ways:

(a) Impairment due to amputation, total loss of hearing, and total loss of vision are rated according to RCW 51.32.-080;

(b) Impairment for the loss of function of extremities, as well as partial loss of hearing or vision, is rated using a nationally recognized impairment rating guide unless otherwise precluded by department rule.

(2) Unspecified disabilities are rated in accordance with WAC 296-20-200 through 296-20-660.

NEW SECTION

WAC 296-20-19030 To what extent is pain considered in an award for permanent partial disability? The categories used to rate unspecified disabilities incorporate the worker's subjective complaints. Similarly, the organ and body system ratings in the *AMA Guides to the Evaluation of Permanent Impairment* incorporate the worker's subjective complaints. A worker's subjective complaints or symptoms, such as a report of pain, cannot be objectively validated or measured. There is no valid, reliable or consistent means to segregate the worker's subjective complaints of pain from the pain already rated and compensated for in the conventional rating methods. When rating a worker's permanent partial disability, reliance is primarily placed on objective physical or clinical findings that are independent of voluntary action by the worker and can be seen, felt or consistently measured by examiners. No additional permanent partial disability award will be made beyond what is already allowed in the categories and in the organ and body system ratings in the *AMA guides*.

For example:

- Chapter 18 of the 5th Edition of the *AMA Guides to the Evaluation of Permanent Impairment* attempts to rate impairment caused by a patient's pain complaints. The impairment caused by the worker's pain complaints is already taken into consideration in the categories and in the organ and body system ratings in the *AMA guides*. There is no reliable means to segregate the pain already rated and compensated from the pain impairment that Chapter 18 purports to rate. Chapter 18 of the 5th Edition of *AMA Guides to the Evaluation of Permanent Impairment* cannot be used to calculate awards for permanent partial disability under Washington's Industrial Insurance Act.

WSR 02-21-108

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed October 22, 2002, 12:21 p.m., effective December 1, 2002]

Date of Adoption: October 22, 2002.

Purpose: Expedited housekeeping changes, WAC 296-20-02001 Penalties, 296-23-170 Nursing services and attendant care, 296-23-175 Stimulators, 296-23-185 Drug and alcohol rehabilitation services, and 296-23-225 Work hardening. These rules are being deleted as housekeeping changes. Each is either duplicative of another WAC or simply refers to another RCW or WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-20-02001, 296-23-170, 296-23-175, 296-23-185, and 296-23-225.

Statutory Authority for Adoption: RCW 51.04.020.

Adopted under notice filed as WSR 02-14-149 on July 3, 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 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 5.

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: December 1, 2002.

October 22, 2002

Gary Moore
Director

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 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, 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.

October 18, 2002

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-080 ~~((Confidential/undercover))~~
Undercover and confidential license plates—Application procedures. (1) **What are** ~~((confidential))~~ **undercover and** ~~((undercover))~~ **confidential license plates** ~~((as referred to in RCW 46.08.066))~~?

~~((Confidential))~~ (a) An undercover license plate is issued to local, state, and federal government agencies for law enforcement purposes only to be used in confidential, investigative, or undercover work, confidential public health work, and confidential public assistance fraud or support investigations.

(b) A confidential license plate is issued to any elected state official for use on official business. Confidential plates are also issued when necessary for the personal security of any other public officer or public employee for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require.

Undercover and ~~((undercover))~~ confidential license plates are standard issue license plates assigned only to vehicles owned or operated by ~~((public))~~ government agencies ~~((These license plates are used as specifically authorized by))~~ as identified in RCW 46.08.066.

(2) ~~((What are my registration options under RCW 46.08.066))~~ **How are undercover and confidential vehicles registered?** ~~((You may choose to register a publicly))~~ Government owned or operated vehicles ~~((in the confidential/undercover license plate program))~~ may be registered in one of the following ways:

(a) ~~((Selecting the undercover option will show fictitious names and addresses on the registration certificates and other department records subject to public disclosure; or~~

~~((Selecting the confidential license plate option will show the public agency names and addresses on the registration certificates and other department records subject to public disclosure.~~

(3) What safeguards shall a public agency use to select a fictitious name and address) If registered with an undercover license plate, the record will show fictitious names and addresses on all department records subject to public disclosure; or

PERMANENT
REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-02001 Penalties.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-23-170 Nursing services.

WAC 296-23-175 Stimulators.

WAC 296-23-185 Drug and alcohol rehabilitation services.

WAC 296-23-225 Work hardening.

WSR 02-21-118
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed October 23, 2002, 8:41 a.m.]

Date of Adoption: October 18, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-080, 308-96A-085, 308-96A-090, and 308-96A-095.

Statutory Authority for Adoption: RCW 46.08.066.

Adopted under notice filed as WSR 02-18-034 on August 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.

(b) If registered with a confidential license plate, the record will show the government agency name and address on all department records subject to public disclosure.

(3) Is a government agency responsible for ensuring that safeguards are used to select a fictitious name and address for undercover vehicle registrations? ~~((Public))~~ Yes, government agencies shall certify on the application that precautions have been taken to ensure that ((the use of citizens)) names and legitimate licensed Washington businesses have not been used.

(4) ~~((Who may apply for a confidential license plate? Only public agencies identified in RCW 46.08.066 are authorized to apply for confidential license plates.~~

(5) How does a ((public)) government agency apply for ((confidential)) undercover or ((undercover)) confidential license plates? A ~~((public))~~ government agency requesting undercover or confidential ((or undercover)) license plates shall provide:

(a) A completed application form approved by the department and signed by the ~~((public))~~ government agency head or designated contact person. The agency shall indicate on the application form which type of registration is ((needed)) requested ((confidential or undercover)) (undercover or confidential).

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the ~~((public))~~ government agency.

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-085 ~~((Confidential))~~ Undercover and ((undercover)) confidential license plates—Agency contact. (1) Who may represent a ((public)) government agency regarding ((confidential)) undercover or ((undercover)) confidential license plates? The ~~((public))~~ government agency head may designate a maximum of two ((agency employees)) designees to represent the agency regarding undercover or confidential license plates. The ~~((public))~~ government agency head ((shall)) must provide the name, signature, title, address, telephone number, and if available, FAX number and e-mail address of each designee.

(2) How often does the ((public)) government agency contact information need to be updated? The ~~((public))~~ government agency contact information shall be updated, in writing, ((annually or)) within thirty days of any change in the agency head or designee.

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-090 ~~((Confidential))~~ Undercover or ((undercover)) confidential license plates—Vehicle inventory. (1) How does the department maintain a current inventory listing of vehicles with ((confidential)) undercover or ((undercover)) confidential license plates?

(a) The department provides an inventory list of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the ~~((confidential/undercover))~~ undercover/confidential vehicle license plate program. Each ((public)) government agency verifies the accuracy of the information by:

(i) Correcting any erroneous information;

(ii) Deleting vehicles no longer in the program, by marking plainly on the list "deleted" next to the vehicle that needs to be deleted;

(iii) ~~((Adding vehicles in the program, that are not shown on the inventory list. Submit the request/application (copy if already submitted) to verify adding a vehicle to the list;~~

(iv) ~~((Signing the inventory list certifying that all ((confidential)) undercover and ((undercover)) confidential license plates shown on the list are being utilized under RCW 46.08.066; and~~

~~((+))~~ (iv) Returning the updated inventory list to the department by the date requested. The inventory list may also be returned by sending an e-mail verifying the active plates to the confidential plate program manager.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action ((does)) may the department take if ((inventory listings are not returned)) a government agency fails to return their inventory list? The department may refuse to renew a vehicle(s) shown on the quarterly inventory list until the ~~((public))~~ government agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 99-16-020, filed 7/26/99, effective 8/26/99)

WAC 308-96A-095 ~~((Confidential))~~ Undercover or ((undercover)) confidential license plates—Cancellation. (1) Who may cancel ((confidential)) undercover or ((undercover)) confidential license plates? Undercover or confidential license plates may be canceled one of two ways:

(a) The department may cancel or refuse to renew ~~((confidential))~~ undercover or ((undercover)) confidential license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066((-)); or

(b) A ~~((public))~~ government agency may request cancellation of their ((confidential)) undercover or ((undercover)) confidential license plates when the license plates are no longer required.

(2) How ((are ~~confidential~~)) does a government agency cancel undercover or ((undercover)) confidential license plates ((cancelled))? ~~((Confidential or undercover license plates are cancelled when the public))~~ The government agency notifies the department in writing that the ((confidential)) undercover or ((undercover)) confidential license plates are no longer required, and indicates ((whether)) that the license plates and registration((:

(a) Are being returned to the department; or

(b) Have been destroyed.

~~The department shall delete the confidential or undercover license plates record from the program)) are being returned to the department or are being destroyed.~~

(3) May the undercover or confidential license plates remain on the vehicle when it is removed from the program? No, the license plates must be removed from the vehicle and returned to the department or destroyed.

**WSR 02-21-119
PERMANENT RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2002-08—Filed October 23, 2002,
9:37 a.m.]

Date of Adoption: October 23, 2002.

Purpose: Chapter 48.120 RCW requires vendors that sell to, enroll in, and bill and collect premiums from customers for insurance covering communications equipment on a master, corporate, group, or individual policy basis to file a specialty producer license application with the commissioner.

Statutory Authority for Adoption: RCW 48.02.060, 48.120.025.

Adopted under notice filed as WSR 02-16-093 on August 7, 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 10, 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.

October 23, 2002

Mike Kreidler

Insurance Commissioner

Chapter 284-17A WAC

COMMUNICATIONS EQUIPMENT LICENSES

NEW SECTION

WAC 284-17A-010 Do I need to be licensed as a specialty producer? If you lease, sell, or provide communica-

tions equipment or communications service, you must have a specialty producer license in order to market insurance related to the sale of the communications equipment.

NEW SECTION

WAC 284-17A-020 What definitions are important throughout the chapter? (1) "Communications equipment" means cell phone handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries, and their accessories or other devices used to originate or receive communications signals or service approved for coverage by rule of the commissioner, and also includes services related to the use of the devices.

(2) "Communications equipment insurance program" means an insurance program.

(3) "Communications service" means the service necessary to send, receive, or originate communications signals.

(4) "Customer" means a person or entity purchasing or leasing communications equipment or communications services from a vendor.

(5) "Specialty producer license" means a license issued that authorizes a vendor to offer or sell insurance.

(6) "Supervising agent" means an agent licensed under RCW 48.17.060 who provides training and is affiliated to a licensed vendor.

(7) "Vendor" means a person or entity resident or with offices in this state in the business of leasing, selling, or providing communications equipment or communications services to customers.

(8) "Appointing insurer" means the insurer appointing the vendor as its agent under a specialty producer license.

NEW SECTION

WAC 284-17A-030 How do I apply for specialty producer license? Forms and instructions may be obtained from the licensing section of the office of insurance commissioner.

To apply for a specialty producer license, you must submit to the licensing section of the OIC the following:

(1) An application with the commissioner signed by the applicant, or an officer of the applicant, and include the following:

(a) Applicant's name;

(b) If an entity, the type of entity;

(c) Address for its primary location in the state of Washington and each additional location at which it intends to offer communications equipment insurance to Washington consumers;

(d) A copy of its articles of incorporation; and

(e) A certificate of good standing from the secretary of state.

(2) An appointment as an agent completed by each authorized insurer(s) authorizing the applicant to represent the insurer.

(3) An affiliation completed by the applicant authorizing the supervising agent to represent the applicant. The supervising agent must be licensed under RCW 48.17.060.

(4) Fees:

- License fee \$500
- Appointment fee \$20 each
- Affiliation fee \$20

NEW SECTION

WAC 284-17A-040 How do I renew the license? A renewal notice will be mailed to each licensed specialty producer in May for renewal by July 1 of each year. You must submit this renewal notice with the two hundred fifty dollar fee, if received prior to the July 1 expiration. If received one to thirty days late, the fee is three hundred seventy-five dollars. If received thirty-one to sixty days late, the fee is five hundred dollars. If received after sixty days, the license, appointment(s) and affiliation must be reinstated.

NEW SECTION

WAC 284-17A-050 What information must I provide to prospective customers? Approved written material must be readily available to prospective customers at every location where you sell a communications equipment insurance program.

NEW SECTION

WAC 284-17A-060 What is included in the written material? The supervising agent must submit the written materials regarding the program with the initial application for approval with the commissioner. Any changes or additions to this material must be approved by the commissioner prior to implementation. The materials must:

- (1) Clearly and correctly summarize the material terms of the coverage offered and identify the insurer and supervising agent or broker;
- (2) State that the purchase of the communications equipment insurance program is not required in order to purchase or lease communications equipment;
- (3) Separately set forth the charges applicable to the coverage; and
- (4) Describe the process for filing a claim.

NEW SECTION

WAC 284-17A-070 Do I need to provide training to my employees? The supervising agent must supervise a communication equipment insurance training program for the vendor's employees. The supervising agent must be authorized and approved by the appointing insurer. The supervising agent must file with the commissioner an outline of the training materials used to train employees of the licensed vendor about the communications equipment insurance program.

NEW SECTION

WAC 284-17A-080 What are the requirements for the accounting of premiums? The specialty producer shall

not be required to treat premiums collected from its customers as funds received in a fiduciary capacity, provided that:

The premium charge is separately itemized on customer billings and periodically remitted to the supervising agent pursuant to the terms of a written contract; and

The insurer has consented in writing, signed by an officer of the insurer, that premiums need not be segregated from other funds received by the vendor.

NEW SECTION

WAC 284-17A-090 Does the commissioner have authority to suspend, fine, or revoke my license or refuse to license me? Yes. The commissioner can deny a license application, fine a vendor, or suspend or revoke a license. See RCW 48.17.540 through 48.17.560. The conduct of your employees and any authorized representatives within the scope of their employment or agency is viewed under the law as your conduct.

NEW SECTION

WAC 284-17A-100 What is the effective date of this rule? Each communications equipment vendor offering communications equipment insurance prior to July 1, 2002, may continue to offer such insurance provided that it makes application for licensure as a communications equipment insurance specialty producer on or before January 1, 2003. The expiration date of this initial license is July 1, 2004.

WSR 02-21-120**PERMANENT RULES****OFFICE OF THE****INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2002-07—Filed October 23, 2002, 9:38 a.m.]

Date of Adoption: October 23, 2003 [2002].

Purpose: These rules will require that annual statements, quarterly statements, statements of actuarial opinion, audited financial statements and other financial reports be filed electronically only. Currently, statements and reports are required to be filed on paper as well as electronically. The transition from paper to electronic filings should increase the speed and efficiency of filing while lowering filing and storage costs.

Citation of Existing Rules Affected by this Order: Amending WAC 284-07-050, 284-07-060, 284-07-070, 284-07-100, 284-07-110, and 284-07-130.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Adopted under notice filed as WSR 02-16-091 on October 23 [August 7], 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-07-060 (2)(b) "cerate" is changed to "create."

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 6, 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.

October 23, 2002

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2000-09, filed 5/15/01, effective 6/15/01)

WAC 284-07-050 ((Annual)) Financial statement instructions. (1) For the purpose of this section, the following definitions shall apply:

(a) "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(b) "Insurance" shall have the same meaning as set forth in RCW 48.01.040. It also includes prepayment of health care services as set forth in RCW 48.44.010(3) and prepayment of comprehensive health care services as set forth in RCW 48.46.020(1).

(2) Each authorized insurer is required to file with the commissioner an annual statement for the previous calendar year in the general form and context as promulgated by the National Association of Insurance Commissioners (NAIC) for the kinds of insurance to be reported upon, and shall also file a copy thereof with the NAIC. To effectuate RCW 48.05.250, 48.05.400, 48.36A.260, 48.44.095 and 48.46.080 and to enhance consistency in the accounting treatment accorded various kinds of insurance transactions, the valuation of assets, and related matters, insurers shall adhere to the appropriate Annual Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC.

(3) This section does not relieve an insurer from its obligation to comply with specific requirements of the insurance code or rules thereunder.

(4) ~~((Number of))~~ Annual statements:

(a) Until December 31, 2002, for domestic insurers, the statements are to be filed in triplicate to assist with public viewing and copying. Two statements must be permanently bound on the left side. The third statement must be unbound. The statements are to be filed in the Olympia office.

(b) Until December 31, 2002, for foreign insurers, except for health care service contractors and health maintenance organizations, one statement shall be filed in the Olympia office. For health care service contractors and health maintenance organizations, two left side permanently bound and one unbound statement shall be filed in the Olympia office to assist with public viewing and copying.

(c) After December 31, 2002, annual statements for all domestic and foreign insurers must be filed electronically with the commissioner. This includes the annual statement for the year ended December 31, 2002. Insurers must electronically transmit the annual statement, as described in subsection (2) of this section, in PDF or other format as noted on the commissioner's website. The commissioner has the discretion to allow an insurer to file annual statements on paper. The insurer must demonstrate that filing in electronic form will create an undue financial hardship for the insurer. Applications for permission to file on paper must be received by the commissioner at least ninety days before the annual statement is due.

(d) To comply with statutory requirements that annual statements must be verified by the oaths of at least two of the insurer's officers, insurers may:

(i) Use a method of electronic signature verification that has been approved by the commissioner for use by the insurer; or

(ii) File a paper copy of the signature and jurat page of the annual statement at the time of the electronic filing of the annual statement. This paper copy must contain the original signature of the company officers and the notary administering the oath. A foreign insurer may use facsimile signatures or reproductions of original signatures for its paper copy.

(e) Both the electronic annual statement and the verification of that statement by the oaths of two officers must be received by the commissioner to complete an annual statement filing. The date of receipt of the later of the electronic annual statement or verification is considered the receipt date of the annual statement.

(5)(a) Each domestic insurer shall file quarterly ~~((reports))~~ statements of its financial condition with the commissioner and with the NAIC. Each foreign insurer shall file quarterly ~~((reports))~~ statements of its financial condition with the NAIC. The commissioner may require a foreign insurer to file quarterly ~~((reports))~~ statements with the commissioner whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the foreign insurer. The ~~((reports))~~ statements shall be filed in the commissioner's office not later than the forty-fifth day after the end of the insurer's calendar quarters. ~~((Such))~~ The quarterly ~~((reports))~~ statements shall be in the form and content as promulgated by the NAIC for quarterly reporting by insurers, shall be prepared according to appropriate Annual and Quarterly Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC and shall be supplemented with additional information required by this title and by the commissioner. The statement is to be completed and filed in the same manner and places as the annual statement. Quarterly ~~((reports))~~ statements for the fourth quarter are not required.

PERMANENT

(b) Quarterly statements, beginning with the statement for the quarter ended March 31, 2003, must be filed with the commissioner by electronically transmitting the quarterly statement as described in this subsection, in PDF or other format as noted on the commissioner's website.

(6) As a part of any investigation by the commissioner, the commissioner may require an insurer to file monthly financial ~~((reports))~~ statements whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the insurer. Monthly financial statements shall be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial ~~((report))~~ statement is being filed. Such monthly financial ~~((reports))~~ statements shall be the internal financial statements of the company. In addition, the commissioner may require these internal financial statements to be accompanied by a schedule converting the financial statements to reflect financial position according to statutory accounting practices and submitted in a form using the same format and designation as the insurer's quarterly financial ~~((reports))~~ statements of insurers. "Financial statements" as used in this subsection includes:

- (a) Statement of assets;
- (b) Liabilities, capital and surplus;
- (c) Statements of revenue and expenses; and
- (d) Statements of cash flows.

(7) Health care service contractors shall use the ~~((Hospital, Medical, Dental Service or Indemnity Corporation's))~~ Health Statement Form promulgated by the NAIC for their statutory filings.

(8) Each health care service contractor's and health maintenance organization's annual statement shall be accompanied by ~~((a monthly enrollment data form (IC-16 HC/IC-15 HMO) and))~~ an additional data statement form (IC-13A-HC/IC-14-HMO).

~~(9) ((An insurer who on December 31, 1996, has not previously filed its annual or quarterly statements with the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier application is permitted.~~

~~(10))~~ The commissioner may allow a reasonable extension of the time ~~((within which such financial statements shall be filed))~~ for filing the financial statements. A request for an extension must be in writing. The request must be received prior to the due date of the filing and must state good cause for the extension. An extension can only be granted in writing; paper, fax, or e-mail is considered "writing" for purposes of this subsection.

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

WAC 284-07-060 Statement of actuarial opinion. (1) For purposes of this section "insurer" has the same meaning as set forth in RCW 48.01.050. It also includes ~~((a certified health plan registered under chapter 48.43 RCW,))~~ health care service contractors registered under chapter 48.44 RCW ~~((and)),~~ health maintenance organizations registered under

chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(2)(a) Each insurer shall include with its annual statement, a statement from a qualified actuary, as defined in WAC 284-05-060, or as defined in subsection (4) of this section for domestic property and casualty insurers, or as defined in subsection (5) of this section for health care service contractors and health maintenance organizations entitled "Statement of Actuarial Opinion," setting forth the actuary's opinion relating to the insurer's reserves and other actuarial items, prepared in accordance with the appropriate *Annual Statement Instructions* and *Accounting Practices and Procedures Manuals* promulgated by the National Association of Insurance Commissioners. If an exemption is allowed by the *Annual Statement Instructions* and is approved by the domiciliary commissioner, an insurer shall be exempt from this requirement (unless the commissioner of Washington makes a specific finding, by order, bulletin, letter, or otherwise, that for a specific insurer, or one or more insurers, company compliance is necessary to carry out the commissioner's statutory responsibilities). A certified copy of the approved exemption must be filed with the annual statement in all jurisdictions in which the company is authorized.

(b) After December 31, 2002, statements of actuarial opinion for all domestic and foreign insurers must be filed electronically with the commissioner. This includes the statement of actuarial opinion for the year ended December 31, 2002. Insurers must electronically transmit the statement of actuarial opinion, as described in (a) of this subsection, in PDF or other format as noted on the commissioner's website. The commissioner has the discretion to allow an insurer to file a statement of actuarial opinion on paper. The insurer must demonstrate that filing in electronic form will create an undue financial hardship for the insurer. Applications for permission to file a paper copy must be received by the commissioner at least ninety days before the statement of actuarial opinion is due.

(c) To comply with requirements that statements of actuarial opinion must be signed by the actuary, an insurer may:

- (i) Use a method of electronic signature verification that has been approved by the commissioner for use by the insurer; or
- (ii) File a paper copy of the signature page of the statement of actuarial opinion at the time of the electronic filing of the statement of actuarial opinion. The paper copy must contain the original signature of the actuary.

(3) This section does not relieve an insurer from its obligation to comply with other requirements of the insurance code or rules thereunder.

(4) With respect to statements of actuarial opinion for property and casualty insurers domiciled in this state, a person can demonstrate competency in loss reserve evaluation, and thus be considered to be a qualified actuary, only by being:

- (a) A member in good standing of the Casualty Actuarial Society; or
- (b) A member in good standing of the American Academy of Actuaries who has been approved as qualified for

signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries; or

(c) A person with documented experience, skill, and knowledge substantially equivalent to that required for either (a) or (b) of this subsection, acceptable to the commissioner. A person qualifying under this alternative (c) must be approved in advance by the commissioner, as prescribed by the *Annual Statement Instructions*.

(5) With respect to statements of actuarial opinion for health care service contractors and health maintenance organizations, the qualified actuary must be:

(a) A member in good standing of the American Academy of Actuaries;

(b) A person recognized by the American Academy of Actuaries as qualified for such actuarial evaluation; or

(c) A person with documented experience, skill, and knowledge substantially equivalent to that required for either (a) or (b) of this subsection, acceptable to the commissioner. A person qualifying under this alternative (c) must be approved in advance by the commissioner. In such a case, the health care service contractor or health maintenance organization must request approval at least ninety days prior to the filing of its annual statement.

AMENDATORY SECTION (Amending Matter No. R 95-18, filed 8/21/96, effective 9/21/96)

WAC 284-07-070 Statements to be filed in electronic form. (1) For the purpose of this section, the following definition shall apply: "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW ~~((and)),~~ health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(2) Annual statements, quarterly statements, and other financial reports filed by an insurer with the commissioner or the National Association of Insurance Commissioners shall be filed in electronic form as well as on paper through December 31, 2002. All annual, quarterly, and other financial statements filed by an insurer after December 31, 2002, shall be filed with the commissioner in electronic form only according to WAC 284-07-050.

(3) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, "electronic form" means, on a diskette, Internet filing, or File Transfer Protocol (FTP) filing, for all filings made prior to January 1, 2003. For all filings required to be made on or after January 1, 2003, "electronic form" will exclude diskette.

~~(4) ((Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, companies that operate only in Washington need not comply with subsection (2) of this section.~~

~~(5))~~ An insurer who on December 31, 1996, was not subject to this rule or has not previously filed in electronic form to the commissioner or the NAIC, shall comply with this rule for the year ending December 31, 1996, and each year thereafter. To enhance the intrastate and interstate sur-

veillance of the insurer's financial condition earlier filing is permitted.

~~((6))~~ (5) The requirement under this section applies to the extent that the NAIC has issued a diskette submission directive or has otherwise approved or prescribed an applicable diskette format for the particular class of insurer.

~~((7))~~ (6) The commissioner may allow a reasonable extension of the time ((within which such electronic form shall be filed)) for filing the financial statements. A request for an extension must be in writing. The request must be received prior to the due date of the filing and must state good cause for the extension. An extension can only be granted in writing; paper, fax, or e-mail is considered "writing" for purposes of this subsection.

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

WAC 284-07-100 Purpose and scope. (1) The purpose of this regulation, WAC 284-07-100 through 284-07-230, is to improve the Washington state insurance commissioner's surveillance of the financial condition of insurers by requiring an annual examination by independent certified public accountants of the financial statements reporting the financial position and the results of operations of insurers.

(2) Every insurer, as defined in WAC 284-07-110, shall be subject to this regulation. Insurers having direct premiums written of less than one million dollars in any calendar year and less than one thousand policyholders or certificate holders of directly written policies nation-wide at the end of such calendar year shall be exempt from this rule for such year (unless the commissioner makes a specific finding that compliance is necessary for the commissioner to carry out statutory responsibilities) except that insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of one million dollars or more will not be so exempt.

(3) Foreign or alien insurers filing audited financial reports in another state, pursuant to such other state's requirement of audited financial reports which has been found by the commissioner to be substantially similar to the requirements herein, are exempt from this rule if:

(a) A copy of the Audited Financial Report, Report on Significant Deficiencies in Internal Controls, and the Accountant's Letter of Qualifications which are filed with such other state are filed with the commissioner in accordance with the filing dates specified in WAC 284-07-120, 284-07-190 and 284-07-200, respectively; and

(b) A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the commissioner within the time specified in WAC 284-07-180.

Canadian insurers may submit accountants' reports as filed with the Canadian Dominion Department of Insurance.

(4) This rule shall not prohibit, preclude, or in any way limit the commissioner from ordering, conducting, or performing examinations of insurers under the rules, regulations, practices, and procedures of the insurance commissioner.

(5) After January 1, 2003, all reports and filings required by WAC 284-07-100 through 284-07-230 must be filed electronically with the commissioner. This includes the audit report for the insurer's financial statements for the year ended

December 31, 2002. Insurers must electronically transmit the report or filing in PDF or other format as noted on the commissioner's website. The commissioner has the discretion to allow an insurer to file paper copies of reports and filings required by WAC 284-07-100 through 284-07-230. The insurer must demonstrate that filing in electronic form will create an undue financial hardship for the insurer. Applications for permission to file in hard copy must be received by the commissioner at least ninety days before the statement of annual statement is due.

(6) To comply with statutory or other requirements that reports or filings be signed or verified, insurers and accountants may:

(a) Use a method of electronic signature verification that has been approved by the commissioner; or

(b) File a paper copy of the signature or verification at the time of the electronic transmission of the report or filing.

(7) The report or filing and the appropriate signatures and/or verifications must both be received to complete a filing. The date of receipt of the later of the two parts of the filing is considered the receipt date of the report or filing.

AMENDATORY SECTION (Amending Order R 94-2, filed 1/27/94, effective 2/27/94)

WAC 284-07-110 Definitions. For the purposes of this regulation the following definitions shall apply:

(1) "Audited financial report" means and includes those items specified in WAC 284-07-130.

(2) "Accountant" and "independent certified public accountant" mean an independent certified public accountant or accounting firm in good standing with the American Institute of Certified Public Accountants and in all states in which they are licensed to practice; for Canadian and British companies, the terms mean a "Canadian-chartered or British-chartered accountant."

(3) "Insurer" has the same meaning as set forth in RCW 48.01.050. It also includes ~~((a certified health plan registered under chapter 48.43 RCW,))~~ health care service contractors registered under chapter 48.44 RCW ~~((and)),~~ health maintenance organizations registered under chapter 48.46 RCW, and fraternal benefit societies registered under chapter 48.36A RCW.

(4) "NAIC" means National Association of Insurance Commissioners.

(5) "Policy holder" shall also mean subscriber.

AMENDATORY SECTION (Amending Matter No. R 2001-03, filed 10/18/01, effective 11/18/01)

WAC 284-07-130 Contents of annual audited financial report. (1) The annual audited financial report shall report the financial position of the insurer as of the end of the most recent calendar year and the results of its operations, cash flows, and changes in capital and surplus for the year then ended in conformity with statutory accounting practices prescribed, or otherwise permitted, by the commissioner.

(2) The annual audited financial report shall include the following:

(a) Report of independent certified public accountant.

(b) Balance sheet reporting admitted assets, liabilities, capital, and surplus.

(c) Statement of operations.

(d) Statement of cash flows.

(e) Statement of changes in capital and surplus.

(f) Notes to financial statements. These notes shall be those required by the appropriate NAIC Annual Statement Instructions and *NAIC Accounting Practices and Procedures Manual*. The notes shall include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to RCW 48.05.250, 48.05.073, 48.36A.260, 48.43.050, 48.43.097~~((+))~~, 48.44.095, or 48.46.080 with a written description of the nature of these differences.

(g) The financial statements included in the audited financial report shall be prepared in a form and using language and groupings substantially the same as the relevant sections of the annual statement of the insurer filed with the commissioner, and the financial statements shall be comparative, presenting the amounts as of December 31. However, in the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted.

WSR 02-21-123

PERMANENT RULES

OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2001-08—Filed October 23, 2002, 9:41 a.m.]

Date of Adoption: October 23, 2002.

Purpose: Chapter 48.31C RCW requires health care service contractors and health maintenance organizations to submit and file certain information with the insurance commissioner. This regulation will set forth the instructions, methods and forms by which this information will be filed with the insurance commissioner and further implement chapter 48.31C RCW.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, 48.46.200, chapter 48.31C RCW.

Adopted under notice filed as WSR 02-16-092 on August 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-18A-410 although entitled Disclaimers and termination of registration, did not include a provision for seeking a termination of registration as the title implied. Consequently language has been added to this section which allows a health care service contractor or a health maintenance organization to seek a termination of its holding company registration.

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 21, 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.

October 23, 2002

Mike Kreidler

Insurance Commissioner

Chapter 284-18A WAC

HEALTH CARE SERVICE CONTRACTOR AND HEALTH MAINTENANCE HOLDING COMPANY REGULATION

NEW SECTION

WAC 284-18A-300 Forms—General requirements.

(1) Forms A, B, C, D, and E are intended to be guides in the preparation of the statements required by RCW 48.31C.020 through 48.31C.060. They are not intended to be blank forms which are to be filled in. These statements when filed shall contain the numbers and captions of all items, but the text of the items may be omitted provided the answers thereto are prepared in such a manner as to indicate clearly the scope and coverage of the items. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or an answer is in the negative, an appropriate statement to that effect shall be made.

(2) Two complete copies of Form A, and one copy of Forms B, C, and D, and E, including exhibits and all other papers and documents filed as a part shall be filed with the commissioner by:

(a) Personal delivery to: Insurance Commissioner of the State of Washington, 5000 Capitol Blvd., Tumwater, WA 98501; or

(b) Mailed to: Insurance Commissioner of the State of Washington, Post Office Box 40259, Olympia, Washington 98504-0259.

At least one of the copies shall be manually signed in the manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

(3) Statements should be prepared on paper 8 1/2" x 11" in size and preferably bound at the top or the top left-hand corner. Exhibits and financial statements, unless specifically prepared for the filing, may be submitted in their original size. All copies of any statement, financial statements, or exhibits shall be clear, easily readable, and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguish-

able as such on photocopies. Statements shall be in the English language and monetary values shall be stated in United States currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

NEW SECTION

WAC 284-18A-310 Forms—Incorporation by reference, summaries, and omissions. (1) Information required by any item of Form A, Form B, Form D, or Form E may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, Form D, or Form E provided such document or paper is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the commissioner which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(2) Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular parts of any exhibit or document currently on file with the commissioner which was filed within three years and may be qualified in its entirety by such reference.

NEW SECTION

WAC 284-18A-320 Forms—Information unknown or unavailable and extension of time to furnish. (1) Information required need be given only insofar as it is known or reasonably available to the person filing the statement. If any required information is unknown and not reasonably available to the person filing, either because obtaining the information would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the person filing, the information may be omitted, subject to the following conditions:

(a) The person filing shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources; and

(b) The person filing shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(2) If it is impractical to furnish any required information, document, or report at the time it is required to be filed, there may be filed with the commissioner a separate document:

(a) Identifying the information, document, or report in question;

(b) Stating why the filing at the time required is impractical; and

(c) Requesting an extension of time for filing the information, document, or report to a specified date. The request for extension shall be deemed granted unless the commissioner denies the request within sixty days of receipt.

NEW SECTION

WAC 284-18A-330 Forms—Additional information and exhibits. In addition to the information expressly required to be included in Form A, Form B, Form C, Form D, and Form E, there shall be added such further material information, if any, as may be necessary to make the information contained therein not misleading. The person filing may also file such exhibits as it may desire in addition to those expressly required by the statement. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer. Changes to Forms A, B, C, D, or E shall include on the top of the cover page the phrase: "Change No. (insert number) to" and shall indicate the date of the change and not the date of the original filing.

NEW SECTION

WAC 284-18A-340 Definitions. (1) "The act" means Holding Company Act for Health Care Service Contractors and Health Maintenance Organizations RCW 48.31C.010 through 48.31C.901.

(2) "Executive officer" means chief executive officer, chief operating officer, chief financial officer, treasurer, secretary, controller, and any other individual performing functions corresponding to those performed by the foregoing officers under whatever title.

(3) "Ultimate controlling person" means that person who is not controlled by any other person.

(4) Unless the context otherwise requires, other terms found in these regulations and in RCW 48.31C.010 are used as defined in RCW 48.31C.010. Other terminology is according to Title 48 RCW, or industry usage if not defined by Title 48 RCW.

NEW SECTION

WAC 284-18A-350 Acquisition of control—Form A Statement filing. A person required to file a statement under RCW 48.31C.030, shall provide the required information on Form A, hereby made a part of this regulation.

NEW SECTION

WAC 284-18A-360 Amendments to Form A. The applicant shall promptly advise the commissioner of any changes in the information so furnished on Form A arising

after the date upon which the information was provided but prior to the commissioner's disposition of the application.

NEW SECTION

WAC 284-18A-370 Annual registration of health carriers—Form B Statement filing. (1) A health carrier required to file an annual registration statement under RCW 48.31C.040, shall provide the required information on Form B.

(2) The Form B must be filed within fifteen days after the health carrier becomes subject to registration, and annually on or before May 15th of each year for the previous calendar year.

NEW SECTION

WAC 284-18A-380 Summary of registration—Form C Statement filing. A health carrier required to file an annual registration statement under RCW 48.31C.040 is also required to furnish information required on Form C.

NEW SECTION

WAC 284-18A-390 Amendments to Form B. (1) An amendment to Form B shall be filed within fifteen days after the end of any month in which there is a material change to the information provided in the annual registration statement.

(2) Amendments shall be filed in the Form B format with only those items which are being amended reported. Each such amendment shall include at the top of the cover page "Amendment No. (insert number) to Form B for (insert year)" and shall indicate the date of the change and not the date of the original filings.

NEW SECTION

WAC 284-18A-400 Alternative and consolidated registrations. (1) Any authorized health carrier may file a registration statement on behalf of any affiliated health carrier or health carriers which are required to register under RCW 48.31C.040. A registration statement may include information not required by the act regarding any health carrier in the health carrier holding company system even if the health carrier is not authorized to do business in this state. In lieu of filing a registration statement on Form B, the registered health carrier may file a copy of the registration statement or similar report which it is required to file in its state of domicile, provided:

(a) The statement or report contains substantially similar information required to be provided on Form B; and

(b) The filing health carrier is the principal health carrier in the health carrier holding company system.

(2) The question of whether the filing health carrier is the principal health carrier in the health carrier holding company system is a question of fact and a health carrier filing a registration statement or report instead of Form B on behalf of an affiliated health carrier, shall set forth a brief statement of facts which will substantiate the filing health carrier's claim

that it, in fact, is the principal health carrier in the health carrier holding company system.

(3) Any health carrier may take advantage of the provisions of RCW 48.31C.040 (7) or (8) without obtaining the prior approval of the commissioner. The commissioner, however, reserves the right to require individual filings if he or she deems such filings necessary in the interest of clarity, ease of administration, or the public good.

NEW SECTION

WAC 284-18A-410 Disclaimers and termination of registration. A disclaimer of control or affiliation, or a request for termination of registration shall contain the following information:

(1) The number of authorized, issued, and outstanding voting securities of the health carrier;

(2) With respect to the person whose control is denied and all affiliates of such person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of such shares concerning which there is a right to acquire, directly or indirectly;

(3) All material relationships and bases for affiliation between the health carrier and the person whose control is denied and all affiliates of such person;

(4) A statement explaining why such person should not be considered to control the health carrier.

NEW SECTION

WAC 284-18A-420 Transactions subject to prior approval—Form D Notice filing. A health carrier required to obtain the prior approval of the commissioner of a proposed transaction pursuant to RCW 48.31C.050, shall provide the required information on Form D, hereby made a part of these regulations.

NEW SECTION

WAC 284-18A-430 Extraordinary dividends and other distributions. (1) Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders or members shall include the following:

(a) The amount of the proposed dividend or distribution;

(b) The date established for payment of the dividend or distribution;

(c) A statement as to whether the dividend or distribution is to be in cash or other property and, if in property, a description, its cost, and its fair market value together with an explanation of the basis for valuation;

FORM A

STATEMENT REGARDING THE

ACQUISITION OF CONTROL OF A DOMESTIC HEALTH CARRIER

Name of Domestic Health Carrier

BY

(d) A copy of the calculations determining that the proposed dividend or distribution is extraordinary. The work paper shall include the following information:

(i) The amounts, dates, and form of payment of all dividends or distributions (including regular dividends but excluding distributions of the health carriers own securities) paid within the period of twelve consecutive months ending on the date fixed for payment of the proposed dividend or distribution for which approval is sought and commencing on the day after the same day of the same month in the last preceding year;

(ii) The net worth of the health carrier as of the 31st day of December next preceding;

(iii) The net income of the health carrier for the twelve-month period ending the 31st day of December next preceding;

(iv) The net worth of the health carrier after payment of the dividend or distribution;

(v) The RBC level of the health carrier after payment of the dividend or distribution;

(e) A balance sheet and statement of income for the period intervening from the last annual statement filed with the commissioner and the end of the month preceding the month in which the request for dividend approval is submitted; and

(2) Each registered health carrier shall report to the commissioner all other dividends and other distributions to shareholders within five business days following the declaration, and at least fifteen business days before payment, including the same information required by subsection (1)(a) and (d)(i) through (v) of this section.

(3) The reporting of either dividends or distributions, or both, shall be made under the form in WAC 284-18A-960.

NEW SECTION

WAC 284-18A-440 Confidential proprietary and trade secret information. If the health carrier, applicant or other person filing information with the commissioner under chapter 48.31C RCW and this chapter, considers that some of the information being filed is confidential proprietary and trade secret information, then the person submitting the filing must clearly mark those portions of the filing that the person considers to be confidential proprietary and trade secret information as being confidential. The person making the filing shall also state the basis upon which the person considers the information to be confidential proprietary and trade secret information.

NEW SECTION

WAC 284-18A-910 Form A.

Name of Acquiring Person (Applicant)

Filed with the Insurance Commissioner of the State of Washington

Dated: _____.

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Statement Should be Addressed:

ITEM 1. HEALTH CARRIER AND METHOD OF ACQUISITION

State the name and address of the domestic health carrier to which this application relates and a brief description of how control is to be acquired.

ITEM 2. IDENTITY AND BACKGROUND OF THE APPLICANT

(a) State the name and address of the applicant seeking to acquire control over the health carrier.

(b) If the applicant is not an individual, state the nature of its business operations for the past five years or for such lesser period as such person and any predecessors have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than one-half of one percent of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in such chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing, indicate the type of organization (e.g. corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

ITEM 3. IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT

Furnish biographical information for (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of ten percent or more of the voting securities of the applicant if the applicant is not an individual. Unless otherwise directed by the commissioner, the biographical information shall contain the information required by and be submitted in the format of the current NAIC Biographical Affidavit form.

ITEM 4. NATURE, SOURCE AND AMOUNT OF CONSIDERATION

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties thereto, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed, and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, he or she must specifically request that the identity be kept confidential.

ITEM 5. FUTURE PLANS OF HEALTH CARRIER

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such health carrier, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

ITEM 6. NONPROFIT HEALTH CARRIERS

If the health carrier or person controlling the health carrier being acquired is a nonprofit corporation:

(a) Describe who the members of the corporation or person controlling the health carrier are and how they become or are selected as members of the corporation and how this may change as a result of the acquisition.

PERMANENT

(b) Describe who has the authority or power to elect or appoint the board of directors, trustees or other governing body of the health carrier or person controlling the health carrier and how this may change as a result of the acquisition.

ITEM 7. FOR-PROFIT HEALTH CARRIERS

If the health carrier being acquired is a for-profit person:

(a) State the number of shares of the health carrier's voting securities which the applicant, its affiliates and any person listed in Item 3 plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was determined.

(b) State the amount of each class of any voting security of the health carrier which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

(c) Give a full description of any contracts, arrangements or understandings with respect to any voting security of the health carrier in which the applicant, its affiliates or any person listed in Item 3 is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

(d) Describe any purchases of any voting securities of the health carrier by the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid therefor. State whether any such shares so purchased are hypothecated.

(e) Describe any recommendations to purchase any voting security of the health carrier made by the applicant, its affiliates or any person listed in Item 3, or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3 during the twelve calendar months preceding the filing of this statement.

(f) Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the health carrier for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five fiscal years (or for such lesser period as such applicant and its affiliates and any predecessors have been in existence), and similar information covering the period from the end of such person's last fiscal year, if such information is available. Such statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles. If the applicant is a health carrier or an insurer, the annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with statutory accounting principles as set forth in Titles 48 RCW and 284 WAC.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the health carrier and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the health carrier, annual reports to the stockholders of the health carrier and the applicant for the last two fiscal years, and any additional documents or papers required by Form A or WAC 284-18A-300 or 284-18A-320.

ITEM 9. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.030 has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____, _____.

PERMANENT

(SEAL)

Name of Applicant

BY

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, for and on behalf of (Name of Applicant); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)

NEW SECTION

WAC 284-18A-920 Form B.

FORM B
HEALTH CARRIER HOLDING COMPANY SYSTEM
ANNUAL REGISTRATION STATEMENT
Filed with the Insurance Commissioner of the State of Washington
BY

Name of Registrant
On Behalf of Following Health Carriers.
Name Address

Dated: _____.

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. IDENTITY AND CONTROL OF REGISTRANT

Furnish the exact name of each health carrier registering or being registered (hereinafter called "the registrant"), the home office address and principal executive offices of each; the date on which each registrant became part of the health carrier holding company system; and the method(s) by which control of each registrant was acquired and is maintained.

ITEM 2. ORGANIZATIONAL CHART

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the health carrier holding company system. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing, indicate the type of organization (e.g., corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 3. THE ULTIMATE CONTROLLING PERSON

As to the ultimate controlling person in the health carrier holding company system, furnish the following information:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure of the person, i.e., corporation, partnership, individual, trust, etc.
- (e) The principal business of the person.

(f) If the ultimate controlling person is a for-profit person, the name and address of any person who holds or owns ten percent or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned.

(g) If the ultimate controlling person is a nonprofit corporation, list the members of the corporation and the board of directors, trustees or other governing body of the corporation.

(h) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

ITEM 4. BIOGRAPHICAL INFORMATION

Furnish biographical information for the executive officers and the directors, trustees or other governing body of the ultimate controlling person. Unless otherwise directed by the commissioner, the biographical information shall contain the information required by and be submitted in the format of the current NAIC Biographical Affidavit form.

ITEM 5. TRANSACTIONS AND AGREEMENTS

Briefly describe the following agreements in force, and transactions currently outstanding or which have occurred during the last calendar year between the registrant and its affiliates (no information need be disclosed if such information is not material for purposes of RCW 48.31C.040):

- (a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates;
- (b) Purchases, sales or exchanges of assets;
- (c) Transactions not in the ordinary course of business;
- (d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the registrant's business;
- (e) All management agreements, service contracts and all cost-sharing arrangements;
- (f) Reinsurance agreements;
- (g) Dividends and other distributions to shareholders;
- (h) Consolidated tax allocation agreements; and
- (i) Any pledge of the registrant's stock or of the stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

The description shall be in a manner as to permit the proper evaluation by the commissioner, and shall include at least the following: The nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, relationship of the affiliated parties to the registrant, the date of the transaction or agreement and the date the transaction or agreement was approved by the commissioner if such an approval was required.

ITEM 6. LITIGATION OR ADMINISTRATIVE PROCEEDINGS

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which such litigation or proceeding is or was pending:

- (a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party thereto; and

(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

ITEM 7. STATEMENT REGARDING PLAN OR SERIES OF TRANSACTIONS

The health carrier shall furnish a statement that it has not entered into separate transactions with persons within the health carrier's holding company system which in the aggregate amount exceed the statutory threshold amounts which would have required the commissioner's prior approval or reporting to the commissioner.

ITEM 8. FINANCIAL STATEMENTS AND EXHIBITS

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the ultimate controlling person in the health carrier holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis, or unless the commissioner otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

The annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles. If the ultimate controlling person is a health carrier or insurer, the annual financial statements of the ultimate controlling person shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with statutory accounting principles as set forth in Titles 48 RCW and 284 WAC.

(c) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person; and any additional documents or papers required by Form B or WAC 284-18A-300 and 284-18A-320.

ITEM 9. FORM C REQUIRED

A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.

ITEM 10. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.040, the registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____.

(SEAL) _____
Name of Applicant

BY _____
(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

PERMANENT

The undersigned deposes and says that (s)he has duly executed the attached annual registration dated _____, _____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

NEW SECTION

WAC 284-18A-930 Form C.

FORM C

SUMMARY OF REGISTRATION STATEMENT

Filed with the Insurance Commissioner of the State of Washington

BY

Name of Registrant

On Behalf of Following Health Carriers

Name Address

Date: _____, _____

Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

Furnish a brief description of all items in the current annual registration statement which represent changes from the prior year's annual registration statement. The description shall be in a manner that permits the proper evaluation by the commissioner, and shall include specific references to Item numbers in the annual registration statement and to the terms contained therein.

Changes occurring under Item 2 of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of ten percent or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4 of Form B need only be included where: An individual is, for the first time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his or her responsibilities with the ultimate controlling person; or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of such change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The health carrier shall furnish a statement that it has not entered into separate transactions with persons within the health carrier's holding company system which in the aggregate amount exceed the statutory threshold amounts which would have required the commissioner's prior approval or reporting to the commissioner.

SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.040, the registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____, _____.

PERMANENT

(SEAL) _____

 Name of Applicant
 BY _____

 (Name) (Title)

Attest:

 (Signature of Officer)

 (Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached summary of registration dated _____, _____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____
 (Type or print name beneath) _____

NEW SECTION

WAC 284-18A-940 Form D.

FORM D
 PRIOR NOTICE OF A TRANSACTION
 Filed with the Insurance Commissioner of the State of Washington
 BY _____

Name of Registrant
 On Behalf of Following Health Carriers
 Name Address

Date: _____, _____.
 Name, Title, Address, and Telephone Number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. IDENTITY OF PARTIES TO TRANSACTION

Furnish the following information for each of the parties to the transaction:

- (a) Name.
- (b) Home office address.
- (c) Principal executive office address.
- (d) The organizational structure, i.e., corporation, partnership, individual, trust, etc.
- (e) A description of the nature of the parties' business operations.

PERMANENT

(f) Relationship, if any, of other parties to the transaction to the health carrier filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the health carrier seeking approval, or by the health carrier filing the notice in the affiliated parties.

(g) Where the transaction is with a nonaffiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

ITEM 2. DESCRIPTION OF THE TRANSACTION

Furnish the following information for each transaction for which notice is being given:

- (a) A statement of the nature of the transaction.
- (b) The proposed effective date of the transaction.

ITEM 3. SALES, PURCHASES, EXCHANGES, LOANS, EXTENSIONS OF CREDIT, GUARANTEES, OR INVESTMENTS

Furnish a brief description of the amount and source of funds, securities, property or other consideration for the sale, purchase, exchange, loan, extension of credit, guarantee, or investment, whether any provision exists for purchase by the health carrier filing notice, by any party to the transaction, or by any affiliate of the health carrier filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the health carrier will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of such investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the health carrier's net worth.

ITEM 4. LOANS OR EXTENSIONS OF CREDIT TO A NONAFFILIATE

If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding whereby the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the health carrier making such loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of, or make investments in any affiliate. Describe the amount and source of funds, securities, property, or other consideration for the loan or extension of credit and, if the transaction is one involving consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the health carrier's net worth.

ITEM 5. REINSURANCE

If the transaction is a reinsurance agreement or modification thereto, as described by RCW 48.31C.050 (2)(c), furnish a description of the known or estimated amount of liability to be ceded or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the health carrier and nonaffiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the health carrier's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the health carrier's net worth.

ITEM 6. MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS, AND COST-SHARING ARRANGEMENTS

For management and service agreements, furnish:

- (a) A brief description of the managerial responsibilities, or services to be performed.
- (b) A brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made.

For cost-sharing arrangements, furnish:

- (a) A brief description of the purpose of the agreement.
- (b) A description of the period of time during which the agreement is to be in effect.

(c) A brief description of each party's expenses or costs covered by the agreement.

(d) A brief description of the accounting basis to be used in calculating each party's costs under the agreement.

ITEM 7. SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of RCW 48.31C.050, the registrant has caused this notice to be duly signed on its behalf in the City of _____ and State of _____ on the day of _____, _____.

(SEAL) _____

Name of Applicant

BY _____

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that (s)he has duly executed the attached application dated _____, _____, for and on behalf of (Name of Company); that (s)he is the (Title of Officer) of such company and that (s)he is authorized to execute and file such instrument. Deponent further says that (s)he is familiar with such instrument and the contents, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature) _____

(Type or print name beneath) _____

NEW SECTION

WAC 284-18A-950 Form E.

FORM E

PREACQUISITION NOTIFICATION FORM
REGARDING THE ACQUISITION OF CONTROL OF A FOREIGN HEALTH
CARRIER DOING BUSINESS IN THIS STATE

Name of Applicant

Name of Other Person

Involved in the Acquisition

Filed with the Insurance Commissioner of the State of Washington

Dated: _____

Name, title, address and telephone number of person completing this statement:

ITEM 1. NAME AND ADDRESS

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

PERMANENT

ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION

State the nature and purpose of the proposed merger or acquisition.

ITEM 4. NATURE OF BUSINESS

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

ITEM 5. MARKET AND MARKET SHARE

State specifically what market and market share the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data.

For purposes of this question, market means direct written premiums in this state for a line of business as contained in the annual statement required to be filed by health carriers licensed to do business in this state.

NEW SECTION

WAC 284-18A-960 Dividends and distributions.

Notification of dividend or distribution to shareholders/members from Washington health carriers

Company Name: _____

NAIC Code: _____

Date Mailed: ___/___/___

1A. Amount of dividend or distribution. \$ _____

1B. How will dividend or distribution be paid* (Circle one). Cash / Property

2A. Date dividend or distribution was declared. ___/___/___

2B. Date dividend or distribution is to be paid. ___/___/___

3A. Dividends paid and distributions made within the previous 12 months from the date on Line 2B:

| Date | How Paid* | Amount |
|-------------|-----------|----------|
| ___/___/___ | _____ | \$ _____ |
| ___/___/___ | _____ | \$ _____ |
| ___/___/___ | _____ | \$ _____ |
| ___/___/___ | _____ | \$ _____ |
| ___/___/___ | _____ | \$ _____ |

3B. Total. \$ _____

*If noncash, describe the property to be distributed and the method used to determine its fair market value.

4. Sum of Amounts of Lines 1A and 3B. \$ _____

5A. Net Worth as of the previous year-end. \$ _____

5B. 10% of Amount on Line 5A. \$ _____

6. Net Income as of the previous year-end. \$ _____

7. The Lesser of Line 5B or Line 6. \$ _____

8. Lines 4 minus Line 7. \$ _____

9A. If Line 8 is negative, Line 1A is ordinary dividend or distribution. _____

9B. If Line 8 is positive, Line 1A is extraordinary dividend or distribution. _____

If 9A is checked, notification is required within 5 business days of dividend or distribution declaration and at least 15 business days prior to expected payment or distribution.

If 9B is checked, including the above notification requirement, no payment can be made until: The later of (1) 30 days after sufficient notice or if notice is incomplete, then 15 days after receipt of additional information, or (2) 30 days after original receipt; or the commissioner has approved the payment within the 30-day period.

PERMANENT

Please note that the payment of any dividend or distribution is prohibited if the payment would reduce the net worth of the health carrier below the greater of: (1) The minimum required by RCW 48.44.037 for a health care service contractor or RCW 48.46.235 for a health maintenance organization or (2) the company action level RBC under RCW 48.43.300 (9)(a).

Certification:

President/Secretary

Date

WSR 02-21-128
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Health Professions Quality Assurance)
 [Filed October 23, 2002, 10:37 a.m.]

Date of Adoption: September 30, 2002.

Purpose: To clarify and implement RCW 18.29.220 and 18.32.226, which establishes endorsements to enhance the authority for dental hygienists and dental assistants to provide sealant and fluoride varnish treatment to low-income, rural, and other at-risk children through schools in coordination with the local public health jurisdictions and local oral health coalitions.

Statutory Authority for Adoption: RCW 43.70.650.

Adopted under notice filed as WSR 02-16-101 on August 7, 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 5, 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 5, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 23, 2002

M. C. Selecky
 Secretary

Chapter 246-814 WAC

ACCESS TO DENTAL CARE FOR CHILDREN

NEW SECTION

WAC 246-814-010 Purpose. The purpose of this chapter is to implement RCW 18.29.220 and 18.32.226. These laws are intended to improve access to dental care for low-income, rural, and other at-risk children by enhancing the authority of dental hygienists and dental assistants to provide

dental sealant and fluoride varnish treatments in school-based programs. The department of health encourages partnerships within geographical regions and among participants in the oral health care community in implementing this law.

NEW SECTION

WAC 246-814-020 Practices authorized. (1) **Dental hygienists.** Solely for purposes of providing services under this chapter, dental hygienists holding endorsements under this chapter may assess by determining the need for (i.e., the absence of gross carious lesions and sealants) and acceptability of dental sealant and/or fluoride varnish treatment for children in school-based programs and may apply dental sealants and fluoride varnish treatments, without the supervision of a licensed dentist. This determination does not include or involve diagnosing conditions or constitute a dental examination.

(2) **Dental assistants.** A dental assistant is currently defined by the Dental Quality Assurance Commission in WAC 246-817-510 as an unlicensed person working under the *close* supervision of a licensed dentist. Solely for purposes of this chapter, authorized dental assistants may apply dental sealants and fluoride varnish treatments to children in school-based programs under the *general* supervision of a Washington state licensed dentist, as described in this chapter.

(a) *Close supervision* requires the licensed supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist must be in the treatment facility when the treatment is provided.

(b) *General supervision* requires the licensed supervising dentist to first determine the need for and acceptability of dental sealant and fluoride varnish treatments, refer the treatment and the dentist does not have to be in the treatment facility when the treatment is provided.

(3) Dental assistants and their supervising dentists, as well as dental hygienists shall coordinate with local public health jurisdictions and local oral health coalitions prior to providing services under this chapter, consistent with RCW 18.29.220 and 18.32.226.

NEW SECTION

WAC 246-814-030 Application process and documentation of training required to qualify for endorsement. (1) The department of health has issued endorsements

PERMANENT

to all dental hygienists holding valid licenses on or before April 19, 2001, the effective date of RCW 18.29.220.

(2) Dental hygienists licensed after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.29.220 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;

(c) Information of having a valid Washington state dental hygiene license for reference; and

(d) Proof of the completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(3) Dental assistants employed by a Washington state licensed dentist on or before April 19, 2001, are not required to obtain an endorsement but may voluntarily do so without having to meet the additional requirements in RCW 18.32.226.

(4) Dental assistants employed by a Washington state licensed dentist for two hundred hours after April 19, 2001, must obtain an endorsement to provide services under this chapter. Applicants must meet the additional requirements in RCW 18.32.226 and must submit the following to the department:

- (a) Application for endorsement;
- (b) Fee;

(c) Proof of two hundred hours of employment as a dental assistant by a Washington state licensed dentist that has included theoretical and clinical training in the application of dental sealants and fluoride varnish treatments, verified by a declaration provided by the licensed dentist who provided the training; and

(d) Proof of completion of training that has incorporated the Washington state department of health sealant/fluoride varnish program guidelines as described in WAC 246-814-040(3).

(5) Dental assistants and their supervising dentists, as well as dental hygienists should use the Washington state department of health sealant/fluoride varnish guidelines described in WAC 246-814-040 and other protocols that may be in place for the geographic region when coordinating with local public health jurisdictions. To assist the local public health jurisdictions and the practitioners in coordinating these services, a "letter of understanding" is recommended and would provide a means to address mutual concerns. It may include, but is not limited to:

- (a) Data collection requirements;
- (b) Delineation of responsibilities of the treatment providers and the local public health jurisdictions;
- (c) Quality assurance mechanisms; and
- (d) Communication with schools being served.

(6) Dental assistants and their supervising dentists, as well as dental hygienists shall coordinate with the local oral health coalitions by participating in oral health coalition meetings that may be held in the geographical region.

NEW SECTION

WAC 246-814-040 Training and the provision of services. (1) The "Washington state department of health sealant/fluoride varnish program guidelines" have been developed, maintained and distributed by the department of health in partnership with the oral health community and health care practitioners. To obtain copies of the "guidelines" contact the department of health.

(2) The Washington state department of health sealant/fluoride varnish program guidelines are designed to assist the local public health jurisdictions and oral health care communities in the planning, implementation, and evaluation of school-based dental sealant and fluoride varnish programs. Every school-based dental sealant and fluoride varnish program should design their program to provide, at minimum, for the following:

- (a) Assessing and targeting the population.
- (b) Establishing community capacity and infrastructure.
- (c) Determining staffing needs and training.
- (d) Securing equipment and supplies.
- (e) Developing policies, procedures and data collection forms.

- (f) Scheduling schools/sites.
- (g) Preparing sites for implementation.
- (h) Providing services.
- (i) Evaluating the process and outcomes.

(3) The Washington state department of health sealant/fluoride varnish program guidelines also provides the training required for dental hygienists and dental assistants providing services under this chapter. Applicants for endorsement must obtain training as contained in these specific guidelines, which can be met through any one of the following methods:

(a) Graduation from a dental assisting, dental hygiene or dental educational program, accredited by the American Dental Association, which has incorporated the Washington state department of health sealant/fluoride varnish program guidelines.

(b) Continuing education courses which teach the Washington state department of health sealant/fluoride varnish program guidelines.

(c) Individual training provided by a Washington licensed dentist, which has incorporated the Washington state department of health sealant/fluoride varnish program guidelines.

NEW SECTION

WAC 246-814-990 Endorsement fees for dental assistants and dental hygienists, renewal of endorsement not required. (1) Endorsements do not require renewal.

(2) Endorsement documents are issued to the qualified applicant, and are not the property of the employer or the supervisor.

(3) The following one-time, nonrefundable fee will be charged:

- Dental assistant application/endorsement. \$50
- Dental hygiene application/endorsement. \$50

WSR 02-20-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed September 25, 2002, 3:38 p.m.]

Date of Adoption: September 24, 2002.

Purpose: The Division of Developmental Disabilities (DDD) has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called State Supplementary Payment (SSP). Implementation of this directive requires amendment of rules in chapters 388-820, 388-825 and 388-850 WAC, as well as adoption of new WAC 388-825-500 through 388-825-580, Division of Developmental Disabilities state supplemental payment. The department has filed a CR-101 preproposal statement of inquiry (WSR 02-17-068), and has initiated a rule-making proceeding to adopt permanent rules on this subject matter. These rules supersede emergency rules filed as WSR 02-14-064 on June 27, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 388-850-035, 388-820-020, 388-820-060, 388-820-120, 388-825-020, 388-825-055, 388-825-120, 388-825-180, 388-825-205, 388-825-252, and 388-825-254.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020

Other Authority: 2001-03 Supplemental Budget, ESSB 6387 (chapter 371, Laws of 2002).

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 state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the DDD to begin paying an income supplement, called state supplemental payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplemental payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment. The remaining amount of state supplemental payments required by federal rules will be used to support low... income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent.

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 20, Amended 11, 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 20, Amended 11, Repealed 0.

Effective Date of Rule: Immediately.

September 24, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-020 What definitions apply to this chapter? "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who:

- ((*) (1) Has a developmental disability;
- ((*) (2) Is eligible under RCW 71A.10.020 (for eligibility criteria, see chapter 388-825 WAC); and
- ((*) (3) Is authorized by DDD to receive residential services outlined in this chapter or privately purchases residential services. ~~((For eligibility criteria, see chapter 388-825 WAC.))~~

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

- ((*) (1) Owned, leased, or rented by an entity other than the client;
 - ((*) (2) Licensed by the applicable state authority; and
 - ((*) (3) Operated by a provider.
- (See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

(*) (1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

(*) (2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

(*) (3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

(*) (4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

(*) (5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Retrial" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

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

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental, or psychosocial well-being is or may be compromised or threatened.

"Support" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"Supported living" means residential services provided to clients living in their own homes, which are owned, rented,

or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"Trust account" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-060 Who may receive residential services? Clients ~~((who))~~ may receive residential services if they are at least eighteen years old and either authorized by DDD ~~((may receive))~~ or have an agreement with the service provider to purchase residential services from their own resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-120 Who pays for a client's residential services? (1) DSHS must pay for residential services provided to department-funded clients under department contract at the contracted rate.

(2) ~~((DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation))~~ Clients not included in the department contract may purchase services privately through a separate agreement with the service provider.

(3) The service provider must inform DSHS when the ~~((client))~~ department-funded clients requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department approval.

(4) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a department-funded client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, they must reimburse the service provider as described in WAC 388-820-120.

(5) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

AMENDATORY SECTION (Amending WSR 99-23-021 [02-16-014], filed 11/9/99 [7/25/02], effective 12/10/99 [8/25/02])

WAC 388-825-020 Definitions. "Abandonment" means action or inaction by a person or entity with a duty to care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

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

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

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

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

"Client or person" means a person the division determines under RCW 71A.16.040 and WAC 388-825-030 eligible for division-funded services.

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

"Companion home" means the same as **"intensive individual supported living support."**

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

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

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

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

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

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

"Family resources coordinator" means the person who is:

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

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

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

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

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

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

"Intensive individual ((supportive)) supported living ((service)) support" (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for no more than one adult person with developmental disabilities in a regular family residence approved and contracted by the department ensuring client health, safety and well-being.

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

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

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

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

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

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

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

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

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

"Residential programs" means provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as, licensed group homes, and non-facility based, i.e., supportive living, intensive tenant support, and state-operated living alternatives (SOLA). Other residential programs include individual alternative living, intensive individual supportive living services, adult family homes, adult residential care services, nursing homes, and children's foster homes.

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

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

"State supplementary payment (SSP)" is the state paid cash assistance program for certain DDD eligible SSI clients.

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

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

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

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

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 99-19-104 [02-16-014], filed 9/20/99 [7/25/02], effective 9/20/99 [8/25/02])

WAC 388-825-055 Authorization of services. (1) The division's field services section shall be responsible for authorizing state paid services agreed to by the person/family including, but not limited to:

- (a) Placement to and from residential habilitation centers;
 - (b) Community residential services;
 - (c) Family support services; and
 - (d) Nonresidential programs.
- (2) The division's authorization of services shall be based on the (~~availability of~~) services and funding available:

(a) Persons must meet the programmatic and financial eligibility requirements for the specific services;

(b) Funding for state paid services is available in the state operating budget; and

(c) SSP funding is not available to the client. The availability of SSP funding makes the client ineligible for state funding for the same service.

(3) The division will include the following persons when determining authorized services:

- (a) The person;
- (b) The person's parent or guardian and may include:

- (i) The person's advocate; or
 - (ii) Other responsible parties.
- (4) Per RCW 71A.116.010 the division shall offer adults the choice of admittance to a residential habilitation center if all of the following conditions exist:

- (a) An RHC vacancy is available;
- (b) Funding, specifically designated for this purpose in the state operating budget, is available for alternative community support services;
- (c) The person or their family is requesting residential services;
- (d) The person meets ICF/MR or nursing facility eligibility for the available RHC vacancy;

(e) The person is the most in need of residential services as determined by DDD after reviewing all persons determined eligible for ICF/MR or nursing facility level of care. DDD will make this selection based on the following criteria:

- (i) The person is age eighteen or older;
- (ii) The person's/family's health and safety is in jeopardy due to the lack of necessary residential support and supervision:

(A) Priority is given to eligible persons/families currently without necessary residential supports;

(B) Other eligible persons will be considered based on their risk of losing residential supports due to unstable or deteriorating circumstances.

(f) The person's alternative DDD funded community support services would cost seventy percent or more of the average RHC rate, assuming a minimum household size of three persons.

(5) If RHC capacity is not being used for permanent residents, the division will make these vacancies available for respite care or any other services the department determines are needed and allowable within the rules governing the use of federal funds.

(a) Admission of a child or adolescent to an RHC for respite care requires the written approval of the division director or designee.

(b) Respite care exceeding thirty days in a calendar year is subject to subsection (6) of this section.

(6) The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee if the admission is not a choice provided under subsection (4) of this section.

(a) Children twelve years of age and younger shall not be admitted to an RHC.

(b) Admission of an adolescent to an RHC can only occur if:

(i) DDD determines that foster placement services cannot meet the emergency needs of the child/family; and

(ii) A voluntary placement plan is in place with DDD with the goal of community placement or family reunification; and

(iii) Progress towards placement planning is reported to the division director at least every ninety days.

(7) The division shall authorize county-funded services only when the(~~;~~)

~~(a))~~ service is included in a department contract(~~(;~~ and

(b))):

(a) The person is at least twenty-one years of age and
~~((graduated from school during their twenty-first year; or~~

~~(e) Person is twenty-two years of age or older; or~~

~~(d) Person)) is no longer attending school; or~~

(b) The person is age twenty and graduates prior to
his/her July or August twenty-first birthday; or

(c) The child is two years of age or younger and eligible
for early intervention services.

(8) The department shall require a person to participate
in defraying the cost of services provided when mandated by
state or federal regulation or statute.

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 bracketed material preceding the section above
was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 99-19-104
[02-16-014], filed 9/20/99 [7/25/02], effective 9/20/99
[8/25/02])

WAC 388-825-120 Adjudicative proceeding. (1) A
client, former client, or applicant acting on the applicant's
own behalf or through an authorized representative has the
right to an adjudicative proceeding to contest the following
department actions:

(a) Denial or termination of eligibility set forth in WAC
~~((275-27-030))~~ 388-825-030;

(b) Development or modification of the individual ser-
vice plan set forth in WAC ~~((275-27-060))~~ 388-825-050;

(c) Authorization, denial, reduction, or termination of
services ~~((set forth in WAC 275-27-230))~~;

(d) Admission or readmission to, or discharge from, a
residential habilitation center;

(e) A claim the client, former client, or applicant owes an
overpayment debt;

(f) A decision of the secretary under RCW 71A.10.060
or 71A.10.070;

(g) A decision to change a client's placement from one
category of residential services to a different category of res-
idential services.

(2) Adjudicative proceedings are governed by the
Administrative Procedure Act (chapter 34.05 RCW), RCW
71A.10.050, the rules in this chapter, and by chapter ~~((388-
08))~~ 388-02 WAC. If any provision in this chapter conflicts
with chapter ~~((388-08))~~ 388-02 WAC, the provision in this
chapter shall govern.

(3) The applicant's application for an adjudicative pro-
ceeding shall be in writing and filed with the DSHS office of
appeals within twenty-eight days of receipt of the decision
the appellant wishes to contest.

(4) The department shall not implement the following
actions while an adjudicative proceeding is pending:

(a) Termination of eligibility;

(b) Reduction or termination of service, except when the
action to reduce or terminate the service is based on the avail-
ability of funding and/or service; or

(c) Removal or transfer of a client from a service, except
when a condition in subsection (5)(f) of this section is
present.

(5) The department shall implement the following
actions while an adjudicative proceeding is pending:

(a) Denial of eligibility;

(b) Development or modification of an individual ser-
vice plan;

(c) Denial of service;

(d) Reduction or termination of service when the action
to reduce or terminate the service is based on the availability
of funding or service;

(e) After notification of an administrative law judge's (or
review judge) ruling that the appellant has caused an unrea-
sonable delay in the proceedings; or

(f) Removal or transfer of a client from a service when:

(i) An immediate threat to the client's life or health is
present;

(ii) Service termination or transfer for a specific group of
clients in order to meet the legislative intent of and comply
with sections 205 and 207, chapter 371, Laws of 2002.

(iii) The client's service provider is no longer able to pro-
vide services due to:

(A) Termination of the provider's contract;

(B) Decertification of the provider;

(C) Nonrenewal of provider's contract;

(D) Revocation of provider's license; or

(E) Emergency license suspension.

~~((iii))~~ (iv) The client, the parent when the client is a
minor, or the guardian when the client is an adult, approves
the decision.

(6) When the appellant files an application to contest a
decision to return a resident of a state residential school to the
community, the procedures specified in RCW 71A.10.050(2)
shall govern the proceeding. These procedures include:

(a) A placement decision shall not be implemented dur-
ing any period during which an appeal can be taken or while
an appeal is pending and undecided unless the:

(i) Client's or the client's representative gives written
consent; or

(ii) Administrative law judge (or review judge) after
notice to the parties rules the appellant has caused an unrea-
sonable delay in the proceedings.

(b) The burden of proof is on the department; and

(c) The burden of proof is whether the specific place-
ment proposed by the department is in the best interests of the
resident.

(7) The initial order shall be made within sixty days of
the department's receipt of the application for an adjudicative
proceeding. When a party files a petition for administrative
review, the review order shall be made within sixty days of
the department's receipt of the petition. The decision-render-
ing time is extended by as many days as the proceeding is
continued on motion by, or with the assent of, the appellant.

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

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

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-825-180 Eligible persons. (1) To be eligible to apply for community alternatives program (CAP) services, the individual must:

- (a) Meet the criteria for the division of developmental disabilities (DDD) eligibility.
 - (b) Meet the criteria for disability as established in the Social Security Act.
 - (c) Have an income of less than three hundred percent of the federal Supplemental Security Income (SSI) benefit amount.
 - (d) Need an IMR level of care as determined by a DDD nursing care consultant.
 - (e) Does not have SSP funding for the needed habilitation services and training.
 - (i) Require twenty-four hour care and require services that cannot be provided by a family member, and
 - (ii) Have a documented need for habilitation services and training.
- (2) Participation in CAP is by choice of the otherwise IMR-eligible person.

AMENDATORY SECTION (Amending WSR 99-19-104 [02-16-014], filed 9/20/99 [7/25/02], effective 9/20/99 [8/25/02])

WAC 388-825-205 Who is eligible to participate in the family support opportunity program? (1) All individuals living with their families determined to be developmentally disabled according to WAC ((275-27-026)) 388-825-030 are eligible to participate in the program if their family requires assistance in meeting their needs. However, the program will fund or provide support services only as funding is available.

(2) Persons currently receiving services under WAC ((275-27-220 and 275-27-223)) 388-825-252, Family support services, may volunteer to participate in the program.

(3) Families will receive program services based on the date of application.

(4) Availability of SSP (state supplementary payment) makes the client/family ineligible for state funding for the same service.

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

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

AMENDATORY SECTION (Amending WSR 99-19-104 [02-16-014], filed 9/20/99 [7/25/02], effective 9/20/99 [8/25/02])

WAC 388-825-252 Family support services. (1) The purpose of the family support program is to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, the following services:

(a) Respite care, including the use of community activities which provide respite;

(b) Attendant care;

(c) Nursing services provided by a registered nurse or licensed practical nurse, that cannot be provided by an unlicensed caregiver, including but not limited to, ventilation, catheterization, insulin injections, etc., when not covered by another resource;

(d) Therapeutic services, provided these therapeutic services are not covered by another resource such as medicaid, private insurance, public schools, or child development services funding, including:

(i) Physical therapy;

(ii) Occupational therapy;

(iii) Behavior management therapy; and

(iv) Communication therapy; or

(v) Counseling for the client relating to a disability.

(3) Receiving family support services is based on:

(a) Funding for state paid services must be available in the state operating budget; or

(b) SSP funding must be available to the client/family.

(4) The following rules, subsections (5) through (9), apply only to family support services authorized by the department and do not govern services purchased by the family with SSP funding (state supplementary payment). See WAC 388-825-570.

(5) Up to nine hundred dollars of the service need level amount in WAC 388-825-254 may be used during a one year period for flexible use as follows. The requested service must be necessary as a result of the disability of the client.

(a) Training and supports including parenting classes and disability related support groups;

(b) Specialized equipment and supplies including the purchase, rental, loan or refurbishment of specialized equipment or adaptive equipment not covered by another resource including Medicaid. Mobility devices such as walkers and wheelchairs are included, as well as communication devices and medical supplies such as diapers for those more than three years of age;

(c) Environmental modification including home repairs for damages, and modifications to the home needed because of the disability of the client;

(d) Medical/dental services not covered by any other resource. This may include the payment of insurance premiums and deductibles and is limited to the premiums and deductibles of the client;

(e) Special formulas or specially prepared foods needed because of the disability of the client;

(f) Parent/family counseling dealing with a diagnosis, grief and loss issues, genetic counseling and behavior management;

(g) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(h) Specialized utility costs including extraordinary supplemental utility costs related to the client's disability or medical condition;

(i) Transportation costs for gas or tickets (ferry fare, transit cost) for a client to get to essential services and appointments, if another resource is not available;

(j) Other services approved by the DDD regional administrator or designee that will replace or reduce ongoing departmental expenditures and will reduce the risk of out-of-home placement. Exemption requests under this section are not subject to appeal.

~~((4))~~ (6) Recommendations will be made to the regional administrator by a review committee. The regional administrator will approve or disapprove the request and will communicate reasons for denial to the committee.

~~((5))~~ (7) Payment for services specified in subsection ~~((3))~~ (5), except ~~((3))~~(5)(a) and (h), shall cover only the portion of cost attributable to the client.

~~((6))~~ (8) Requests must be received by DDD no later than midway through the service authorization period unless circumstances exist justifying an emergency.

~~((7))~~ (9) A plan shall be developed jointly by the family and the department for each service authorization period. The department may choose whether to contract directly with the vendor, to authorize purchase by another agency, or may reimburse the parent of the client.

~~((8))~~ (10) Emergency services. Emergency funds may be requested for use in response to a single incident or situation or short term crisis such as care giver hospitalization, absence, or incapacity. The request shall include anticipated resolution of the situation. Funds shall be provided for a limited period not to exceed two months. All requests are to be reviewed and approved or denied by the regional administrator or designee.

~~((9))~~ (11) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

~~((10))~~ (12) If the client becomes eligible and begins to receive Medicaid Personal Care services as defined in ~~((WAC 388-15-880 through 388-15-890))~~ 388-15-202 through 388-15-203, the family support funding will be reduced at the beginning of the next month of service. The family will receive notice of the reconfiguration of services at least five working days before the beginning of the month.

~~((11))~~ (13) If requested family support services are not authorized, such actions shall be deemed a denial of services.

~~((12))~~ (14) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

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

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

AMENDATORY SECTION (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-254 Service need level rates. (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252(2) ~~((of this section))~~ and (5);

(b) Service need levels as described in WAC ~~((388-825-252(3)))~~ 388-825-254(3) of this chapter. The amount of SSP (state supplementary payment) available to a child/family will be included when calculating the monthly allocation of state family support dollars. Service need level lid amounts are as follows:

(i) Clients designated for service need level one (WAC 388-825-256) may receive up to one thousand one hundred fifty-six dollars per month or two thousand four hundred sixty-two dollars per month if the client requires licensed nursing care in the home:

(A) If a client is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be five hundred twelve dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than one thousand one hundred fifty-six dollars additional family support can be authorized to bring the total to one thousand one hundred fifty-six dollars.

(ii) Clients designated for service need level two may receive up to four hundred fifty-six dollars per month if not receiving funding through Medicaid personal care:

(A) If a client is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred fifty-six dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than fifty-six hundred four dollars, additional family support can be authorized to bring the total to four hundred fifty-six dollars.

(iii) Clients designated for service need level three may receive up to two hundred fifty-six dollars per month provided the client is not receiving Medicaid personal care. If the client is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred twenty-eight dollars per month; and

(iv) Clients designated for service level four may receive up to one hundred twenty-eight dollars per month family support services.

(c) Availability of family support funding;

(d) Authorization by a review committee, in each regional office, which reviews each request for service;

(e) The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

(3) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(4) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.

NEW SECTION

WAC 388-825-500 What is the state supplementary payment that will be administered by the division of developmental disabilities (DDD)? The state supplemental payment (SSP) is a state-paid cash assistance program for certain clients of the division of developmental disabilities.

NEW SECTION

WAC 388-825-505 What are the eligibility requirements for the DDD/SSP program? To be eligible to receive DDD/SSP, you must be determined DDD eligible under RCW 71A.10.020 and meet all of the financial and programmatic criteria for DDD/SSP.

NEW SECTION

WAC 388-825-510 What is the financial eligibility requirement to receive DDD/SSP? You must have been eligible for SSI cash assistance for March 2002 and be eligible for SSI cash assistance.

NEW SECTION

WAC 388-825-515 What are the programmatic requirements for DDD/SSP? (1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and February 28, 2002, were approved for this service in July 2002 and continue to receive this service.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,
- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services.

(b) Family support;
(c) Residential services with one or more of the following licensed, certified and/or contracted providers:

- (i) Adult family home,
- (ii) Adult residential care center,
- (iii) Alternative living,
- (iv) Group home,

- (v) Supported living,
- (vi) Agency attendant care,
- (vii) Supported living or other residential service allowance,
- (viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For transition employment/day program services:

(a) You have been assessed by DDD or division of vocational rehabilitation (DVR) to be in need of long-term support:

(i) You received transition employment/day program services from a county, a county-contracted provider or from DVR between July 1, 2001 and June 30, 2002; and

(ii) Were born between September 1, 1979 and August 31, 1982; and

(iii) Receive services from a county or a county-contracted provider.

(b) If you are on the CAP waiver but receive no CAP waiver service from DDD other than transition employment/day program services, you will receive transition employment/day program services according to WAC 388-825-055(7).

NEW SECTION

WAC 388-825-520 How often will my eligibility for DDD/SSP be re-determined? Redetermination of eligibility for the DDD/SSP program will be conducted at least annually, or more frequently if deemed necessary by DDD.

NEW SECTION

WAC 388-825-525 How will I know if I am eligible to receive a DDD/SSP payment? You will receive a written notification from DDD if you have been identified as eligible for this program.

NEW SECTION

WAC 388-825-530 Can I choose not accept DDD/SSP payments? If your service funding has been converted to the DDD/SSP program, DDD/SSP payments are the only way you can receive that funding.

(1) If you choose not to receive DDD/SSP payments, you will not receive department funding for that service.

(2) Your waiver service(s) not funded by DDD/SSP payments will not be affected by your choice to receive or reject DDD/SSP payments.

NEW SECTION

WAC 388-825-535 Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? You can apply through your case resource manager to determine eligibility for SSP but eligibility is limited to those meeting the financial and programmatic eligibility in WAC 388-824-510 and 388-825-515.

NEW SECTION

WAC 388-825-540 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP? (1) You have the right to appeal the department's denial, termination, or reduction of services. Your rights to an adjudicative proceeding are in WAC 388-825-120.

(2) Your current services will not be continued while the matter is being appealed if the service termination or transfer is for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

NEW SECTION

WAC 388-825-545 How much money will I receive? The department will determine your payment amount.

(1) For residential and VPP services, the amount of your SSP will be based on the amount of state-only dollars spent on certain services for July 2002.

(2) For family support services, refer to WAC 388-825-200 through 388-825-284.

(3) For transition employment/day program services, the department will individually determine the amount of your payment.

NEW SECTION

WAC 388-825-546 May I voluntarily remove myself from the community alternatives program (CAP) waiver in order to increase the amount of my SSP? You may voluntarily remove yourself from the CAP waiver but your SSP will not increase because of this action.

NEW SECTION

WAC 388-825-550 How often will I receive my DDD/SSP warrant/check? You will receive a monthly "warrant/check" from the state.

NEW SECTION

WAC 388-825-555 Who will the warrant/check be sent to? (1) If you are a child under the age of eighteen, the warrant/check will be sent to your legal representative or protective payee or representative payee.

(2) If you are a person age eighteen and older, the warrant/check will be sent directly to your protective payee or representative payee if you have one.

(3) If you do not have a protective payee or representative payee, the warrant/check will be sent directly to you.

NEW SECTION

WAC 388-825-560 How will the warrant/check be sent? You may choose to have your check delivered through the US Postal Service, or as an electronic funds transfer.

NEW SECTION

WAC 388-825-565 When will DDD/SSP begin issuing payments? Payments will begin for September 2002 for all services except transition employment/day program services. For transition employment/day program services, payments will begin for October 2002.

NEW SECTION

WAC 388-825-570 Are there rules restricting how I use my DDD/SSP money? (1) For family support, you will determine the best use of your SSP cash assistance.

(a) If you are on the CAP waiver, you will receive:

(i) Nine hundred dollars DDD/SSP money per year to use as you determine;

(ii) The remainder up to the maximum allowed to purchase services contained in WAC 388-825-252(2) excluding the use of community activities which provide respite.

(b) If you are not on the CAP waiver, you will receive the maximum allowed in the form of DDD/SSP money to use as you determine.

(2) For voluntary placement program (VPP):

(a) DDD/SSP funds for current VPP children under age eighteen must be used to purchase VPP services from a state contracted or licensed provider.

(b) DDD/SSP funds for current VPP persons age eighteen through age twenty must be used to purchase VPP services from a provider who is contracted by the state and is either licensed or certified.

(3) For adult residential services, requirements will vary according to residence:

(a) Persons currently receiving services from a certified or licensed provider must use their DDD/SSP money to purchase residential services. Examples of these residential providers: Adult family home, adult residential care, group home, supported living, and agency attendant care.

(b) Persons receiving alternative living or companion home services from an individual contracted with DSHS/DDD and choose to continue to use an individual provider must use persons contracted with DSHS/DDD.

(4) For service allowance or other residential client allowance, you are required to use this money for necessary living expenses only; i.e., rent, food, utilities.

(5) For transition employment/day program services, you are required to use this money to purchase transition employment/day program services from a county or a county-contracted provider.

NEW SECTION

WAC 388-825-571 May I purchase services from a provider who lies outside the state of Washington? For family support, you may use your SSP as you determine best. For all other services the person or provider must be licensed or certified by or contracted with the state of Washington.

NEW SECTION

WAC 388-825-575 Do I have additional responsibilities when I purchase my own services? (1) When you purchase in-home services from individuals, you become the employer. As the employer, you may have tax liabilities. If you have questions regarding employer tax issues, you can contact the Internal Revenue Service.

(2) You must report changes in your circumstances within ten days from the date you become aware of the change. You are to report if your SSI stops or if there is a change in your living arrangement that affects your eligibility for the receipt of service.

(3) If you want to obtain a criminal background check of any employee who will have unsupervised access to children or adults with developmental disabilities, you may get the background check done through the State Highway Patrol or DSHS. You can ask DDD to assist you with completing these background checks.

NEW SECTION

WAC 388-825-580 What happens if I do not spend my DDD/SSP money as required in WAC 388-825-570? DSHS has the right to recover any SSP benefit issued by DDD and terminate eligibility for SSP if it is determined that:

- (1) The SSP benefits were not spent as required in WAC 388-825-570; or
- (2) You no longer receive SSI cash benefits, and continued to collect DDD/SSP; or
- (3) Your living situation changed, the living situation impacts eligibility for funding, and you continued to collect DDD/SSP.

NEW SECTION

WAC 388-825-585 When may the department stop sending my DDD/SSP money? The department will stop sending your DDD/SSP money when:

- (1) You no longer receive SSI;
- (2) Your living arrangement changes and the change affects your eligibility for service;
- (3) You no longer require the service; or
- (4) Your DDD eligibility stops.

AMENDATORY SECTION (Amending WSR 99-10-104 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-850-035 Services—Developmental disabilities. (1) A county may purchase and provide services listed under chapter 71A.14 RCW.

(a) The department shall pay a county for department authorized services provided to an eligible developmentally disabled person.

(b) DD eligible persons who receive SSP funding for transition services shall pay the county or a county contracted provider for services.

(2) A county may purchase or provide authorized services. Authorized services may include, but are not limited to:

- (a) Early childhood intervention services;
- (b) Employment services;
- (c) Community access services;
- (d) Residential services;
- (e) Individual evaluation;
- (f) Program evaluation;
- (g) County planning and administration; and
- (h) Consultation and staff development.

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

WSR 02-21-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-250—Filed October 4, 2002, 2:04 p.m.]

Date of Adoption: October 4, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-47-311.

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 implements, for the indicated areas, an essential element in the coho salmon management plans that were developed and agreed to by comanagers in the North of Falcon meetings earlier in the year. In the North of Falcon forum, the fishing plans were evaluated to assess expected impacts, arising from both catch and fishing release mortalities, on the various coho stocks. Regulation inputs to the computer model used in evaluating those impacts included a requirement for purse seines to release coho salmon during scheduled purse seine fishing openings in the areas identified above. In areas where coho retention by purse seines is allowed (7B-Nooksack/Samish origin fish; 8-Skagit origin fish; 8B-Tulalip Bay origin fish) the stocks can support harvest and release was not agreed to in the rule development process. This requirement for purse seines to release coho in the listed areas was inadvertently omitted from the permanent commercial fishing regulations that were promulgated following completion of the fishing plans. It is necessary to implement this purse seine coho release requirement in order to comply with comanagers' agreements and to meet conservation objectives for the various coho salmon stocks. Repeal of this section is scheduled to occur after the final purse seine fishing day of the 2002 Puget Sound commercial salmon fishing season. 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.

October 4, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-47-31100C Purse seine—Open periods.

Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to retain coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B, and 12C.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 6, 2002:

WAC 220-47-31100C Purse seine—Open periods.

**WSR 02-21-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-251—Filed October 4, 2002, 2:06 p.m.]

Date of Adoption: October 4, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-41100C; and amending WAC 220-47-411.

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 emergency rule is needed to correct an error in the permanent gill net rules for Area 6D that says chum salmon can be kept after October 15, 2002. Chum salmon conservation plans for Dungeness Bay stipulate release of these fish throughout the entire open commercial gill net fishing season in Area 6D. This emergency

change for gill net rules in Area 6D will rectify that problem. 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.

October 4, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-47-41100C Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to retain chum salmon taken in Area 6D. Chum salmon are required to be removed from the net by cutting the meshes ensnaring the fish.

[REPEALER]

The following section of the Washington Administrative Code is repealed effective 7:01 p.m. October 25, 2002:

WAC 220-47-41100C Purse seine—Open periods.

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

**WSR 02-21-011
EMERGENCY RULES
TRANSPORTATION IMPROVEMENT BOARD**

[Filed October 7, 2002, 11:53 a.m.]

Date of Adoption: September 27, 2002.

Purpose: To adopt emergency rules for the legislatively created congested corridor program.

Statutory Authority for Adoption: Chapter 201, Laws of 2002.

Other Authority: Chapter 47.26 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

EMERGENCY

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 201, Laws of 2002 creates the congested corridor program and provides a \$10,000,000 appropriation in the 01-03 biennium. Rules are required prior to selecting projects to be funded with the 01-03 biennial appropriation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 3, 2002

Richard F. Struna

Chief Financial Officer

NEW SECTION

WAC 479-11-005 Purpose and authority. Washington Laws for 2002, Chapter 201, provides that the Transportation Improvement Board shall adopt reasonable rules necessary to implement the City and County Corridor Congestion Relief programs. Projects must be consistent with all applicable state and federal laws and regulations.

NEW SECTION

WAC 479-11-008 Definitions. For purposes of implementing the requirements of Washington Laws for 2002, Chapter 201, relative to the City and County Corridor Congestion Relief programs, the following definitions shall apply:

1. CCP – Congested Corridor Program

NEW SECTION

WAC 479-11-100 Intent of the congested corridor program. The intent of the program is to improve mobility of people and goods in Washington State by supporting economic development and environmentally responsive solutions to our statewide transportation system needs. Eligible agencies are counties that have an urban area and cities with a population of five thousand or more.

NEW SECTION

WAC 479-11-110 Priority criteria for the congested corridor program. The following criteria shall be utilized by the transportation improvement board to prioritize projects:

1. Congestion relief measures
2. Local match above the required minimum match
3. Access to diverse modes of transportation
4. Improvements resulting from existing or foreseeable safety problems
5. Extending or completing corridors

NEW SECTION

WAC 470-11-140 Eligible congested corridor program projects. Eligible projects include:

1. Improvement on routes classified as principal or minor arterials that serve as an alternate route to a limited access state highway that provides continuous primary connectivity between major transportation facilities or destinations. Types of projects include:
 - a. Roadway widening
 - b. Channelization
 - c. Signalization
 - d. High Occupancy Vehicle (HOV) lanes
 - e. Intelligent transportation systems

Reviser's note: The above new section was filed by the agency as WAC 470-11-140. This section is placed among sections forming new chapter 479-11 WAC, and therefore should be numbered WAC 479-11-140. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 479-11-180 Matching funds on congested corridor program projects. Congested Corridor Program funds for urban program projects authorized by the board shall be matched by:

1. An amount not less than twenty percent of the total eligible cost of the transportation project.
2. A portion of the matching funds for city projects must come from the additional motor vehicle fuel tax authorized in Chapter 202, Laws of 2002. Of those cities receiving distributions under Chapter 202, half of the first year's motor vehicle fuel tax distributed shall be committed to the project as local match.
3. Projects on state routes require financial participation from the Washington State Department of Transportation.

WSR 02-21-020

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 8, 2002, 4:13 p.m.]

Date of Adoption: October 4, 2002.

Purpose: On June 12, 2002, the department adopted emergency rules (WSR 02-13-043) to bring the regulations

and procedures of the DSHS Division of Child Support (DCS) into agreement with statutory changes in the 2002 legislative session, namely changes to the Uniform Parentage Act (chapter 302, Laws of 2002) and changes regarding the jurisdiction of DCS (chapter 199, Laws of 2002). DCS started the regular rule-making process at the same time. DCS continues to work with stakeholders regarding the new rules and must adopt a second emergency filing to continue the emergency rules in place while we develop permanent policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3100, 388-14A-3102, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3370, and 388-14A-3810.

Statutory Authority for Adoption: RCW 43.05.350 (1)(b), 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, and 74.20A.310; chapter 302, Laws of 2002; chapter 199, Laws of 2002.

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 emergency rules implement: (1) Chapter 302, Laws of 2002, amending the Uniform Parentage Act regarding the affidavit or acknowledgment of paternity, that became effective July 1, 2002; and (2) chapter 199, Laws of 2002, amending the statutory jurisdiction of DCS, that became effective June 13, 2002. DCS continues to work with stakeholders to develop 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 1, Amended 7, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 7, Repealed 0.

Effective Date of Rule: Immediately.

October 4, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial par-

ent. A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the noncustodial parent's support obligation for the child(ren) named in the notice; or

(b) Specifically relieves the noncustodial parent of a support obligation for the child(ren) named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when parties to a paternity order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity order or the decree of dissolution, including provisions establishing paternity, remain in effect.

(4) Depending on the legal relationship between the NCP and the child for whom support is being set, DCS serves one of the following support establishment notices:

(a) Notice and finding of financial responsibility (NFFR), see WAC 388-14A-3115. This notice is used when the NCP is either the mother or the legal father of the child. WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)).

(b) Notice and finding of parental responsibility (NFPR), see WAC 388-14A-3120. This notice is used when the NCP was not married to the mother but has filed an affidavit or acknowledgment of paternity. WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)).

(c) Notice and finding of medical responsibility (NFMR), see WAC 388-14A-3125. This notice is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3102 When the parents have signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)), which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an affidavit of paternity, also called an acknowledgment of paternity. The legal effect of the affidavit or acknowledgment depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the affidavit was signed.

(2) For ((paternity)) affidavits or acknowledgments filed on or before August 14, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFPR). See WAC 388-14A-3120.

(3) For paternity affidavits filed ((on or)) after August 14, 1997 with the center for health statistics in the state of

Washington, ~~((it depends on how much time has elapsed since filing:~~

~~(a) If less than sixty days have passed since filing, DCS serves a NFFR under WAC 388-14A-3120, because the parents can rescind (withdraw) the affidavit within sixty days of filing and request genetic testing; or~~

~~(b) If sixty or more days has passed since filing,)) DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the affidavit or acknowledgment has become a conclusive presumption of paternity under ~~((RCW 26.26.040))~~ section 305, chapter 302, Laws of 2002.~~

(4) For ~~((paternity))~~ acknowledgments or affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFFPR depending on the laws of the state where the affidavit is filed.

(5) DCS relies on ~~((paternity))~~ the acknowledgment or affidavit(s), even if the mother ~~((and the))~~ or father were eighteen years of age or older at the time they ~~((signed))~~ entered the acknowledgment or affidavit, ((or have reached eighteen years of age since signing the affidavit. A party who was under eighteen at the time the affidavit was signed and filed in Washington after August 14, 1997 has sixty days after their eighteenth birthday to void the affidavit; for affidavits filed in other states, the law of the state of filing determines whether the affidavit is voidable)) under section 304, chapter 302, Laws of 2002.

(6) If the mother was married at the time of the child's birth, but not to the man acknowledging paternity, the man to whom she was married must also have signed ~~((the affidavit to deny))~~ and filed a denial of paternity within ten days of the child's birth.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFFPR), or notice and finding of medical responsibility (NFMR) becomes a final, enforceable order if neither the custodial parent or the noncustodial parent objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the noncustodial parent must object within the following time limits:

(a) Within twenty days of service, if the noncustodial parent was served in Washington state.

(b) Within sixty days of service, if the noncustodial parent was served outside of Washington state.

(4) To be timely, the custodial parent must object within twenty days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date the division of child support (DCS) receives the request for hearing.

(7) When an NFFPR is served, the order will not become a final order if either parent requests genetic testing under WAC 388-11-048 (or as later amended) within the following time limits:

(a) The noncustodial parent must request genetic testing within twenty days of service, if the noncustodial parent was served in Washington state ~~((and the affidavit has not yet become a final determination of paternity))~~.

(b) The noncustodial parent must request genetic testing within sixty days of service, if the noncustodial parent was served outside of Washington state ~~((and the affidavit has not yet become a final determination of paternity))~~.

(c) The custodial parent must request genetic testing within twenty days of service ~~((and may request genetic testing only if the affidavit has not yet become a final determination of paternity.~~

~~((d) For parties who have filed paternity affidavits in Washington after August 14, 1997, a request for genetic testing does not by itself operate to rescind the affidavit))~~ of the notice.

(8) The noncustodial parent or custodial parent must make the hearing request or request for genetic testing, either in writing or orally, at any DCS office. See WAC 388-14-500 (or as later amended) regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-11-150 (or as later amended);

(b) An initial decision for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or

(c) A review decision.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) The NFFR:

(a) Advises the noncustodial parent and the custodial parent (who can be either a parent or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by WAC 388-11-210 (or as later amended) and RCW 74.20A.055.

(c) Includes the noncustodial parent's health insurance obligation, as required by WAC 388-11-215 (or as later amended).

(d) May include an obligation to provide support for day care or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(e) Warns the noncustodial parent and the custodial parent that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(3) After service of the NFFR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(4) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(5) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(6) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFFR can end sooner or later than age eighteen.

(7) If paternity has been established by an affidavit or acknowledgment of paternity ((filed in Washington state on or after August 14, 1997 becomes a legal finding of paternity under RCW 26.26.040 (1)(c) unless it is rescinded (withdrawn) within sixty days of filing. If sixty days have passed since the affidavit or acknowledgment was filed, DCS may serve a NFFR to establish a support obligation)), DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to challenge the acknowledgment or denial of paternity may only bring an action in court to rescind or challenge the acknowledgment or denial of paternity under sections 307 and 308, chapter 302, Laws of 2002.

(8) If the parents filed a paternity affidavit or acknowledgment of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(9) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFFR) is an administrative notice served by the division of

child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.056.

(2) The NFFR differs from a notice and finding of financial responsibility (NFFR)(see WAC 388-14A-3115) because the parties may request genetic testing to contest paternity after being served with a NFFR.

(3) DCS serves a NFFR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before August 14, 1997; or

(b) ~~((An affidavit acknowledging paternity is on file with the center for health statistics and was filed on or after August 14, 1997 but the sixty day period for rescission has not yet passed; or~~

(e)) An affidavit acknowledging paternity is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or challenge paternity.

(4) DCS attaches a copy of the acknowledgment of paternity or certification of birth record information to the NFFR.

(5) The NFFR advises the noncustodial parent and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR. The NFFR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(6) The NFFR includes the information required by WAC 388-11-210 (or as later amended), RCW 74.20A.055, and 74.20A.056.

(7) The NFFR includes the noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended).

(8) The NFFR may include an obligation to provide support for day care expenses or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(9) DCS may not assess an accrued support debt for a period longer than five years before the NFFR is served. This limitation does not apply to the extent that the noncustodial parent hid or left the state of Washington for the purpose of avoiding service.

(10) After service of the NFFR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(11) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of the NFFR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(12) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final

order. See WAC 388-14A-3110 for when the notice becomes a final order.

(13) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFPR can end sooner or later than age eighteen.

(14) Either the noncustodial parent, or the mother, if she is also the custodial parent, may request genetic tests under WAC 388-11-048 (or as later amended), notwithstanding the language of WAC 388-11-048, which refers only to the father. A mother who is not the custodial parent may at any time request that DCS refer the case for paternity establishment in the superior court.

(15) DCS does not stop enforcement of the order unless DCS receives a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the noncustodial parent is later:

- (a) Excluded from being the father by genetic tests; or
- (b) Found not to be the father by a court of competent jurisdiction.

(16) If the noncustodial parent requested genetic tests and was not excluded as the father, he may request within twenty days from the date of service of the genetic tests in Washington, or sixty days from the date of service of the genetic tests outside of Washington:

- (a) A hearing on the NFPR.
- (b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(17) If the noncustodial parent was not excluded as the father, the mother, if she is also the custodial parent, may within twenty days of the date of service of the genetic tests request:

- (a) A hearing on the NFPR; or
- (b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

~~(18) ((If the affidavit or acknowledgment was filed in Washington after August 14, 1997, but sixty days have not passed since filing, DCS serves a NFPR. If the NCP wishes to contest paternity he must rescind (withdraw) the acknowledgment at the center for health statistics before the sixty-day period ends or there will be a legal finding of paternity under RCW 26.26.040 (1)(e). A request to DCS for genetic testing is not sufficient to withdraw the paternity affidavit.~~

~~(19))~~ If the NCP is excluded by genetic testing, DCS may refer the case for paternity establishment in the superior court.

~~((20))~~ (19) A hearing on a NFPR is for the limited purpose of resolving the accrued support debt, current support obligation and reimbursement to DCS for paternity-related costs. The NCP has the burden of proving any defenses to liability.

NEW SECTION

WAC 388-14A-3122 When the rescission period has not yet passed for an affidavit or acknowledgment filed between August 14, 1997 and June 13, 2002, which support establishment notice does the division of child sup-

port serve when the father is the noncustodial parent? (1) The division of child support (DCS) serves a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120 if:

(a) The parents filed an affidavit or acknowledgment of paternity with the department of health between August 14, 1997 and June 13, 2002;

(b) The sixty-day rescission period has not yet passed; and

(c) The father is the noncustodial parent.

(2) Either the father or the custodial parent may request a hearing on the terms of the NFPR.

(3) The father, or the mother if she is also the custodial parent, may request genetic tests on the NFPR if the acknowledgment or affidavit of paternity has not yet become a final determination of paternity.

(4) A party who requests genetic testing from DCS on an acknowledgment or affidavit of paternity filed with the department of health between August 14, 1997 and June 13, 2002, but within the sixty-day rescission period, must also file a rescission with the department of health. Requesting genetic testing does not stop the acknowledgment or affidavit from becoming final.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation? (1) A noncustodial parent (NCP) who objects to a notice and finding of financial, parental, or medical responsibility has the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Proof of payment;

(b) The existence of a superior court or administrative order that sets the NCP's support obligation or specifically relieves the NCP of a support obligation for the child(ren) named in the notice;

(c) The party is not a responsible parent as defined by RCW 74.20A.020(7);

(d) The amount requested in the notice is inconsistent with the Washington state child support schedule, Chapter 26.19 RCW;

(e) Equitable estoppel, subject to WAC 388-14A-6500; or

(f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a custodial parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) An NCP may be excused from providing support for a dependent child ~~((receiving public assistance under chapter 74.12 RCW))~~ if the NCP is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The NCP may be excused only for any period during which the NCP was wrongfully deprived of custody. The NCP must establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the NCP;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the NCP's physical custody and the NCP has not subsequently assented to deprivation. Proof of enticement requires more than a showing that the child is allowed to live without certain restrictions the NCP would impose; and

(d) Within a reasonable time after deprivation, the NCP exerted and continues to exert reasonable efforts to regain physical custody of the child.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

- (a) A superior or tribal court order supersedes the order;
- (b) The order is modified under WAC 388-14A-3925;
- (c) The child reaches eighteen years of age;
- (d) The child is emancipated;
- (e) The child marries;
- (f) The child becomes a member of the United States armed forces;
- (g) The child or the responsible parent die;
- (h) A responsible stepparent's marriage is dissolved;

((f))
(i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or

(j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues and/or may be established for a dependent child who is:

- (a) Under nineteen years of age; and
- (b) A full-time student reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the student becomes nineteen years of age.

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

- (a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;
- (b) NCP reconciles with the child and the custodial parent; or
- (c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation

resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

WSR 02-21-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-252—Filed October 9, 2002, 8:48 a.m.]

Date of Adoption: October 8, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900P; 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: These lakes are either scheduled for rehabilitation or proposed for rehabilitation with a high expectation that they will occur. 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.

October 8, 2002

J. P. Koening

Director

NEW SECTION

WAC 232-28-61900P Exceptions to state-wide rules. Notwithstanding the provisions of WAC 232-28-619:

(1) Alta Lake (Okanogan Co.) Effective immediately through October 14, 2002, open to fishing for game fish. Daily limit for game fish: none

(2) Badger Lake (Spokane Co.) Effective immediately through October 21, 2002, open to fishing for game fish. Daily limit for game fish: none

(3) Davis Lake (Okanogan Co.) Effective immediately through January 31, 2003, Daily limit for game fish: none.

(4) Dibble Lake (Okanogan Co.) Effective immediately through October 14, 2002, Daily limit for game fish: none. Effective 12:01 a.m. October 15, 2002 through January 31, 2003 - Closed to fishing.

(5) Dusty Lake (Grant Co.) Effective immediately through 12:01 a.m. October 14, 2002, open to fishing for game fish. Daily limit for game fish: none.

(6) Magpie Lake (Grant Co.) Effective immediately through October 14, 2002, Daily limit for game fish: none. Effective 12:01 a.m. October 15, 2002 through January 31, 2003 - Closed to fishing.

(7) Martha Lake (Grant Co.) Effective immediately through January 31, 2003, open to fishing for game fish. Daily limit for game fish: none.

(8) North Silver (Spokane Co.) Effective immediately through January 31, 2003 - Closed to fishing.

(9) South Ancient Lake (Grant Co.) Effective immediately through October 13, 2002, Daily limit for game fish: none. Effective 12:01 a.m. October 14, 2002 through January 31, 2003 - Closed to fishing.

(10) Williams Lake (Stevens Co.) Effective immediately through October 21, 2002 open to fishing for game fish. Daily limit for game fish: none.

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: October 14, 2002.

October 9, 2002
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-07300X Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective October 14, 2002 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1, 2, 3, 4, 6 and 7 are open only on Mondays and Tuesdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Mondays, Tuesdays and Wednesdays of each week. In Sea Urchin Districts 1 and 2 it is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of spines).

(3) It is unlawful to dive for any purpose from a commercially licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on Saturdays and Sundays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 1, 2003:

WAC 232-28-61900P Exceptions to statewide rules.

**WSR 02-21-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-254—Filed October 10, 2002, 2:50 p.m., effective October 14, 2002]

Date of Adoption: October 9, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red and green sea urchins exist in the areas described. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

**WSR 02-21-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-255—Filed October 10, 2002, 2:52 p.m., effective October 10, 2002, 8:01 p.m.]

Date of Adoption: October 10, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000W; and amending WAC 220-33-010.

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

EMERGENCY

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The late stock coho run size is greater than the preseason forecast and harvestable numbers of salmon and sturgeon are available for the mainstem Columbia River. Sturgeon sales are limited to allow for continued sales throughout the remainder of the late fall season and to remain within the sturgeon guideline. The select areas are part of an on-going BPA funded study to design fisheries in areas outside the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. This season is consistent with 2002 fall management agreement and actions of the Columbia River Compact on August 15, 2002, and October 9, 2002, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. 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: October 10, 2002, 8:01 p.m.

October 10, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-33-0100W Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-005, WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1A, 1B, 1C, 1D, 1E

a) SEASON: 7:00 p.m. October 14 to 7:00 a.m. October 18, 2002

7:00 p.m. October 21 to 7:00 a.m. October 25, 2002

b) GEAR: 9 3/4 inch maximum mesh.

c) ALLOWABLE SALE: Salmon and sturgeon, except a maximum of five white sturgeon may be possessed or sold by

each participating vessel within a 24 hour fishing period and a maximum of 15 white sturgeon may be landed by each participating vessel per week.

d) SANCTUARIES: Grays River, Elochomin-A, Abernathy Creek, Cowlitz, Kalama-A, Lewis-A, Sandy, Washougal sanctuaries are in effect.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100' radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

3) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily. Tongue Point and South Channel areas are open.

b) GEAR: In the Tongue Point area the mesh size is restricted to Gillnets 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

4) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

5) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. October 31, 2002:

WAC 220-33-01000W Columbia River season below Bonneville.

WSR 02-21-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-253—Filed October 14, 2002, 9:14 a.m.]

Date of Adoption: October 11, 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: A very large return of hatchery steelhead has been predicted for the Columbia and Snake River basins. Only a relatively small number of returning hatchery steelhead are needed for hatchery production each year. Therefore, the excess hatchery steelhead are available for harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

October 11, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Grand Ronde River, Mill Creek, Snake River, Touchet River, Tucannon River and Walla Walla River. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, special daily limit of three hatchery steelhead in the following waters:

(1) Grande Ronde River (Asotin Co.) - from County Road Bridge (about 2 1/2 miles upstream from the mouth) to Washington/Oregon state boundary. (CLOSED WATERS - all tributaries closed to fishing effective November 1).

(2) Mill Creek (Walla Walla Co.) - from mouth to Roosevelt St. Bridge within city limits of Walla Walla. (CLOSED WATERS - from concrete channel at 9th Ave. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla).

(3) Snake River - from the mouth upstream to the Washington/Oregon boundary.

(4) Touchet River (Columbia/Walla Walla Co.) - from mouth to the confluence of the North and South Forks. (CLOSED WATERS - all tributaries).

(5) Tucannon River (Columbia/Garfield Co.) - from mouth to Cummings Bridge. (CLOSED WATERS - all tributaries).

(6) Walla Walla River (Walla Walla Co.) - mainstem from the mouth up stream to the Washington/Oregon state boundary.

WSR 02-21-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-259—Filed October 11, 2002, 5:28 p.m.]

Date of Adoption: October 11, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900F; 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: Large numbers of hatchery steelhead are expected to return to the Ringold Springs Rearing Facility (6,200) and above Priest Rapids Dam (20,000). Only a relatively small number of returning hatchery steelhead are needed for hatchery production and spawning escapement objectives. Therefore, the excess hatchery steelhead are available for harvest. The recreational fishery will reduce the proportion of hatchery origin steelhead contributing to the adult spawning escapement, thereby minimizing impacts to wild steelhead returning to the upper Columbia River. This will increase the proportion of wild and hatchery crossed with wild steelhead on the spawning grounds and improving the natural production potential in the upper Columbia River Basin. NOAA Fisheries approves of these fisheries. 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.

October 11, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900R Exceptions to statewide rules—Okanogan River, Similkameen River and Methow River and Columbia River. Notwithstanding the provisions

of WAC 232-28-619, effective 12:01 a.m., October 12, 2002, until further notice it is unlawful to violate the following provisions in the following waters:

(1) Columbia River from Highway 395 bridge at Pasco to the Old Hanford townsite wooden power line towers upstream of Ringold Springs Rearing Facility - Open for hatchery steelhead until further notice except only adipose and ventral fin-clipped hatchery steelhead may be possessed, adipose fin-clipped only hatchery-origin steelhead must be released. Release steelhead with disc attached.

(2) Columbia River from Priest Rapids Dam to Rocky Reach Dam - Open through October 15 for salmon. Daily limit six salmon, not more than two of which can be adult salmon. Release sockeye and coho.

(3) Columbia River from Rocky Reach Dam to Wells Dam and Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. Open through October 15 for salmon.. Night closure. Daily limit six salmon, not more than two of which may be adult salmon. Release sockeye and coho.

(4) Columbia River from Rocky Reach Dam to Chief Joseph Dam - Open until further notice. Night closure. Daily limit may contain up to two hatchery steelhead. Release steelhead with disc attached.

(5) Methow River - Mouth upstream to the confluence with the Chewuch River. Open until further notice. Selective gear rules except it is lawful to fish from motorized vessels. Night closure. Daily limit may contain up to two hatchery steelhead. Release steelhead with disc attached.

(6) Okanogan River - Open until further notice except closed from Zosel Dam downstream to one-quarter mile below railroad trestle. Selective gear rules except lawful to fish from motorized vessels. Night closure. Open to salmon fishing from mouth to Highway 97 Bridge through October 15. Daily limit six salmon of which not more than two may be adult salmon. Release sockeye and coho. Daily limit may contain up to two hatchery steelhead. Release steelhead with disc attached.

(7) Similkameen River mouth to 400 feet below Enloe Dam - Open November 15 until further notice. Selective gear rules. Night closure. Daily limit may contain up to two hatchery steelhead. Release steelhead with disc attached.

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 232-28-61900F | Exceptions to statewide rules—Columbia River. (02-204) |
|-------------------|--|

WSR 02-21-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-257—Filed October 14, 2002, 3:13 p.m.]

Date of Adoption: October 11, 2002.

Purpose: Amend hunting regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-42600A; and amending WAC 232-28-426.

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: Hunting days for Goose Management Area 2B were established in WAC 232-28-426 as Saturdays, Sundays and Thursdays, November 9 through December 29, 2002. The USFWS Willapa National Wildlife Refuge in Area 2B has asked WDFW to change hunt days to Wednesdays instead of Thursdays to align with their traditional hunter check station days. 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.

October 11, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-42600A 2002 Waterfowl season adjustments. Notwithstanding the provisions of WAC 232-28-426, effective November 9, 2002 through December 29, 2002:

Goose Management Area 2B is open only 8:00 a.m. to 4:00 p.m. Saturdays, Sundays, and Wednesdays, November 9, 2002 through December 29, 2002.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 30, 2002:

WAC 232-28-42600A 2002 Waterfowl season adjustments.

WSR 02-21-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-261—Filed October 14, 2002, 3:16 p.m., effective October 15, 2002, noon]

Date of Adoption: October 14, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100Y; 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: Large numbers of salmon are available for harvest in the Klickitat River and are not needed for broodstock. Allowing sale of fish commercially provides the opportunity for fishers to sell fish not needed for subsistence purposes. 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: October 15, 2002, noon.

October 14, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-32-05100Y 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 Klickitat River except those individuals possessing treaty fishing rights under the Yakima treaty my fish for salmon, shad, carp, or sturgeon under the following provisions pursuant to lawfully enacted tribal rules:

Open Periods: Noon Tuesdays through 6:00 p.m. Saturdays

Weekly from October 15, 2002 to December 14, 2002

Open Areas: Klickitat River

Gear: Dip nets, set bag nets, or hook and line with bait or lures. Snagging of fish is prohibited.

Allowable sale includes: Salmon.

Other: Fishers must have a transportation ticket issued to them by the Yakama Nation in order to sell fish outside a one mile radius of Klickitat Falls.

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 effective 6:01 p.m. December 14, 2002:

WAC 220-32-05100Y Columbia River salmon seasons above Bonneville Dam.

**WSR 02-21-051
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed October 14, 2002, 3:23 p.m., effective October 26, 2002]

Date of Adoption: October 14, 2002.

Purpose: To implement a \$2.7 million reduction of funding for fiscal year 2003 for the assisted living facility (ALF) capital add-on rate. To increase the daily payment rates for boarding homes and adult family homes by the vendor rate increase of 1.5%.

This is the second emergency adoption of the rules. Under RCW 34.05.350(2) a second emergency adoption of the same rules requires: "...the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule." On September 3, 2002, AASA filed a CR-102 proposed rule-making notice to adopt the rules permanently, and the public hearing was held October 8, 2002. See WSR 02-18-099. First emergency rules expire on October 26, 2002. The effective date of the permanent rules will fall after October 28, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005.

Statutory Authority for Adoption: Chapter 371, Laws of 2002.

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: In 2001-03 budget (2002) supp, the legislature reduced the amount of available funding for the ALF rate add-on for capital improvements and/or new construction. Failure to implement the reduction would result in a larger reduction later making even more ALFs ineligible for the rate add-on. Regular adoption would delay by four months or more the reduction. Delay threatens the health, safety and general welfare of all ALF residents because the fewer ALFs that receive the rate add-on results in more ALFs diverting funds from direct care to pay for capital improvements.

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 3, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 1, Repealed 0.

Effective Date of Rule: October 26, 2002.

October 9, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Chapter 388-105 WAC

MEDICAID RATES FOR CONTRACTED HOME AND COMMUNITY RESIDENTIAL CARE ((~~SERVICE-RATES~~)) SERVICES

AMENDATORY SECTION (Amending WSR 01-21-077, filed 10/18/01, effective 11/18/01)

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

EMERGENCY

| Four level payment system rates for AFHs, ARCs, & EARCs | | | |
|---|----------------------|----------------------|----------------------|
| Care Levels | Non-metropolitan | Metropolitan* | King Co. |
| Level 1 | \$((44.94)) 46.06 | \$((43.68)) 44.79 | \$((43.68)) 44.79 |
| Level 2 | \$((47.84)) 49.28 | \$((50.05)) 51.52 | \$((55.42)) 56.97 |
| Level 3 | \$((55.40)) 57.07 | \$((57.80)) 59.51 | \$((63.96)) 65.76 |
| Level 4 | \$((66.66)) 68.15 | \$((70.52)) 72.07 | \$((76.67)) 78.31 |

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities (ALF) not receiving a capital rate add-on? For contracted ALF services for care of a Medicaid resident, the department pays the following daily rates:

| COPEs ALF Daily Payment Rates w/o Capital Add-on Rate | | | |
|---|------------------|---------------|----------|
| Care Levels | Non-metropolitan | Metropolitan* | King Co. |
| Level 1 | \$ 54.84 | \$ 56.35 | \$ 61.03 |
| Level 2 | \$ 61.14 | \$ 62.92 | \$ 68.52 |
| Level 3 | \$ 67.54 | \$ 69.90 | \$ 76.46 |

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0035 What are the requirements for a capital add-on rate for assisted living facilities (ALF)? (1) Effective July 1, 2002, the department will grant a capital add-on rate to an ALF that:

(a) Meets the construction requirements of WAC 388-110-140; and

(b) Has a Medicaid occupancy percentage that equals or exceeds the applicable bi-yearly Medicaid minimum occupancy percentage set in accordance with subsection (3) of this section.

(2) The department will determine an ALF's Medicaid occupancy percentage by dividing its Medicaid resident days by the product of all its licensed boarding home beds irrespective of use times calendar days for the six-month period beginning one year prior to the percentage effective date.

(3)(a) To set the bi-yearly Medicaid minimum occupancy percentage, the department will:

(i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;

(ii) Rank from highest to lowest the individual ALF occupancy percentages determined in accordance with subsection (2) of this section;

(iii) Assign, beginning with the highest ALF Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the ALF Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the bi-yearly Medicaid minimum occupancy percentage.

(b) The bi-yearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

NEW SECTION

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF daily payment rates with a capital add-on rate? For an ALF that qualifies for a capital add-on rate, the department will add the following amount to the per resident day payment rates in WAC 388-105-0030:

| COPEs ALF Add-on Rate July 1, 2002 | | |
|------------------------------------|---------------|----------|
| Non-metropolitan | Metropolitan* | King Co. |
| \$ 4.68 | \$ 4.39 | \$ 4.84 |

| COPEs ALF Daily Payment Rates with a Capital Add-on Rate | | | |
|--|------------------|---------------|----------|
| Care Levels | Non-metropolitan | Metropolitan* | King Co. |
| Level 1 | \$ 59.52 | \$ 60.74 | \$ 65.87 |
| Level 2 | \$ 65.82 | \$ 67.31 | \$ 73.36 |
| Level 3 | \$ 72.22 | \$ 74.29 | \$ 81.30 |

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

WSR 02-21-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed October 14, 2002, 3:25 p.m.]

Date of Adoption: October 14, 2002.

Purpose: To change the nursing home (NH) license fee from \$127 per bed per year to \$275 per bed per year to implement the legislative intent of ESSB 6387 (chapter 371, Laws of 2002). The department has filed permanent rules as WSR 02-20-058, effective October 28, 2002. On that date the permanent rules will supersede these emergency rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-97-550 and 388-97-555.

EMERGENCY

Statutory Authority for Adoption: RCW 18.51.050.

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: Under RCW 18.51.050 the department must set NH license fees at an amount adequate to cover in full the costs of the licensing activities for nursing homes. In the "Final Budget - Agency Summary Detail" to ESSB 6387 (chapter 371, Laws of 2002), the legislature stated its intent that, "Nursing home licensing fees are to be increased from their current level of \$127 (per bed) per year to \$275, so that those fees will fully cover the cost of the licensing and inspection function, as required by RCW 18.51.050." These second emergency rules are needed so that the current licensing fee established in emergency rules filed as WSR 02-14-082 will not lapse before the effective date of the 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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Immediately.

October 9, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-550 Initial nursing home license. (1) A complete nursing home license application must be:

(a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;

(b) Signed by the proposed licensee or the proposed licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

(a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;

(b) The names of the administrator, director of nursing services, and, if applicable, the management company;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of beds to be licensed; and

(e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

(a) The individual or entity responsible for the daily operation of the nursing home;

(b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is ~~((one)) two~~ hundred ~~((twenty-seven)) seventy-five~~ dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-555 Nursing home license renewal. (1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

(a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;

(b) Signed by the current licensee or the current licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be:

(a) Made by the individual or entity currently licensed and responsible for the daily operation of the nursing home;

(b) Denied if any individual or entity named in the renewal application is found by the department to be unqualified.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable nursing home license renewal fee is (~~one~~) two hundred (~~twenty-seven~~) seventy-five dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

**WSR 02-21-055
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 709—Filed October 15, 2002, 10:02 a.m.]

Date of Adoption: October 15, 2002.

Purpose: To extend the ending date of the "closed season" from October 15th to October 22, 2002, as authorized in RCW 76.04.005(2).

Statutory Authority for Adoption: RCW 76.04.005(2).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Current and predicted weather conditions justify the extension of the "closed season" as defined in RCW 76.04.005(2) until midnight October 22, 2002.

Effective Date of Rule: Immediately.

October 15, 2002
Doug Sutherland
Commissioner of Public Lands

NEW SECTION

WAC 332-26-085 Closed season extension. The Closed Season, as defined in RCW 76.04.005(2) is hereby extended, effective midnight October 15, 2002 through midnight October 22, 2002.

**WSR 02-21-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-260—Filed October 15, 2002, 11:39 a.m., effective October 15, 2002, 6:00 p.m.]

Date of Adoption: October 14, 2002.

Purpose: Amend commercial and personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100N and 220-56-32500B.

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 plans require adoption of harvest seasons, including a general closure on October 15, 2002. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 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: October 15, 2002, 6:00 p.m.

October 14, 2002

J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. October 15, 2002:

WAC 220-52-05100N Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. (02-236)

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. October 15, 2002:

WAC 220-56-32500B Shrimp areas and seasons. (02-175)

**WSR 02-21-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-256—Filed October 16, 2002, 2:24 p.m., effective October 17, 2002, 12:01 a.m.]

Date of Adoption: October 16, 2002.

EMERGENCY

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04000H.

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: Pot limits were used to achieve commercial crab fishery quota objectives. Those objectives have been reached and the pot limits can be removed. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 17, 2002, 12:01 a.m.

October 16, 2002

J. P. Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 17, 2002:

| | |
|-------------------|---|
| WAC 220-52-04000H | Commercial crab fishery— Exceptions to permanent rules for pot limits. (02-228) |
|-------------------|---|

WSR 02-21-071
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed October 17, 2002, 12:17 p.m.]

Date of Adoption: October 8, 2002.

Purpose: To implement provisions of Personnel System Reform Act (PSRA), chapter 41.80 RCW that took effect on June 13, 2002, concerning collective bargaining rights of state civil service employees. To implement provisions of Initiative Measure No. 775 (I-775) passed by Washington voters in November of 2001. To implement provisions of

Faculty Collective Bargaining Act (FCBA), chapter 41.76 RCW, that took effect on October 1, 2002, providing collective bargaining rights to faculty at public four-year institutions of higher education.

Citation of Existing Rules Affected by this Order:
Amending WAC 391-08-001, 391-08-670, 391-25-001, 391-25-002, 391-25-011, 391-35-001, 391-35-002, 391-45-001, 391-45-002, 391-55-001, 391-55-002, 391-55-200, 391-65-001, 391-65-002, 391-95-001, and 391-95-010.

Statutory Authority for Adoption: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 41.06.340, 41.76.060.

Other Authority: Additional statutory authority for the implementation of these rule changes are listed as follows: For WAC 391-08-670 is RCW 34.05.220; for WAC 391-25-011 is RCW 41.56.201; for WAC 391-25-036, 391-25-135 and 391-25-496 is RCW 41.80.080; for WAC 391-25-051 is RCW 74.39A.240 and [74.39A].270; for WAC 391-25-096 is RCW 41.80.070(2); for WAC 391-25-197, 391-25-217 and 391-25-427 is RCW 41.76.005(11); for WAC 391-35-326 is RCW 41.80.005(4); for WAC 391-35-327 is RCW 41.76.005 (5) and (10); for WAC 391-35-346 is RCW 41.80.005(13) and [41.80].070(1); for WAC 391-35-347 is RCW 41.76.005 (5) and (9); for WAC 391-55-200 is RCW 41.56.450, [41.56].475, [41.56].492, 74.39A.270; and for WAC 391-95-010 is RCW 28B.52.045, 41.56.122, 41.59.100, 41.76.045, 41.80.100.

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 commission acquired jurisdiction over representation, unit clarification, and unfair labor practice cases for state civil service employees under PSRA on June 13, 2002. The large size of bargaining unit created by I-775 (approximately 26,000 employees) necessitates several variances from rules and processes customarily used by commission. Immediate adoption of rules is necessary for general welfare of public so commission can process cases under PSRA and FCBA. Observing time requirements of permanent rule adoption process would delay processing of cases under PSRA and FCBA which is contrary to public interest.

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 19, Amended 17, 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 16, Amended 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 17, 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.

October 17, 2002

Marvin L. Schurke

Executive Director

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-08-001 Application and scope of chapter 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); ~~((and))~~ sections 7, 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 41.58.050, 28B.52.080 and 41.56.090, respectively); and section 232, chapter 354, Laws of 2002 (RCW 41.06.340); and section 15, chapter 356, Laws of 2002 (RCW 41.76.060), to promulgate comprehensive and uniform rules for practice and procedure before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95 WAC, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-083, which is replaced by detailed requirements in WAC 391-08-010;

(d) WAC 10-08-110, which is replaced by detailed requirements in WAC 391-08-120;

(e) WAC 10-08-120, which is replaced by detailed requirements in WAC 391-08-040, 391-08-300 and 391-08-310;

(f) WAC 10-08-140, which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;

(g) WAC 10-08-150, which is limited by WAC 391-08-315;

(h) WAC 10-08-211, which is replaced by WAC 391-08-640 and detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-670, 391-35-210, 391-35-250, 391-45-350, 391-45-390, 391-95-270, and 391-95-290;

(i) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-45-090, 391-45-260; and 391-95-170; and

(j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed requirements in WAC 391-08-520.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit

determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

In the event of a conflict between a general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 00-24-044, filed 11/30/00, effective 1/1/01)

WAC 391-08-670 Decision numbering—Citation of cases—Indexing of decisions. (1) Each decision issued by the agency in an adjudicative proceeding under the Administrative Procedure Act is assigned a unique number consisting of two or three components, as follows:

(a) The first component, consisting of a number, indicates the sequential number of adjudicative proceedings in which one or more decisions has been issued since the agency commenced operations on January 1, 1976.

(b) The second component (where appropriate) consisting of an alphabetic code in ascending alphabetical order, indicates the second and subsequent decisions issued in the case to which the numerical component was originally assigned.

(c) The third component, consisting of a four-letter alphabetic code, indicates the statute under which the decision was issued:

"CCOL" indicates cases decided under chapter 28B.52 RCW(~~(, which is titled: ")~~)(Collective Bargaining—Academic Personnel in Community Colleges).(~~(")~~)

"EDUC" indicates cases decided under chapter 41.59 RCW(~~(, which is titled: ")~~)(Educational Employment Relations Act).(~~(")~~)

"FCBA" indicates cases decided under chapter 41.76 RCW (faculty at public four-year institutions of higher education).

"MRNE" (no longer in use) was formerly used to indicate cases decided under chapter 47.64 RCW, relating to the Washington state ferries system.

"PECB" indicates cases decided under chapter 41.56 RCW(~~(, which is titled: ")~~)(Public Employees' Collective Bargaining Act).(~~(")~~) including some cases involving port districts.

"PORT" indicates cases decided exclusively under chapter 53.18 RCW(~~(, which is titled: ")~~)(Employment Relations—Collective Bargaining and Arbitration(~~(")~~)), relating to port districts.

"PRIV" (~~((no longer in use) was formerly used to))~~ indicates cases decided under chapter 49.08 RCW, relating to private sector employers and employees.

"PSRA" indicates cases decided under RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act).

(2) All citations of agency decisions in subsequent agency decisions, in publications of agency decisions, and in briefs and written arguments filed by parties with the agency shall conform to the formats specified in this section:

GENERAL RULE: Citations shall list only the name of the employer *italicized*, the word "Decision" followed by the decision number, and the statute and year the decision was issued (in parenthesis).

Examples:

City of Roe, Decision 1234 (PECB, 1992)

City of Roe, Decision 1234-A (PECB, 1993)

City of Roe, Decision 1234-B (PECB, 1994)

EXCEPTION 1: For decisions being cited within the first year following their issuance, the full date of issuance may be set forth.

Example:

City of Roe, Decision 1234-C (PECB, December 15, 1995)

EXCEPTION 2: For decisions in which an employee organization or labor organization was named as the respondent in an unfair labor practice case, the citation shall list the name of the union (in parenthesis) following the name of the employer.

Example:

City of Roe (Doe Union), Decision 2345 (PECB, 1995)

(3) The agency encourages the publication and indexing of its decisions by private firms, but does not contribute financial support to any such firm and declines to declare any private firm as the "official reporter" of agency decisions.

(4) The agency uses a commercially published index of its decisions, along with commercially produced computer assisted research tools, in its own operations. The agency makes those indexes available to the public in its offices, to satisfy the requirements of RCW 42.17.260(5).

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-25-001 Scope—Contents—Other rules.

This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070 and 391-25-090;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, and 391-25-670; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, and 391-25-250.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-25-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (~~professional negotiations~~) Collective Bargaining—Academic ((faculties of)) Personnel in Community Colleges ((districts)) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-011 Special provision—Optional coverage of classified employees of institutions of higher education under chapter 41.56 RCW. The commission acquires jurisdiction ~~((over))~~ under chapter 41.56 RCW with respect to bargaining units of classified employees of institutions of higher education defined in RCW 41.56.030(8) by a voluntary recognition process consisting of two stages completed prior to July 1, 2003.

(1) The commission acquires limited jurisdiction ~~((over a bargaining unit of classified employees of an institution of higher education as defined in RCW 41.56.030(8);))~~ under chapter 41.56 RCW upon the filing by the employer and an exclusive bargaining representative certified under chapter 41.06 RCW, of a notice of intent pursuant to RCW 41.56.201 (1)(a).

(a) The executive director shall docket a representation case to preserve a record of the transaction, but shall take no other steps to determine a question concerning representation under this chapter.

(b) The scope of bargaining and conduct of the parties in their negotiations for an initial collective bargaining agreement under chapter 41.56 RCW shall be regulated by the commission under chapter 391-45 WAC.

(c) During the parties' negotiations for an initial collective bargaining agreement under chapter 41.56 RCW, the Washington personnel resources board retains jurisdiction to determine appropriate bargaining units and to certify exclusive bargaining representatives under chapter 41.06 RCW.

(2) The commission acquires full jurisdiction under chapter 41.56 RCW over a bargaining unit ~~((of classified employees of an institution of higher education))~~ which has filed a notice of intent under this section, if the parties execute an initial collective bargaining agreement recognizing the notice of intent.

(a) The transfer of jurisdiction is effective on the first day of the month following the month during which the parties provide notice that they have executed an initial collective bargaining agreement under RCW 41.56.201 (1)(c).

(b) The executive director shall dismiss the representation case docketed upon the filing of the notice of intent, on the basis of "voluntary recognition."

(3) The jurisdiction of the commission under chapter 41.56 RCW ceases if the commission finds that the parties have reached an impasse in negotiations for an initial collective bargaining agreement under chapter 41.56 RCW.

(a) A finding of impasse shall not be made if unfair labor practice proceedings concerning the bargaining unit are pending under subsection (1)(b) of this section.

(b) The executive director shall dismiss the previously docketed representation case as "withdrawn."

(4) Collective bargaining agreements negotiated under this option shall be renewed, extended, or terminated in conformity with RCW 41.56.201(4).

NEW SECTION

WAC 391-25-036 Special provision—State civil service employees. For state civil service employees:

(1) The "window" period specified in WAC 391-25-030(1) shall be computed as not more than one hundred twenty nor less than ninety days prior to the stated expiration date of the collective bargaining agreement.

(2) The "protected" period specified in WAC 391-25-030 (1)(c) shall be computed as ninety days.

NEW SECTION

WAC 391-25-051 Special provision—Individual providers under home care quality authority. This rule consolidates special rules applicable to individual providers under chapter 3, Laws of 2002, Initiative Measure No. 775 (I-775) passed by Washington voters in November of 2001. I-775 extended the coverage of chapter 41.56 RCW to "individual providers" defined as a person, including a personal aide, who has contracted with the department of social and health services to provide personal care or respite care services to functionally disabled persons under the Medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

(1) The showing of interest requirement in WAC 391-25-110 is modified for the bargaining unit affected by I-775, to require a ten percent showing of interest for either a petitioner or an intervenor.

(2) The posting of notice requirement in WAC 391-25-140 is inapplicable to the bargaining unit affected by I-775.

(3) The description of bargaining unit requirement of WAC 391-25-190 is limited to a single, statewide unit of individual providers under I-775.

(4) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a single, statewide unit of individual providers under I-775.

(5) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units are inapplicable to the bargaining unit affected by I-775.

(6) The posting requirement in WAC 391-25-220(2), relating to investigation statements, is inapplicable to the bargaining unit affected by I-775.

(7) The posting requirement in WAC 391-25-230(2), relating to election agreements, is inapplicable to the bargaining unit affected by I-775.

(8) The cross-check procedures in WAC 391-25-250, 391-25-391, and 391-25-410 are inapplicable to the bargaining unit affected by I-775.

(9) The unit determination election procedures in WAC 391-25-420 are inapplicable to the bargaining unit affected by I-775.

(10) The requirements of WAC 391-25-430, relating to posting of election notices on the employer's premises, is inapplicable to the bargaining unit affected by I-775.

(11) Any representation election for the bargaining unit affected by I-775 shall be conducted by mail ballot under WAC 391-25-470, with the following modifications:

(a) Together with the procedures for casting ballots, the notice supplied to individual providers may describe the collective bargaining rights established by I-775 and agreements reached by a petitioning union and the employer concerning the election process;

(b) The notice and ballot materials supplied to individual providers shall be set forth in English and Spanish;

(c) The ballot materials supplied to individual providers shall include a card return-addressed to the commission, by which individual providers can request ballot materials in Cambodian, Korean, Mandarin, Russian, Tagalog, Ukrainian, or Vietnamese. Upon receipt of a request from an individual provider, the agency shall supply ballot materials to the individual provider in the requested language.

(d) At least twenty-four days shall be provided between the date on which ballot materials are mailed to individual providers and the deadline for return of cast ballots to the commission.

(e) The executive director shall have discretion to vary tally arrangements and procedures from those customarily used, because of the large size of the bargaining unit involved.

(f) The reference in WAC 391-25-470 to WAC 391-25-140 shall be interpreted in light of subsection (2) of this section.

(12) The procedure for on-site elections in WAC 391-25-490 is inapplicable to the bargaining unit affected by I-775.

NEW SECTION

WAC 391-25-076 Special provision—State civil service employees. All representation cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be transferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

NEW SECTION

WAC 391-25-096 Special provision—State civil service employees. (1) WAC 391-25-090 is inapplicable to bargaining units of state civil service employees.

(2) Where an employer claims that an employee organization previously certified as the exclusive bargaining representative of state civil service employees has become defunct or has abandoned representation of a bargaining unit, it may file a petition under WAC 391-25-070 to obtain a determination as to whether the employee organization continues to represent the bargaining unit. Instead of a showing of interest under WAC 391-25-110, the employer shall attach affidavits

and other documentation as may be available to it to demonstrate the existence of a good faith belief that the employee organization has become defunct or has abandoned representation of the bargaining unit. The documentation provided under this section shall not include signature documents provided to the employer by employees.

(3) An employee organization named in a petition filed under this section shall be given a reasonable opportunity to respond and rebut the allegations in the petition. Ongoing activity as exclusive bargaining representative may be demonstrated by evidence showing that the employee organization has been holding meetings of its members, collecting dues, electing or appointing officers and representatives for the purposes of dealing with the employer, processing grievances, negotiating collective bargaining agreements, or similar activities for and on behalf of employees in the bargaining unit.

(4) If it is determined that the employee organization is defunct or has abandoned its responsibilities for and on behalf of the employees in the bargaining unit, the executive director shall vacate the certification of the employee organization as exclusive bargaining representative. An order issued by the executive director shall be subject to appeal under WAC 391-25-660.

NEW SECTION

WAC 391-25-136 Special provision—State civil service employees. In addition to the information required by WAC 391-25-130, lists of state civil service employees provided in proceedings under RCW 41.06.340 and/or chapter 41.80 RCW shall also contain the job classification and work location of each employee.

NEW SECTION

WAC 391-25-137 Special provision—Higher education faculty. In addition to the information required by WAC 391-25-130, lists of higher education faculty provided in proceedings under chapter 41.76 RCW shall also contain the job classification and work location of each employee.

NEW SECTION

WAC 391-25-197 Special provision—Higher education faculty. The description of bargaining unit requirement of WAC 391-25-190 is limited to a single unit per employer under chapter 41.76 RCW.

NEW SECTION

WAC 391-25-216 Special provision—State civil service employees. WAC 391-25-210(2) shall not apply to state civil service employees covered by chapter 41.06 RCW. An intervenor may not seek a bargaining unit configuration other than that proposed by the original petition.

NEW SECTION

WAC 391-25-217 Special provision—Higher education faculty. (1) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a single unit per employer under chapter 41.76 RCW.

(2) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units are inapplicable to the employer-wide bargaining units under chapter 41.76 RCW.

NEW SECTION

WAC 391-25-396 Special provision—State civil service employees. WAC 391-25-391 and the practices and precedents applicable under chapter 41.56 RCW shall also be applicable to state civil service employees.

NEW SECTION

WAC 391-25-416 Special provision—State civil service employees. As to state civil service employees, authorization documents signed and dated by employees in the bargaining unit no more than six months prior to the filing of the petition shall be honored for purposes of WAC 391-25-410.

NEW SECTION

WAC 391-25-427 Special provision—Higher education faculty. The unit determination election procedures in WAC 391-25-420 are inapplicable to the employer-wide bargaining units under chapter 41.76 RCW.

NEW SECTION

WAC 391-25-476 Special provision—State civil service employees. The requirement in WAC 391-25-470(2) that lists of voters be surrendered shall not apply to elections concerning state civil service employees covered by chapter 41.06 RCW. The agency shall provide to requesting employee organizations, involved in the election, the names of employees who voted.

NEW SECTION

WAC 391-25-496 Special provision—State civil service employees. If the executive director conducts an election involving state civil service employees by on-site balloting procedures, absentee ballots shall be allowed as prescribed in this section.

(1) Upon the request of an individual employee, the agency shall provide a notice and absentee ballot to the individual employee.

(2) To be counted, the absentee ballot must be received at the Olympia office of the commission:

(a) Directly from the employee or from the employee via the United States Postal Service; and

(b) Prior to the close of business on the last day the polls are open for the on-site election.

(3) Whenever absentee ballots are issued, the tally of ballots shall be delayed for one or more days after the last day on

which the polls are open for the on-site election, and shall then be conducted in the commission's Olympia office in a manner which preserves the secrecy of the absentee ballots.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-35-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on petitions for clarification of existing bargaining units under all chapters of the Revised Code of Washington (RCW) administered by the commission and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-35-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-35-210 and 391-35-250; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-35-070.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-35-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sec-

tions numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (~~((professional negotiations))~~ Collective Bargaining—Academic (~~((faculties of))~~ Personnel in Community Colleges (~~((districts))~~)) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

NEW SECTION

WAC 391-35-026 Special provision—State civil service employees. In addition to the circumstances described in WAC 391-35-020, bargaining units of state civil service employees may be modified under this section until RCW 41.80.050 and 41.80.080 take effect on July 1, 2004.

(1) Bargaining units of state civil service employees in existence on June 13, 2002, shall be subject to being "divided" into separate units of supervisors and nonsupervisory employees under this section.

(a) A petition to have an existing unit divided may be filed by the exclusive bargaining representative, by the employer, or by those parties jointly.

(b) The separation of bargaining units shall be implemented on or before July 1, 2004.

(2) Bargaining units of state civil service employees in existence on June 13, 2002, shall be subject to being "perfected" under this section.

(a) A petition to have an existing bargaining unit perfected may be filed by the exclusive bargaining representative, or by the employer and exclusive bargaining representative jointly.

(b) All of the unit determination criteria set forth in RCW 41.80.070 shall be applicable to proceedings under this section. The history of bargaining in a unit configuration that is fragmentary and/or was based on narrower considerations shall not preclude creation of a "perfected" bargaining unit as to which a community of interests is demonstrated with regard to:

(i) The duties, skills and working conditions of all positions or classifications to be included in the "perfected" bargaining unit; and

(ii) The extent of organization and avoidance of unnecessary fragmentation shall be implemented to avoid stranding

of other positions or classifications in units so small as to prejudice their statutory bargaining rights; and

(iii) The required separation of supervisors and nonsupervisory employees is implemented based on the delegations of authority then in existence; and

(iv) Two or more existing bargaining units can be merged through the procedure set forth in this section; and

(v) The exclusive bargaining representative demonstrates that it has majority support among any employees to be accreted to the bargaining unit(s) being "perfected."

NEW SECTION

WAC 391-35-326 Special provision—State civil service employees. Confidential exclusions for state civil service employees shall be determined under RCW 41.80.005(4).

NEW SECTION

WAC 391-35-327 Special provision—Higher education faculty. Confidential exclusions for higher education faculty employees shall be determined under RCW 41.76.005 (5) and (10).

NEW SECTION

WAC 391-35-346 Special provision—State civil service employees. Supervisor exclusions for state civil service employees shall be determined under RCW 41.80.005(13) and 41.80.070(1).

NEW SECTION

WAC 391-35-347 Special provision—Higher education faculty. Administrator exclusions for higher education faculty employees shall be determined under RCW 41.76.005 (5) and (9).

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-45-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-45-350 and 391-45-390; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-45-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

~~((2))~~ (3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining—Academic Personnel in Community Colleges) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to RCW 41.06.340 and/or chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (Private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

NEW SECTION

WAC 391-45-056 Special provision—State civil service employees. All unfair labor practice cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be transferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-55-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission relating to the resolution of impasses occurring in collective bargaining under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-65 WAC, which regulates grievance arbitration proceedings.

(6) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-55-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW((;)) (port employees) (~~(Employment relations—Collective bargaining and arbitration;))~~) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

Special provisions relating to bargaining units eligible for interest arbitration (~~for bargaining units under chapter 41.56 RCW~~) are set forth beginning with WAC 391-55-200.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter. Special provisions relating to fact finding are set forth beginning with WAC 391-55-300.

(3) Special provisions relating to chapter 28B.52 RCW (Collective Bargaining—Academic Personnel in Community Colleges) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-55-200 Interest arbitration—Certification of issues. (1) If a dispute involving a bargaining unit eligible for interest arbitration under RCW 41.56.030(7), 41.56.475 (~~(or)~~), 41.56.492 or 74.39A.270 (2)(c) has not been settled after a reasonable period of mediation, and the mediator is of the opinion that his or her further efforts will not result in an agreement, the following procedure shall be implemented:

(a) The mediator shall notify the parties of his or her intention to recommend that the remaining issues in dispute be submitted to interest arbitration.

(b) Within seven days after being notified by the mediator, each party shall submit to the mediator and serve on the other party a written list (including article and section references to parties' latest collective bargaining agreement, if any) of the issues that the party believes should be advanced to interest arbitration.

(2) The mediator shall review the lists of issues submitted by the parties.

(a) The mediator shall exclude from certification any issues that have not been mediated.

(b) The mediator shall exclude from certification any issues resolved by the parties in bilateral negotiations or mediation, and the parties may present those agreements as "stipulations" in interest arbitration under RCW 41.56.465 (1)(b), 41.56.475 (2)(b), or 41.56.492 (2)(b).

(c) The mediator may convene further mediation sessions and take other steps to resolve the dispute.

(3) If the dispute remains unresolved after the completion of the procedures in subsections (1) and (2) of this section, interest arbitration shall be initiated, as follows:

(a) (~~For a bargaining unit covered by RCW 41.56.030(7) or 41.56.475~~) Except as provided in (b) of this sub-

section, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, the executive director shall certify the unresolved issues for interest arbitration.

(b) For a bargaining unit covered by RCW 41.56.492, the mediator shall certify the unresolved issues for interest arbitration.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-65-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-65-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (~~((professional negotiations))~~) Collective Bargaining—Academic (~~((faculties of))~~) Personnel in Community Colleges (~~((districts))~~) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 41.80 RCW (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 41.76 RCW (faculty at public four-year institutions of higher education) are set forth in WAC sections numbered seven digits greater than the general rule on that subject matter.

(6) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-95-001 Scope—Contents—Other rules.

This chapter governs proceedings before the public employment relations commission on disputes concerning the right of nonassociation under the union security provisions of certain (~~((statutes))~~) chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-95-110;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-95-270 and 391-95-290; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-95-170.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(6) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(7) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-95-010 Notice of union security obligation.

(1) Whenever a collective bargaining agreement negotiated under the provisions of chapter 28B.52, 41.56, ~~((or))~~ 41.59, 41.76, or 41.80 RCW contains a union security provision, the exclusive bargaining representative shall provide each affected employee with a copy of the collective bargaining agreement, and shall specifically advise each employee of his or her obligations under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

(2) Disputes concerning whether an employee is within the bargaining unit covered by a union security provision shall be resolved through unit clarification proceedings under chapter 391-35 WAC, and shall not be a subject of proceedings under this chapter.

(3) Disputes concerning interpretation or application of a union security provision shall be resolved through grievance arbitration or other procedures for interpretation or application of the collective bargaining agreement, and shall not be a subject of proceedings under this chapter.

WSR 02-21-078

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-262—Filed October 17, 2002, 3:06 p.m., effective October 19, 2002, 12:01 a.m.]

Date of Adoption: October 17, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; 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: Late stock coho returns to the Cowlitz River have been strong. To date, 15,000 adult coho have returned to the salmon hatchery and of which nearly 13,500 have been released into the upper Cowlitz. Based on average run timing, 50,000 coho may return to the Cowlitz River in 2002. Coho are being released into the upper Cowlitz system for additional angling opportunity and for reintroduction efforts. Adding the wild coho release in Lake Scanewa will aid in the reintroduction efforts. Wild coho release is already required in the lower and upper Cowlitz plus the Tilton and Cispus rivers. 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: October 19, 2002, 12:01 a.m.

October 17, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Cowlitz River, Cispus River, Lake Scanewa and Tilton River. Notwithstanding the provisions of WAC 232-28-619:

(1) Cowlitz River (Cowlitz/Lewis County)

(a) Effective October 19 through December 31, 2002, in those waters of the Cowlitz River from boundary markers at the mouth upstream to 400 feet or posted markers below the barrier dam, special daily limit of six salmon no more than four adults of which no more than two may be adult chinook salmon. Wild coho and all chum salmon must be released and all chinook must be released between Blue Creek and Mill Creek.

(b) Effective October 19 through December 31, 2002, in those waters of the Cowlitz River from the upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) to the confluence of the Muddy and Ohanapecosh rivers, special daily limit of six salmon no more than four adults of which no more than two may be adult chinook salmon. Wild coho must be released.

(2) Cispus River (Lewis County) Effective October 19 through December 31, 2002, in those waters of the Cispus River from posted markers at the Lewis County PUD kayak launch upstream to the North Fork, special daily limit of six salmon no more than four adults of which no more than two may be adult chinook salmon. Wild coho must be released.

(3) Lake Scanewa (Lewis County) Effective October 19 through December 31, 2002 in those waters of Lake Scanewa from Cowlitz Falls Dam to the boundary on the Cowlitz River arm which is the posted Lewis County PUD sign on Peters Road and the boundary of the Cispus arm which 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, special daily limit of six salmon no more than four adults of which no more than two may be adult chinook salmon. Wild coho must be released.

(4) Tilton River (Lewis County) Effective October 19 through December 31, 2002, in those waters of the Tilton River from mouth to West Fork, special daily limit of six

salmon no more than four adults of which no more than two may be adult chinook salmon. Wild coho must be released.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2003:

WAC 232-28-61900S Exceptions to statewide rules—Cowlitz River, Cispus River, Lake Scanewa and Tilton River.

WSR 02-21-079

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-263—Filed October 17, 2002, 3:07 p.m., effective October 19, 2002, 12:01 a.m.]

Date of Adoption: October 17, 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: Fall chinook salmon are not migrating upriver in a normal pattern because of extreme low flow conditions with little or no rainfall in the immediate forecast. Many chinook are not migrating at all but are milling in the river and appear to be moving in and out with the tides. Biologists are concerned that chinook may be subjected to higher than normal harvest rates in the tribal and sport fisheries in the lower river because the lack of movement upstream and that fall chinook escapement objectives may not be met unless immediate action is taken to reduce harvest. Releasing all chinook in the sport fishery will allow many of these fish to reach the spawning grounds as soon as flows increase. Due to the extreme low water, a disorderly fishery with a significant amount of snagging has developed in the Quillayute River. 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.

EMERGENCY

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: October 19, 2002, 12:01 a.m.

October 17, 2002

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules

Notwithstanding the provisions of WAC 232-28-619, effective October 19, 2002 until further notice it is unlawful to violate the following provisions in the following waters:

(1) Quillayute River (Jefferson Co.) Those waters from mouth to confluence of Sol Duc and Bogachiel Rivers, including Olympic National Park waters - Closed to fishing.

(2) Hoh River (Jefferson Co.) Those waters from mouth to Morgans Crossing boat launch - Release chinook salmon. All species selective gear rules from the DNR Oxbow Campground boat launch to Morgans Crossing boat launch.

(3) Bogachiel River (Clallam Co.) Those waters from mouth to Highway 101 Bridge - Release chinook salmon.

(4) Calawah River (Clallam Co.) Those waters from mouth to Highway 101 Bridge - Release chinook salmon.

(5) Dickey River (Clallam Co.) Those waters from mouth to East Fork Dickey River including Olympic National Park - Release chinook salmon.

(6) Sol Duc River (Clallam Co.) Those waters from mouth to concrete pump station at Sol Duc hatchery - Release chinook salmon.

WSR 02-21-085

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-258—Filed October 18, 2002, 4:11 p.m.]

Date of Adoption: October 18, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100C and 220-47-31100D; and amending WAC 220-47-311.

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: It is estimated the first purse seine opening in Area 7 and 7A resulted in a catch of approximately 41,000 chum. This leaves 19,000 remaining in the nontreaty allocation of 60,000. Leaving the purse seine fish-

ery open for an additional day will likely result in harvest levels in excess of the agreed allocation. 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: [No information supplied by agency.]

Effective Date of Rule: Immediately.

October 18, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-47-31100D Purse seine—Open periods.

Notwithstanding the provisions of Chapter 220-47-311:

(1) Effective immediately until further notice, it is unlawful to retain coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B, and 12C.

(2) Effective 7:00 a.m. through 6:00 p.m. Tuesday, October 22, 2002 Areas 7 and 7A are closed to purse seines.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-31100C Purse seine—Open periods.
(00-250)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 6, 2002: .

WAC 220-47-31100D Purse seine—Open periods.

**WSR 02-21-086
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-264—Filed October 18, 2002, 4:14 p.m., effective October 19, 2002, 12:01 a.m.]

Date of Adoption: October 18, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900U; 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: Some hatchery coho are expected to return to Quigg Lake from a net pen release in 2001. This will provide recreational opportunity on these returning hatchery fish. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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: October 19, 2002, 12:01 a.m.

October 18, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—Quigg Lake (Grays Harbor Co.) Notwithstanding the provisions of WAC 232-28-619, effective October 19, 2002 through January 31, 2003, landlocked salmon rules apply in those waters of Quigg Lake (Grays Harbor Co.) located adjacent to Friends Landing boat launch on the Chehalis River.

REPEALER

The following section of the Washington Administrative Code is repealed effective February 1, 2003:

WAC 232-28-61900U Exceptions to statewide rules—Quigg Lake (Grays Harbor Co.)

**WSR 02-21-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-265—Filed October 21, 2002, 3:00 p.m., effective October 21, 2002, 11:59 p.m.]

Date of Adoption: October 18, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-235.

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: Low dissolved oxygen concentrates in the waters of Hood Canal have caused a redistribution of fish and a concentration in the areas that would subject the fish to high levels of 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: [No information supplied by agency.]

Effective Date of Rule: October 21, 2002, 11:59 p.m.

October 18, 2002

J. P. Koenings

Director

EMERGENCY

NEW SECTION

WAC 220-56-23500P Bottomfish. Notwithstanding the provisions of WAC 220-56-235, effective 11:59 p.m. October 21, 2002 until further notice, it is unlawful to fish for or possess bottomfish taken for personal use in Catch Record Area 12.

**WSR 02-21-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-266—Filed October 21, 2002, 3:01 p.m., effective October 21, 2002, 11:59 p.m.]

Date of Adoption: October 21, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-029, 220-48-032, 220-48-062, 220-49-020, and 220-49-056.

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: Low dissolved oxygen concentrates in the waters of Hood Canal have caused a redistribution of fish and a concentration in the areas that would subject the fish to high levels of 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 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 21, 2002, 11:59 p.m.

October 21, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-48-02900A Set net—Dogfish—Seasons. Notwithstanding the provisions of WAC 220-48-029 effective 11:59 p.m. October 21, 2002 until further notice, it is

unlawful to fish for or possess for commercial purposes bottomfish taken with dogfish set net gear in Marine Fish-Shellfish Management Areas 27A, 27B and 27C.

NEW SECTION

WAC 220-48-03200A Set line—Dogfish—Seasons. Notwithstanding the provisions of WAC 220-48-032 effective 11:59 p.m. October 21, 2002 until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with set line gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

NEW SECTION

WAC 220-48-06200A Drag seines—Seasons. Notwithstanding the provisions of WAC 220-48-062 effective 11:59 p.m. October 21, 2002 until further notice, it is unlawful to fish for or possess for commercial purposes bottomfish taken with drag seines gear in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

NEW SECTION

WAC 220-49-02000M Herring and anchovy—Seasons—Lawful gear—Purposes. Notwithstanding the provisions of WAC 220-49-020 effective 11:59 p.m. October 21, 2002 until further notice, it is unlawful to fish for or possess for commercial purposes herring or anchovy in Marine Fish-Shellfish Management Areas 27A, 27B, and 27C.

NEW SECTION

WAC 220-49-05600A Smelt fishing—Seasons. Notwithstanding the provisions of WAC 220-49-056 effective 11:59 p.m. October 21, 2002 until further notice, it is unlawful to fish for or possess for commercial purposes smelt in Marine Fish-Shellfish Management Areas 27A, 27B, 27C.

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 02-21-109
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 22, 2002, 12:30 p.m.]

Date of Adoption: October 22, 2002.

Purpose: Manufactured homes, chapter 296-150M WAC and Factory-built and commercial structures, chapter 296-150F WAC.

These rules are necessary to extend the emergency rule changes filed on June 28, 2002 (see WSR 02-14-073) that were authorized by chapter 268, Laws of 2002. These emergency rules include:

- Changes to the fee schedules for mobile/manufactured homes and factory-built housing and commercial structures rules;
- Provisions to allow the department to waive mobile/manufactured home alteration permit fees for indigent permit applicants;
- Revisions to the disclosure requirements pertaining to the sale of mobile/manufactured homes;
- Provisions allowing the parties involved to enter into a conditional sales agreement as is consistent with the sale of a site-built home;
- Changes to the department's ability to prohibit the sale or lease of mobile/manufactured homes; and
- Notification provisions for when an inspection is requested and if alterations to the home constitute a hazard to life, safety, or health.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150M-0020, 296-150M-0049, 296-150M-0050, 296-150M-0320, 296-150M-3000, and 296-150F-3000.

Statutory Authority for Adoption: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, 43.22.485, and chapter 268, Laws of 2002 (SSB 6364).

Other Authority: Chapter 43.22 RCW.

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: These emergency rules are necessary to implement chapter 268, Laws of 2002 (SSB 6364). Section 10 of this act states:

"Sections 1, 2, and 4 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

As these emergency rules are for purposes of implementing several of the provisions authorized under sections 1, 2, and 4 through 9 of the act the department is authorized to adopt these rules using the emergency rule-making process and to put these rules into effect immediately per RCW 34.05.380(3).

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 2, 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 2, 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 2, Amended 6, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 268, Laws of 2002 (SSB 6364) contains an emergency clause

(see section 10) that adopted several of the provisions of the act immediately. As these rules are necessary to implement several of the provisions included in the act the department is authorized to adopt these rules using the emergency rule-making process and to put these rules into effect immediately per RCW 34.05.380(3).

Effective Date of Rule: Immediately.

October 22, 2002

Gary Moore

Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-22 issue of the Register.

WSR 02-21-117
EMERGENCY RULES
BUILDING CODE COUNCIL

[Filed October 22, 2002, 3:47 p.m.]

Date of Adoption: October 11, 2002.

Purpose: To amend chapter 51-11 WAC, the 2001 Washington State Energy Code, as it relates to residential multi-unit buildings over five stories in height. This is a continuation of WSR 02-14-032.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11-0530, 51-11-0533, and 51-11-0625 (Tables 5-1, 6-1, and 6-2).

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.045, and 19.27.020.

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 Building Code Council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Washington State Energy Code Table 5-1 and Tables 6-1 and 6-2 amendments contained herein as adopted by the council under emergency rule making pursuant to RCW 34.05.350, will provide economic relief to multifamily residential builders or building owners by allowing the same thermal envelope requirements in effect since 1991. To conserve energy and provide relief from rising energy costs, in 2001 the state Building Code Council amended the residential building envelope requirements under their authority in RCW 19.27A.045. The council simplified the code language by making the same thermal envelope requirements applica-

ble to all buildings regardless of space heat source, with minor exceptions.

This change may have unanticipated consequences for residential buildings over five stories in height. The cost benefit analysis reviewed by the technical advisory group, and the council did not include high rise buildings. The thermal envelope measures required for low rise buildings five stories and under were found to be cost effective. These same measures may not always result in an immediate energy savings benefit for buildings over five stories in height. This could ultimately result in undue expense for the building owner and occupants. The council finds this may be an economic burden on the building and design industries, which could result in an increase in the cost of housing for high rise multifamily residential buildings including hotels, apartments and condominiums. Immediate adoption of this amendment is necessary so as to not delay the construction of high rise multifamily residential buildings, and so as not to adversely affect the state's building industry, building owners, and building tenants by possibly imposing an unanticipated economic penalty. The council finds it should not impose the new standards on high rise multifamily buildings while an economic analysis is conducted. The amendment herein takes into consideration the general welfare of the public by reverting back to the previous Washington State Energy Code residential building envelope requirements for high rise residential. The council also has taken the necessary steps to adopt a permanent rule. The permanent rule will not be effective until the end of the 2003 legislative session as per RCW 19.27.074.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 11, 2002

Tim Nogler
for Jim Lewis
Council Chair

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01)

WAC 51-11-0530 Table 5-1.

**TABLE 5-1
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY³**

| Component | Climate Zone | |
|---|----------------------------------|----------------------------------|
| | 1 | 2 |
| Glazing % Floor Area | 15% | 15% |
| Vertical Glazing U-Factor | U = 0.400 | U = 0.400 |
| Overhead Glazing U-Factor | U = 0.58 | U = 0.58 |
| Doors | U = 0.200 (R-5) | U = 0.200 (R-5) |
| Ceilings | | |
| Attic | U = 0.031 (R-38) | U = 0.031 (R-38) |
| Single Rafter/ Joist Vaulted | U = 0.034 (R-30) | U = 0.034 (R-30) |
| Walls ² | | |
| Space Heat Type: Electric Resistance | U = 0.058 (R-19A) | U = 0.044 (R-19A + R-5) |
| Other | U = 0.062 ¹ (R-19) | U = 0.062 ¹ (R-19) |
| Floors | U = 0.029 (R-30) | U = 0.029 (R-30) |
| Slab on Grade Slab R-Value | F = 0.54 (R-10) | F = 0.54 (R-10) |
| Below Grade Interior | | |
| Wall R-Value | R-19 | R-19 |
| 2' Depth: Walls Slab | U = 0.043 F = 0.69 | U = 0.043 F = 0.69 |
| 3.5' Depth: Walls Slab | U = 0.041 F = 0.64 | U = 0.041 F = 0.64 |
| 7' Depth: Walls Slab | U = 0.037 F = 0.57 | U = 0.037 F = 0.57 |
| Below Grade Exterior | | |
| Wall R-Value | R-10 | R-12 |
| 2' Depth: Walls Slab | U = 0.070 F = 0.60 | U = 0.061 F = 0.60 |
| 3.5' Depth: Walls Slab | U = 0.064 F = 0.57 | U = 0.057 F = 0.57 |
| 7' Depth: Walls Slab | U = 0.056 F = 0.42 | U = 0.050 F = 0.42 |

1. Log and solid timber walls that have a minimum average thickness of 3.5" are exempt from wall target UA and proposed UA calculations.

2. "A" means advanced framing. For more information, see Section 1005.2.

3. For Group R-1 Occupancy buildings over five stories, see Table 5-1A.

EMERGENCY

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01)

WAC 51-11-0533 ((~~Table 5-4~~ Reserved))

**TABLE 5-1A
TARGET COMPONENT VALUES
FOR GROUP R-1 OCCUPANCY, BUILDINGS OVER 5 STORIES**

| Component | Electric Resistance | | Other Fuels | |
|-------------------------------|-----------------------------|-------------------------------|--|--|
| | Climate Zone | | Climate Zone | |
| | 1 | 2 | 1 | 2 |
| Glazing % Floor Area | <u>15%</u> | <u>15%</u> | <u>15%</u> | <u>15%</u> |
| Vertical Glazing U-Factor | <u>U = 0.400</u> | <u>U = 0.400</u> | <u>U = 0.650</u> | <u>U = 0.600</u> |
| Overhead Glazing U-Factor | <u>U = 0.58</u> | <u>U = 0.58</u> | <u>U = 0.68</u> | <u>U = 0.64</u> |
| Doors | <u>U = 0.200</u> (R-5) | <u>U = 0.200</u> (R-5) | <u>U = 0.400</u> (R-2.5) | <u>U = 0.400</u> (R-2.5) |
| Ceilings | | | | |
| Attic | <u>U = 0.031</u> (R-38) | <u>U = 0.031</u> (R-38) | <u>U = 0.036</u> (R-30) | <u>U = 0.031</u> (R-38) |
| Single Rafter/Joist Vaulted | <u>U = 0.034</u> (R-30) | <u>U = 0.034</u> (R-30) | <u>U = 0.034</u> (R-30) | <u>U = 0.034</u> (R-30) |
| Walls ² | <u>U = 0.058</u> (R-19A) | <u>U = 0.044</u> (R-19+5A) | <u>U = 0.062¹</u> (R-19) | <u>U = 0.062¹</u> (R-19) |
| Floors | <u>U = 0.029</u> (R-30) | <u>U = 0.029</u> (R-30) | <u>U = 0.041</u> (R-19) | <u>U = 0.029</u> (R-30) |
| Slab on Grade Slab R-Value | <u>F = 0.54</u> (R-10) | <u>F = 0.54</u> (R-10) | <u>F = 0.54</u> (R-10) | <u>F = 0.54</u> (R-10) |
| Below Grade Interior | | | | |
| Wall R-Value | <u>R-19</u> | <u>R-19</u> | <u>R-19</u> | <u>R-19</u> |
| 2' Depth: Walls | <u>U = 0.043</u> | <u>U = 0.043</u> | <u>U = 0.043</u> | <u>U = 0.043</u> |
| Slab | <u>F = 0.69</u> | <u>F = 0.69</u> | <u>F = 0.69</u> | <u>F = 0.69</u> |
| 3.5' Depth: Walls | <u>U = 0.041</u> | <u>U = 0.041</u> | <u>U = 0.041</u> | <u>U = 0.041</u> |
| Slab | <u>F = 0.64</u> | <u>F = 0.64</u> | <u>F = 0.64</u> | <u>F = 0.64</u> |
| 7' Depth: Walls | <u>U = 0.037</u> | <u>U = 0.037</u> | <u>U = 0.037</u> | <u>U = 0.037</u> |
| Slab | <u>F = 0.57</u> | <u>F = 0.57</u> | <u>F = 0.57</u> | <u>F = 0.57</u> |
| Below Grade Exterior | | | | |
| Wall R-Value | <u>R-10</u> | <u>R-12</u> | <u>R-10</u> | <u>R-12</u> |
| 2' Depth: Walls | <u>U = 0.070</u> | <u>U = 0.061</u> | <u>U = 0.070</u> | <u>U = 0.061</u> |
| Slab | <u>F = 0.60</u> | <u>F = 0.60</u> | <u>F = 0.60</u> | <u>F = 0.60</u> |
| 3.5' Depth: Walls | <u>U = 0.064</u> | <u>U = 0.057</u> | <u>U = 0.064</u> | <u>U = 0.057</u> |
| Slab | <u>F = 0.57</u> | <u>F = 0.57</u> | <u>F = 0.57</u> | <u>F = 0.57</u> |
| 7' Depth: Walls | <u>U = 0.056</u> | <u>U = 0.050</u> | <u>U = 0.056</u> | <u>U = 0.050</u> |
| Slab | <u>F = 0.42</u> | <u>F = 0.42</u> | <u>F = 0.42</u> | <u>F = 0.42</u> |

1. Log and Solid Timber walls that have a minimum average thickness of 3.5" are exempt from wall target UA and proposed UA calculations.
 2. "A" means advanced framing. For more information, see Section 1005.2.

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

EMERGENCY

AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01)

WAC 51-11-0625 Table 6-1.

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY^{1,2}
CLIMATE ZONE 1**

| Option | Glazing Area ¹⁰ : % of Floor | Glazing U-Factor | | Door ⁹ U-Factor | Ceiling ² | Vaulted Ceiling ³ | Wall ¹² Above Grade | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁴ on Grade |
|--------|---|------------------|------------------------|----------------------------|----------------------|------------------------------|--------------------------------|------------------------------------|------------------------------------|--------------------|----------------------------|
| | | Vertical | Overhead ¹¹ | | | | | | | | |
| I. | 12% | 0.35 | 0.58 | 0.20 | R-38 | R-30 | R-15 | R-15 | R-10 | R-30 | R-10 |
| II.* | 15% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| III. | Unlimited Group R-3 Occupancy only | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |

- * Reference Case
- 0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-5 insulation.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
- 12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.
- 13. For Group R Occupancy buildings over five stories, see Table 6-1A and Table 6-1B.

**TABLE 6-1A
PRESCRIPTIVE REQUIREMENTS^{1,**}
FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
CLIMATE ZONE 1 • HEATING BY ELECTRIC RESISTANCE**

| Option | Glazing Area ¹⁰ : % of Floor | Glazing U-Factor | | Door ² U-Factor | Ceiling ² | Vaulted Ceiling ² | Wall Above Grade | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁴ on Grade |
|--------------------|---|-------------------|------------------------|----------------------------|----------------------|------------------------------|---------------------------|------------------------------------|------------------------------------|--------------------|----------------------------|
| | | Vertical | Overhead ¹¹ | | | | | | | | |
| I. | 10% | 0.46 | 0.58 | 0.40 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| II. | 12% | 0.43 | 0.58 | 0.20 | R-38 | R-30 | R-19 | R-19 | R-10 | R-30 | R-10 |
| III. | 12% | 0.40 | 0.58 | 0.40 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| IV.* | 15% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-19 | R-19 | R-10 | R-30 | R-10 |
| V. | 18% | 0.39 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| VI. | 21% | 0.36 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-10 | R-30 | R-10 |
| VII. ² | 25% | 0.32 ² | 0.58 | 0.20 | R-38 | R-30 | R-19 +R-5 ² | R-21 | R-10 | R-30 | R-10 |
| VIII. ² | 30% | 0.29 ² | 0.58 | 0.20 | R-38 | R-30 | R-19 +R-5 ² | R-21 | R-10 | R-30 | R-10 |

- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.

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3. Requirement applicable only to single rafter or joist vaulted ceilings.
4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. Reserved.
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

TABLE 6-1B
PRESCRIPTIVE REQUIREMENTS^{1}**
FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
CLIMATE ZONE 1 • HEATING BY OTHER FUELS

| Option | HVAC ² Equip. Effic. | Glazing Area ¹¹ % of Floor | Glazing U-Factor | | Door ¹⁰ U- Factor | Ceiling ² | Vaulted Ceiling ³ | Wall Above Grade | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁶ on Grade |
|-------------------|---------------------------------------|--|-------------------|-----------------------------|------------------------------------|----------------------|---------------------------------|------------------------|---|---|--------------------|-------------------------------|
| | | | Vertical | Over- head ¹² | | | | | | | | |
| I. | Med. | 10% | 0.70 | 0.68 | 0.40 | R-30 | R-30 | R-15 | R-15 | R-10 | R-19 | R-10 |
| II. | Med. | 12% | 0.65 | 0.68 | 0.40 | R-30 | R-30 | R-15 | R-15 | R-10 | R-19 | R-10 |
| III. | High | 21% | 0.75 | 0.68 | 0.40 | R-30 | R-30 | R-19 | R-19 | R-10 | R-19 | R-10 |
| IV.* | Med. | 21% | 0.65 | 0.68 | 0.40 | R-30 | R-30 | R-19 | R-19 | R-10 | R-19 | R-10 |
| V. | Low | 21% | 0.60 | 0.68 | 0.40 | R-30 | R-30 | R-19 | R-19 | R-10 | R-19 | R-10 |
| VI. ² | Med. | 25% | 0.45 ² | 0.68 | 0.40 | R-38 | R-30 | R-19 | R-19 | R-10 | R-25 | R-10 |
| VII. ² | Med. | 30% | 0.40 ² | 0.68 | 0.40 | R-30 | R-30 | R-19 | R-19 | R-10 | R-25 | R-10 |
| VIII. | Med. | unlimited | 0.25 | 0.40 | 0.40 | R-30 | R-30 | R-19 | R-19 | R-10 | R-25 | R-10 |

- * Reference Case
 ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
 3. Requirement applicable only to single rafter or joist vaulted ceilings.
 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
 5. Floors over crawl spaces or exposed to ambient air conditions.
 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
 7. Reserved.
 8. Reserved.
 9. Minimum HVAC equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med.' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7 14-1B.
 10. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
 11. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
 12. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY^{1,3}
CLIMATE ZONE 2

| Option | Glazing Area ¹⁰ % of Floor | Glazing U-Factor | | Door ⁹ U- Factor | Ceiling ² | Vaulted Ceiling ³ | Wall Above Grade ¹² | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁴ on Grade |
|--------|--|------------------|------------------------|-----------------------------------|----------------------|---------------------------------|--------------------------------------|---|---|--------------------|----------------------------------|
| | | Vertical | Overhead ¹¹ | | | | | | | | |
| I. | 10% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-21 int ⁷ | R-21 | R-12 | R-30 | R-10 |
| II.* | 15% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-19 +R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |

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| Option | Glazing Area ¹⁰ : % of Floor | Glazing U-Factor | | Door ⁹ U-Factor | Ceiling ² | Vaulted Ceiling ³ | Wall Above Grade ¹² | Wall•int ⁴ Below Grade | Wall•ext ⁴ Below Grade | Floor ⁵ | Slab ⁴ on Grade |
|--------|---|------------------|------------------------|----------------------------|----------------------|------------------------------|--------------------------------|-----------------------------------|-----------------------------------|--------------------|----------------------------|
| | | Vertical | Overhead ¹¹ | | | | | | | | |
| III. | 17% | 0.37 | 0.58 | 0.20 | R-38 | R-30 | R-19 + R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| IV. | Unlimited Group R-3 Occupancy only | 0.35 | 0.58 | 0.20 | R-38 | R-30 | R-21 int ⁷ | R-21 | R-12 | R-30 | R-10 |

- * Reference Case
- 0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-5 insulation.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
- 12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.
- 13. For Group R Occupancy buildings over five stories, see Table 6-2A and Table 6-2B.

TABLE 6-2A
PRESCRIPTIVE REQUIREMENTS^{1}**
FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
CLIMATE ZONE 2 • HEATING BY ELECTRIC RESISTANCE

| Option | Glazing Area ¹¹ : % of Floor | Glazing U-Factor | | Door ¹⁰ U-Factor | Ceiling ² | Vaulted Ceiling ³ | Wall Above Grade | Wall•int ⁴ Below Grade | Wall•ext ⁴ Below Grade | Floor ⁵ | Slab ⁶ on Grade |
|-------------------|---|-------------------|------------------------|-----------------------------|----------------------|------------------------------|-------------------------|-----------------------------------|-----------------------------------|--------------------|----------------------------|
| | | Vertical | Overhead ¹² | | | | | | | | |
| I. | 10% | 0.38 | 0.58 | 0.20 | R-38 | R-30 | R-21 | R-21 | R-12 | R-30 | R-10 |
| II. | 12% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-19+R-5 ⁸ | R-21 | R-12 | R-25 | R-10 |
| III.* | 15% | 0.40 | 0.58 | 0.20 | R-38 | R-30 | R-19+R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| IV. | 18% | 0.38 | 0.58 | 0.20 | R-38 | R-30 | R-19+R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| V. | 21% | 0.35 | 0.58 | 0.20 | R-38Adv | R-38 | R-19+R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| VI. ⁷ | 25% | 0.30 ⁷ | 0.58 | 0.20 | R-49Adv | R-38 | R-19+R-5 ⁸ | R-21 | R-12 | R-30 | R-10 |
| VII. ⁷ | 30% | 0.28 ⁷ | 0.58 | 0.20 | R-60Adv | R-38 | R-21+R-7.5 ⁹ | R-21 | R-12 | R-30 | R-10 |

- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Reserved.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. This wall insulation requirement denotes R-21 wall cavity insulation plus R-7.5 foam sheathing.
- 10. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.

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- 11. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
- 12. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

TABLE 6-2B
PRESCRIPTIVE REQUIREMENTS^{1}**
FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
CLIMATE ZONE 2 • HEATING BY OTHER FUELS

| Option | HVAC ² Equip. Effic. | Glazing Area ¹¹ % of Floor | Glazing U-Factor | | Door ¹⁰ U- Factor | Ceiling ² | Vaulted Ceiling ³ | Wall Above Grade | Wall• int ⁴ Below Grade | Wall• ext ⁴ Below Grade | Floor ⁵ | Slab ⁶ on Grade |
|--------------------------|---------------------------------------|--|-------------------------|----------------------------|------------------------------------|----------------------|---------------------------------|------------------------|---|---|--------------------|-------------------------------|
| | | | Vertical | Over head ¹² | | | | | | | | |
| I. | <u>Med.</u> | <u>10%</u> | <u>0.70</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-25</u> | <u>R-10</u> |
| II. | <u>Med.</u> | <u>12%</u> | <u>0.65</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-25</u> | <u>R-10</u> |
| III. | <u>High</u> | <u>17%</u> | <u>0.65</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-25</u> | <u>R-10</u> |
| IV.* | <u>Med.</u> | <u>17%</u> | <u>0.60</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-30</u> | <u>R-10</u> |
| V. | <u>Low</u> | <u>17%</u> | <u>0.50</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-30</u> | <u>R-10</u> |
| VI. | <u>Med.</u> | <u>21%</u> | <u>0.50</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-30</u> | <u>R-10</u> |
| VII.⁷ | <u>Med.</u> | <u>25%</u> | <u>0.40⁷</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-30</u> | <u>R-10</u> |
| VIII.⁷ | <u>Med.</u> | <u>30%</u> | <u>0.40⁷</u> | <u>0.64</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-30</u> | <u>R-10</u> |
| IX. | <u>Med.</u> | <u>unlimited</u> | <u>0.25</u> | <u>0.40</u> | <u>0.40</u> | <u>R-38</u> | <u>R-30</u> | <u>R-19</u> | <u>R-19</u> | <u>R-12</u> | <u>R-30</u> | <u>R-10</u> |

- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. Reserved.
- 8. Reserved.
- 9. Minimum HVAC equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med.' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 14-1B.
- 10. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 11. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
- 12. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

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.

EMERGENCY



WSR 02-19-034
RULES OF COURT
SUPREME COURT
[September 5, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO (ELC), GR) NO. 25700-A-752
1, APR 3, APR 8, APR 9, APR 11 (REGU-)
LATION 101), APR 12.1, APR 14, APR 16,)
APR 17, APR 18, NEW APR 20, NEW)
APR 21, NEW APR 21.1, NEW APR 21.2,)
NEW APR 21.3, NEW APR 21.4, NEW)
APR 21.5, NEW APR 21.6, RPC 1.2, RPC)
1.14, RPC 5.5, RPC 8.1, RPC 8.4 AND RPC)
8.5)

The Washington State Bar Association having recom-
mended the adoption of the proposed amendments and new
rules to the New Set of Enforcement of Lawyer Conduct
Rules (ELC), GR 1, APR 3, APR 8, APR 9, APR 11 (Regu-
lation 101), APR 12.1, APR 14, APR 16, APR 17, APR 18,
New APR 20, New APR 21, New APR 21.1, New APR 21.2,
New APR 21.3, New APR 21.4, New APR 21.5, New APR
21.6, RPC 1.2, RPC 1.14, RPC 5.5, RPC 8.1, RPC 8.4 and
RPC 8.5, and the Court having determined that the proposed
amendments and new rules will aid in the prompt and orderly
administration of justice and further determined that an emer-
gency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and new rules as attached
hereto is adopted.

(b) That pursuant to the emergency provisions of GR
9(i), the amendments and new rules will be published expedi-
tiously and become effective upon publication.

DATED at Olympia, Washington this 5th day of Septem-
ber 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

[ADOPT NEW SET OF RULES]

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[ADOPT NEW RULES]

**RULES FOR ENFORCEMENT
OF LAWYER CONDUCT (ELC)**

TITLE 1 - SCOPE, JURISDICTION, AND DEFINITIONS**ELC 1.1 SCOPE OF RULES**

These rules govern the procedure by which a lawyer may be subjected to disciplinary sanctions or actions for violation of the Rules of Professional Conduct adopted by the Washington Supreme Court.

ELC 1.2 JURISDICTION

Any lawyer admitted, or permitted by rule, to practice law in this state, and any lawyer specially admitted by a court of this state for a particular case, is subject to these Rules for Enforcement of Lawyer Conduct. Jurisdiction exists regardless of the lawyer's residency or authority to practice law in this state.

ELC 1.3 DEFINITIONS

Unless the context clearly indicates otherwise, terms used in these rules have the following meanings:

(a) "Association" means the Washington State Bar Association.

(b) "Bar file" means the pleadings, motions, rulings, decisions, and other formal papers filed in a proceeding.

(c) "Board" when used alone means the Disciplinary Board.

(d) "Chair" when used alone means the Chair of the Disciplinary Board.

(e) "Clerk" when used alone means the Clerk to the Disciplinary Board.

(f) "Disciplinary action" means sanctions under rule 13.1 and admonitions under rule 13.5.

(g) "Final" means no review has been sought in a timely fashion or all appeals have been concluded.

(h) "Grievant" means the person or entity who files a grievance, except for a confidential source under rule 5.2.

(i) "Hearing officer" means the person assigned under rule 10.2 (a)(1) or, when a hearing panel has been assigned, the hearing panel chair.

(j) "Mental or physical incapacity" includes, but is not limited to, insanity, mental illness, senility, or debilitating use of alcohol or drugs.

(k) "Panel" means a hearing panel under rule 10.2 (a)(2).

(l) "Party" means disciplinary counsel or respondent, except in rules 2.3(h) and 2.6(e) "party" also includes a grievant.

(m) "Respondent" means a lawyer against whom a grievance is filed or a lawyer investigated by disciplinary counsel.

(n) "APR" means the Admission to Practice Rules.

(o) "CR" means the Superior Court Civil Rules.

(p) "RAP" means the Rules of Appellate Procedure.

(q) "RPC" means the Rules of Professional Conduct adopted by the Washington Supreme Court.

(r) **Words of authority.**

(1) "May" means "has discretion to," "has a right to," or "is permitted to".

(2) "Must" means "is required to".

(3) "Should" means recommended but not required, except:

(A) in rules 2.3(h) and 2.6, "should" has the meaning ascribed to it in the Code of Judicial Conduct; and

(B) in title 12, "should" has the meaning ascribed to it in the Rules of Appellate Procedure.

ELC 1.4 NO STATUTE OF LIMITATION

No statute of limitation or other time limitation restricts filing a grievance or bringing a proceeding under these rules, but the passage of time since an act of misconduct occurred may be considered in determining what if any action or sanction is warranted.

ELC 1.5 VIOLATION OF DUTIES IMPOSED BY THESE RULES

A lawyer violates RPC 8.4(l) and may be disciplined under these rules for violating duties imposed by these rules, including but not limited to the following duties:

- respond to inquiries or requests about matters under investigation, rule 5.3(f);
- file an answer to a formal complaint or to an amendment to a formal complaint, rule 10.5;
- cooperate with discovery and comply with hearing orders, rules 10.11(g) and 5.5;
- attend a hearing and bring materials requested by disciplinary counsel, rule 10.13 (b) and (c);
- respond to subpoenas and comply with orders enforcing subpoenas, rule 10.13(e);
- notify clients and others of inability to act, rule 14.1;
- discontinue practice, rule 14.2;
- file an affidavit of compliance, rule 14.3;
- maintain confidentiality, rule 3.2(f);
- report being disciplined or transferred to disability inactive status in another jurisdiction, rule 9.2(a);
- cooperate with an examination of books and records, rule 15.2;
- notify the Association of a trust account overdraft, rule 15.4(d);
- file a declaration or questionnaire certifying compliance with RPC 1.14, rule 15.5;
- comply with conditions of probation, rule 13.8;
- comply with conditions of a stipulation, rule 9.1;
- pay restitution, rule 13.7; or
- pay costs, rule 5.3(f) or 13.9.

TITLE 2 - ORGANIZATION AND STRUCTURE**ELC 2.1 SUPREME COURT**

The Washington Supreme Court has exclusive responsibility in the state to administer the lawyer discipline and disability system and has inherent power to maintain appropriate standards of professional conduct and to dispose of individual cases of lawyer discipline and disability. Persons carrying out the functions set forth in these rules act under the Supreme Court's authority.

ELC 2.2 BOARD OF GOVERNORS

(a) **Function.** The Board of Governors of the Association:

(1) supervises the general functioning of the Disciplinary Board, review committees, disciplinary counsel, Association staff, and adjunct investigative counsel;

(2) makes appointments, removes those appointed, and fills vacancies as provided in these rules; and

(3) performs other functions and takes other actions provided in these rules, delegated by the Supreme Court, or necessary and proper to carry out its duties.

(b) Limitation of Authority. The Board of Governors has no right or responsibility to review hearing officer, hearing panel, or Disciplinary Board decisions or recommendations in specific cases.

(c) Restriction on Representing Respondents. Former members of the Board of Governors and former Presidents of the Association are subject to the restrictions on representing respondents in rule 2.13(b).

ELC 2.3 DISCIPLINARY BOARD

(a) Function. The Board performs the functions provided under these rules, delegated by the Board of Governors or Supreme Court, or necessary and proper to carry out its duties.

(b) Membership.

(1) *Composition.* The Board consists of not fewer than three nonlawyer members, appointed by the Court, and not fewer than one lawyer member from each congressional district, appointed by the Board of Governors.

(2) *Qualifications.* Lawyer members must have been active members of the Association for at least seven years.

(3) *Voting.* Each member, including the Chair and the Vice Chair, whether nonlawyer or lawyer, has one vote.

(4) *Quorum.* A majority of the Board members constitutes a quorum. If there is a quorum, the concurrence of a majority of those present and voting constitutes action of the Board, so long as at least seven members vote.

(5) *Leave of Absence While Grievance Is Pending.* If a grievance is filed against a lawyer member of the Board, the following procedures apply:

(A) the member initially decides whether to remain on the Board or take a leave of absence until the matter is resolved;

(B) if the member chooses to remain on the Board, the Conflicts Review Officer must promptly provide a confidential summary of the grievance to the Board of Governors with a copy to the member;

(C) the Board of Governors should then, or at any time thereafter it deems appropriate, determine if the member is so impaired from serving on the Disciplinary Board that the member should take, or continue to take, a leave of absence to protect the integrity of the discipline system. In making this determination, the Board of Governors should consider, among other things, the facts, circumstances, and nature of the misconduct alleged, the possible outcome, and the extent of public concern regarding the matter;

(D) the Board of Governors' deliberations are confidential. All materials of the Board of Governors in connection with such a matter are confidential unless released under rule 3.4 (d) or (e).

(c) Terms of Office. The term of office for a Board member is three years. Newly created Board positions may be filled by appointments of less than three years, as designated by the Court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year.

Terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than one term except as otherwise provided in these rules. Members continue to serve until replaced, except a member's term of office ends immediately if a disciplinary sanction is imposed.

(d) Chair. The Board of Governors annually designates one lawyer member of the Board to act as Chair and another as Vice Chair. The Vice Chair serves in the absence of or at the request of the Chair.

(e) Unexpired Terms. The Board of Governors fills unexpired terms in lawyer membership on the Board. The Supreme Court fills unexpired terms in nonlawyer membership. A member appointed to fill an unexpired term will complete the unexpired term of the member replaced, and may be reappointed to a consecutive term if the unexpired term is less than 18 months.

(f) Pro Tempore Members. If a Board member is disqualified or unable to function, the Chair may, by written order, designate a member pro tempore. A member pro tempore must have either previously served on the Board or be appointed as an alternate Board member by the Board of Governors if a lawyer or by the Supreme Court if a nonlawyer. Only a lawyer may be appointed to substitute for a lawyer member, and only a nonlawyer to substitute for a nonlawyer member.

(g) Meetings. The Board meets regularly at times and places it determines. The Chair may convene special Board meetings. In the Chair's discretion, the Board may meet and act through electronic, telephonic, written, or other means of communication.

(h) Disqualification.

(1) A Board member should disqualify him or herself from a particular matter in which the member's impartiality might reasonably be questioned, including, but not limited to, instances in which:

(A) the member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the matter;

(B) the member previously served as a lawyer or was a material witness in the matter in controversy, or a lawyer with whom the member practices law serves or has previously served as a lawyer concerning the matter, or such lawyer is or has been a material witness concerning the matter;

(C) the member knows that, individually or as a fiduciary, the member or the member's spouse or relative residing in the member's household, has an economic interest in the subject matter in controversy or in a party to the matter, or is an officer, director, or trustee of a party or has any other interest that could be substantially affected by the outcome of the matter, unless there is a remittal of disqualification under section (i);

(D) the member or the member's spouse or relative residing in the member's household, or the spouse of such a person:

(i) is a party to the matter, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the matter;

(iii) is to the member's knowledge likely to be a material witness in the matter;

(E) the member served as a hearing officer or hearing panel member for a hearing on the matter, or served on a review committee that issued an admonition to the lawyer regarding the matter.

(i) Remittal of Disqualification. A member disqualified under subsection (h)(1)(C) or (h)(1)(D) may, instead of withdrawing from consideration of the matter, disclose on the record the basis of the disqualification. If, based on such disclosure, the parties and lawyers, independently of the member's participation, all agree in writing or on the record that the member's relationship is immaterial or that the member's economic interest is de minimis, the member is no longer disqualified, and may participate in the matter. If a party is not immediately available, the member may proceed on the assurance of the party's counsel that the party's consent will be subsequently given.

(j) Counsel and Clerk. The Executive Director of the Association, under the direction of the Board of Governors, may appoint a suitable person or persons to act as counsel and clerk to the Board, to assist the Board and the review committees in carrying out their functions under these rules.

(k) Restriction on Representing Respondents. Former members of the Disciplinary Board are subject to the restrictions on representing respondents in rule 2.13(b).

ELC 2.4 REVIEW COMMITTEES

(a) Function. A review committee performs the functions provided under these rules, delegated by the Board or the Chair, or necessary and proper to carry out its duties.

(b) Membership. The Chair appoints three or more review committees of three members each from among the Board members. Each review committee consists of two lawyers and one nonlawyer. The Chair may reassign members among the several committees on an interim or permanent basis. The Chair does not serve on a review committee.

(c) Review Committee Chair. The Chair of the Disciplinary Board designates one member of each review committee to act as its chair.

(d) Terms of Office. A review committee member serves as long as the member is on the Board.

(e) Distribution of Cases. The Clerk assigns matters to the several review committees under the Chair's direction, equalizing the committee's caseloads as possible.

(f) Meetings. A review committee meets at times and places determined by the review committee chair, under the general direction of the Chair of the Disciplinary Board. In the review committee chair's discretion, the committee may meet and act through electronic, telephonic, written, or other means of communication.

(g) Adjunct Review Committee Members. Notwithstanding other provisions of these rules, if deemed necessary to the efficient operation of the discipline system, the Board may authorize the Chair to appoint former Board members as adjunct review committee members for a period deemed necessary by the Chair, but those appointments terminate at the end of the term of the Chair making the appointment. The Chair may remove adjunct review committee members when deemed appropriate. The Chair may appoint adjunct review

committee members to existing review committees or may create adjunct review committees. An adjunct member has the same authority as a regular review committee member and must comply with rule 2.3 (b)(5) but is not otherwise a Board member.

ELC 2.5 HEARING OFFICER OR PANEL

(a) Function. A hearing officer or panel to whom a case has been assigned for hearing conducts the hearing and performs other functions as provided under these rules.

(b) Qualifications. A hearing officer must be an active member of the Association, have been an active or judicial member of the Association for at least seven years, have no record of public discipline, and have experience as an adjudicator or as an advocate in contested adjudicative hearings.

(c) Hearing Officer Selection Panel. The hearing officer selection panel makes recommendations to the Board of Governors for appointment, reappointment, and removal of hearing officers. The panel is appointed by the Board of Governors and includes, but is not limited to, a Board of Governors member who serves as its chair, one or more former Chairs of the Disciplinary Board, and one or more former nonlawyer members of the Disciplinary Board.

(d) Appointment. The Board of Governors appoints hearing officers to the hearing officer list giving consideration to recommendations of the hearing officer selection panel. The list should include as many lawyers as the Board of Governors considers necessary to carry out the provisions of these rules effectively and efficiently. In making appointments, the Board of Governors should consider diversity in gender, ethnicity, geography, and practice experience. The Board of Governors also maintains a list of nonlawyers willing to serve on hearing panels under section (h).

(e) Terms of Appointment. Appointment to the hearing officer list, or the list of nonlawyers, is for an initial period of one year, followed by periods of five years. Reappointment is in the Board of Governors' discretion. A hearing officer or panel member may continue to act in any matter assigned before his or her term expires. On the recommendation of the hearing officer selection panel, the Board of Governors may remove a person from the list of hearing officers or from the list of nonlawyer panel members.

(f) Chief Hearing Officer. The Board of Governors appoints a chief hearing officer who, in addition to hearing matters, assigns cases, monitors and evaluates the performance of hearing officers and panel members, establishes requirements for and supervises hearing officer and hearing panel member training, administers hearing officer compensation, hears prehearing motions when no hearing officer has been assigned, and performs other administrative duties necessary for an efficient and effective hearing system. If the chief hearing officer position is vacant or the chief hearing officer has recused or been disqualified from a particular matter, the Chair may, as necessary, perform the administrative duties of chief hearing officer.

(g) Case Assignment. The chief hearing officer assigns hearing officers to cases from the list of hearing officers appointed by the Board of Governors.

(h) Hearing Panel. If a hearing panel is assigned to hear a matter, the chief hearing officer appoints the panel. A panel

consists of three persons, with at least one from the hearing officer list and at least one nonlawyer from the list maintained by the Board of Governors.

(i) **Training.** Hearing officers and hearing panel members must comply with training requirements established by the chief hearing officer.

ELC 2.6 HEARING OFFICER CONDUCT

(a) **"Hearing Officer" Includes Panel Members.** In this rule, the term "hearing officer" includes hearing panel members.

(b) **Integrity of Hearing Officer System.** The integrity and fairness of the disciplinary system requires that hearing officers observe high standards of conduct. To the extent applicable, the Code of Judicial Conduct should guide hearing officers. The following rules have been adapted from Canon 2 and Canon 3 of the Code of Judicial Conduct as particularly applicable to hearing officers, and the words "should" and "shall" have the meanings ascribed to them in those rules.

(c) **Hearing Officer's Duty To Avoid Impropriety and the Appearance of Impropriety.** Hearing officers should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the disciplinary system. Hearing officers should not allow family, social, or other relationships to influence their conduct or judgment. Hearing officers should not lend the prestige of the hearing officer position to advance the private interests of the hearing officer or others; nor should hearing officers convey or permit others to convey the impression that they are in a special position to influence them. Hearing officers should not be members of any organization practicing discrimination prohibited by law.

(d) **Conduct of Those on Hearing Officer List.** A person on the hearing officer list should not:

- (1) testify voluntarily as a character witness in a disciplinary proceeding;
- (2) serve as an expert witness related to the professional conduct of lawyers in any proceeding; or
- (3) serve as special disciplinary counsel, adjunct investigative counsel, or respondent's counsel.

(e) **Performing Duties Impartially and Diligently.** When acting as a hearing officer, the following standards apply:

(1) *Adjudicative Responsibilities.*

(A) Hearing officers should be faithful to the law and maintain professional competence in it. Hearing officers should be unswayed by partisan interests, public clamor, or fear of criticism.

(B) Hearing officers should maintain order and decorum in proceedings before them.

(C) Hearing officers should be patient, dignified, and courteous to parties, witnesses, lawyers, and others with whom hearing officers deal in their official capacity, and should require similar conduct of lawyers, and of the staff, and others subject to their direction and control.

(D) Hearing officers should accord to every person who is legally interested in a proceeding, or that person's lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte or other

communications concerning a pending or impending proceeding. Hearing officers, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before them, by amicus curiae only, if they afford the parties reasonable opportunity to respond.

(E) Hearing officers shall perform their duties without bias or prejudice.

(F) Hearing officers should dispose promptly of assigned matters.

(G) Hearing officers shall not, while a proceeding is pending or impending, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair hearing. The hearing officer shall require similar abstention on the part of personnel subject to the hearing officer's direction and control. This section does not prohibit hearing officers from making public statements in the course of their official duties or from explaining for public information the procedures of the discipline system.

(2) *Administrative Responsibilities.*

(A) Hearing officers should diligently discharge their administrative responsibilities.

(B) Hearing officers should require their staff and others subject to their direction and control to observe the standards of fidelity and diligence that apply to them.

(3) *Disciplinary Responsibilities.*

(A) Hearing officers having actual knowledge that another hearing officer has committed a violation of these rules should take appropriate action. Hearing officers having actual knowledge that another hearing officer has committed a violation of these rules that raises a substantial question as to the other hearing officer's fitness for office should take or initiate appropriate corrective action, which may include informing the appropriate authority.

(B) Hearing officers having actual knowledge that a lawyer has committed a violation of the Rules of Professional Conduct or Rules for Enforcement of Lawyer Conduct should take appropriate action. Hearing officers having actual knowledge that a lawyer has committed a violation of the Rules of Professional Conduct or Rules for Enforcement of Lawyer Conduct that raises a substantial question as to the lawyer's fitness as a lawyer should take or initiate appropriate corrective action, which may include informing the appropriate authority.

(4) *Disqualification.*

(A) Hearing officers should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances in which:

(i) the hearing officer has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(ii) the hearing officer previously served as a lawyer or was a material witness in the matter in controversy, or a lawyer with whom the hearing officer previously practiced law served during such association as a lawyer concerning the matter, or such lawyer has been a material witness concerning it;

(iii) the hearing officer knows that, individually or as a fiduciary, the hearing officer or the hearing officer's spouse

or member of the hearing officer's family residing in the hearing officer's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or is an officer, director or trustee of a party or has any other interest that could be substantially affected by the outcome of the proceeding, unless there is a remittal of disqualification;

(iv) the hearing officer or the hearing officer's spouse or member of the hearing officer's family residing in the hearing officer's household, or the spouse of such a person:

(a) is a party to the proceeding, or an officer, director, or trustee of a party;

(b) is acting as a lawyer in the proceeding;

(c) is to the hearing officer's knowledge likely to be a material witness in the proceeding.

(B) Hearing officers should inform themselves about their personal and fiduciary economic interests, and make a reasonable effort to inform themselves about the personal economic interests of their spouse and minor children residing in their household.

(5) *Remittal of Disqualification.* A hearing officer disqualified by the terms of subsections (e)(4)(A)(iii) or (iv) may, instead of withdrawing from the proceeding, disclose on the record the basis of the disqualification. If, based on such disclosure, the parties and lawyers, independently of the hearing officer's participation, all agree in writing or on the record that the hearing officer's relationship is immaterial or that the hearing officer's economic interest is de minimis, the hearing officer is no longer disqualified and may participate in the proceeding. When a party is not immediately available, the hearing officer may proceed on the assurance of the lawyer that the party's consent will be subsequently given.

ELC 2.7 CONFLICTS REVIEW OFFICER

(a) **Function.** The Conflicts Review Officer reviews grievances filed against disciplinary counsel, hearing officers, other lawyers employed by the Association, and members of the Disciplinary Board, the Board of Governors, and the Supreme Court. After obtaining the respondent lawyer's response to the grievance, the Conflicts Review Officer may dismiss the grievance, defer the investigation, or assign the grievance to special disciplinary counsel for further investigation. The Conflicts Review Officer acts independently of disciplinary counsel and the Association.

(b) **Appointment and Qualifications.** The Supreme Court, on the recommendation of the Board of Governors, appoints an active member of the Association to a three year renewable term as Conflicts Review Officer. To be eligible for appointment as Conflicts Review Officer, a lawyer must have prior experience either as a Disciplinary Board member or as disciplinary counsel or special disciplinary counsel. The Conflicts Review Officer may have no other active role in the discipline system during the term of appointment. When the Conflicts Review Officer is not available to handle a matter due to conflict of interest or other good cause, on the recommendation of the Board of Governors, the Supreme Court will appoint a Conflicts Review Officer pro tempore for the matter.

(c) **Access to Disciplinary Information.** The Conflicts Review Officer has access to any otherwise confidential dis-

ciplinary information necessary to perform the duties required by these rules.

(d) **Compensation and Expenses.** The Association reimburses a Conflicts Review Officer for all necessary and reasonable expenses and compensates a Conflicts Review Officer at a level established by the Board of Governors.

ELC 2.8 DISCIPLINARY COUNSEL; SPECIAL DISCIPLINARY COUNSEL

(a) **Function.** Disciplinary counsel acts as counsel on the Association's behalf on all matters under these rules, and performs other duties as required by these rules, the Executive Director, or the Board of Governors.

(b) **Appointment.** The Executive Director of the Association, under the direction of the Board of Governors, employs a suitable member or members of the Association as disciplinary counsel. Special disciplinary counsel may be appointed whenever necessary to conduct an individual investigation or proceeding.

ELC 2.9 ADJUNCT INVESTIGATIVE COUNSEL

(a) **Function.** Adjunct investigative counsel performs the functions set forth in these rules.

(b) **Appointment and Term of Office.** The Board of Governors, in consultation with the Chief Disciplinary Counsel, appoints adjunct investigative counsel from among the active members of the Association, who have been active or judicial Association members for at least seven years, have no record of disciplinary misconduct, and are in good standing. In appointing adjunct investigative counsel, the Board of Governors should consider diversity in gender, ethnicity, geography, and practice experience. Each adjunct investigative counsel is appointed for a five year term on a staggered basis and may be reappointed. Adjunct investigative counsel should be trained in the investigation of discipline cases.

ELC 2.10 REMOVAL OF APPOINTEES

The power granted by these rules to any person, committee, or board to make any appointment includes the power to remove the person appointed whenever that person appears unwilling or unable to perform his or her duties, or for any other cause, and to fill the resulting vacancy.

ELC 2.11 COMPENSATION AND EXPENSES

(a) **Compensation.** The Association compensates the chief hearing officer to the extent authorized by the Board of Governors. The Association may compensate hearing officers and hearing panel members to the extent authorized by the Board of Governors. Board members and adjunct investigative counsel receive no compensation for their services.

(b) **Expenses.** The Association pays expenses incurred by hearing officers, hearing panel members, the chief hearing officer, Board members, and adjunct investigative counsel in connection with their duties, subject to any limitation established by resolution of the Board of Governors.

(c) **Special Appointments.** The Association pays the fees for counsel appointed under rules 7.7, 8.2 (c)(2), or 8.3 (d)(3) and costs or expenses reasonably incurred by these counsel.

ELC 2.12 EXONERATION FROM LIABILITY

(a) **Association and Its Agents.** No cause of action accrues in favor of a respondent lawyer or any other person, arising from an investigation or proceeding under these rules,

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against the Association, or its officers or agents (including but not limited to its staff, members of the Board of Governors, the Disciplinary Board, review committees, and hearing panels; hearing officers; disciplinary counsel; adjunct investigative counsel; adjunct review committee members; lawyers appointed under rule 7.7, 8.2 (c)(2), or 8.3 (d)(3); probation officers appointed under rule 13.8; or any other individual acting under authority of these rules) provided only that the Association or individual acted in good faith. The burden of proving bad faith in this context is on the person asserting it. The Association must defend any action against an officer or agent of the Association for actions taken in good faith under these rules, bear the costs of that defense, and indemnify the officer or agent against any such judgment.

(b) Grievants and Witnesses. Communications to the Association, Board of Governors, Disciplinary Board, review committee, hearing officer or panel, disciplinary counsel, adjunct investigative counsel, Association staff, or any other individual acting under authority of these rules, are absolutely privileged, and no lawsuit predicated thereon may be instituted against any grievant, witness, or other person providing information.

ELC 2.13 RESPONDENT LAWYER

(a) Right to Representation. A lawyer may be represented by counsel during any stage of an investigation or proceeding under these rules.

(b) Restrictions on Representation of Respondent. A former Association president, a former Board of Governors member, or a former Disciplinary Board member cannot represent a respondent lawyer in any proceeding under these rules until three years after leaving office. Service as an Adjunct Review Committee Member or as a Member Pro Tempore of the Board does not invoke this rule.

(c) Restriction on Charging Fee To Respond to Grievance. A respondent lawyer may not seek to charge a grievant a fee or recover costs from a grievant for responding to a grievance unless otherwise permitted by these rules.

(d) Medical and Psychological Records. A respondent must furnish written releases or authorizations to permit disciplinary counsel access to medical, psychiatric, or psychological records as may be relevant to the investigation or proceeding, subject to a motion to the chief hearing officer, or the hearing officer if one has been appointed, to limit the scope of the requested releases or authorizations for good cause shown.

TITLE 3 - ACCESS AND NOTICE

ELC 3.1 OPEN MEETINGS AND PUBLIC DISCIPLINARY INFORMATION

(a) Open Meetings. Disciplinary hearings and meetings of the Board are public. Except as otherwise provided in these rules, Supreme Court proceedings are public to the same extent as other Supreme Court proceedings. Deliberations of a hearing officer or panel, board, review committee, or court, and matters made confidential by a protective order, or by other provisions of these rules, are not public.

(b) Public Disciplinary Information. The public has access to the following information subject to these rules:

(1) the record before a review committee and the order of the review committee in any matter that a review committee has ordered to hearing or ordered an admonition be issued;

(2) the record upon distribution to a review committee or to the Supreme Court in proceedings based on a conviction of a felony or serious crime, as defined in rule 7.1(a);

(3) the record upon distribution to a review committee or to the Supreme Court in proceedings under rule 7.2;

(4) a statement of concern to the extent provided under rule 3.4(f);

(5) the record and order upon approval of a stipulation for discipline imposing a sanction or admonition, and the order approving a stipulation to dismissal of a matter previously made public under these rules;

(6) the record before a hearing officer or panel;

(7) the record and order before the Board in any matter reviewed under rule 10.9 or title 11;

(8) the bar file and any exhibits and any Board or review committee order in any matter that the Board or a review committee has ordered to public hearing, or any matter in which disciplinary action has been taken, or any proceeding under rules 7.1-7.6;

(9) in any disciplinary matter referred to the Supreme Court, the file, record, briefs, and argument in the case;

(10) a lawyer's resignation in lieu of disbarment under rule 9.3; and

(11) any sanction or admonition imposed on a respondent.

(c) Regulations. Public access to file materials and proceedings permitted by this rule may be subject to reasonable regulation as to time, place, and manner of access. Certified copies of public bar file documents will be made available at the same rate as certified copies of superior court records. Uncertified copies of public bar file documents will be made available at a rate to be set by the Executive Director of the Association.

ELC 3.2 CONFIDENTIAL DISCIPLINARY INFORMATION

(a) Scope of Confidentiality. All disciplinary materials that are not public information as defined in rule 3.1(b) are confidential, and are held by the Association under the authority of the Supreme Court, including but not limited to materials submitted to a review committee under rule 8.9 or information protected by rule 3.3(b), rule 5.4(b), rule 5.1 (c)(3), a protective order under rule 3.2(e), rule 3.2(b), court order, or other applicable law (e.g., medical records, police reports, etc.).

(b) Restriction on Release of Client Information. Notwithstanding any other provision of this title, no information identified or known to the Association to constitute client information that a lawyer would be required to keep confidential under RPC 1.6 may be released under rule 3.4 (c) - (i) unless the client consents, including implied consent under rule 5.1(b).

(c) Investigative Confidentiality. During the course of an investigation or proceeding, the Chief Disciplinary Counsel may direct that otherwise public information be kept confidential if necessary to further the purposes of the investigation. At the conclusion of the proceeding, those materials

become public information unless subject to a protective order.

(d) Discipline Under Prior Rules. Discipline imposed under prior rules of this state that was confidential when imposed remains confidential. A record of confidential discipline may be kept confidential during proceedings under these rules, or in connection with a stipulation under rule 9.1, through a protective order under section (e).

(e) Protective Orders. To protect a compelling interest of a grievant, witness, third party, respondent lawyer, or other participant in an investigation, on motion and for good cause shown, the Board Chair, the chair of a review committee to which a matter is assigned, or a hearing officer to whom a matter is assigned may issue a protective order prohibiting the disclosure or release of specific information, documents, or pleadings, and direct that the proceedings be conducted so as to implement the order. Filing a motion for a protective order stays the provisions of this title as to any matter sought to be kept confidential until five days after a ruling is served on the parties. The Board reviews decisions granting or denying a protective order if either the respondent lawyer or disciplinary counsel requests a review within five days of service of the decision. On review, the Board may affirm, reverse, or modify the protective order. The Board's decision is not subject to further review. A request for review by the Board stays the provisions of this title as to any matter sought to be kept confidential in that request, and the request itself is confidential until a ruling is issued.

(f) Wrongful Disclosure or Release. Disclosure or release, except as permitted by these rules, by any person involved with an investigation or proceeding, either as the Association's officer or agent (including, but not limited to, its staff, members of the Board of Governors, the Disciplinary Board, a review committee, hearing panels, hearing officers, disciplinary counsel, adjunct investigative counsel, a lawyer appointed under rule 7.7, or any other individual acting under authority of these rules) of any information about a pending or completed investigation or proceeding, except as permitted by these rules, may subject that person to an action for contempt of the Supreme Court. If the person is a lawyer, wrongful disclosure or release may also be grounds for discipline.

ELC 3.3 APPLICATION TO STIPULATIONS, DISABILITY PROCEEDINGS, AND DIVERSION CONTRACTS

(a) Application to Stipulations. A stipulation under rule 9.1 providing for imposition of a disciplinary sanction or admonition is confidential until approved, except that a grievant may be advised concerning a stipulation and its proposed or actual content at any time. An approved stipulation is public, unless:

- (1) it is approved before the filing of a formal complaint;
- (2) it provides for dismissal of a grievance without a disciplinary sanction or admonition; and
- (3) proceedings have not been instituted for failure to comply with the terms of the stipulation.

(b) Application to Disability Proceedings. Disability proceedings under title 8 are confidential. However, a grievant may be advised that a lawyer against whom the grievant

has complained is subject to disability proceedings. The following information is public:

- (1) that a lawyer has been transferred to disability inactive status, or has been reinstated to active status; and
- (2) that a disciplinary proceeding is deferred pending supplemental proceedings under title 8.

(c) Diversion Contracts. Diversion contracts and supporting affidavits and declarations under rules 6.5 and 6.6 are confidential, despite rule 3.1 (b)(1), unless admitted into evidence in a disciplinary proceeding following termination of the diversion contract for material breach. When a matter that has previously become public under rule 3.1(b) is diverted by a diversion contract, that contract and the supporting documents are confidential but the fact that the matter was diverted from discipline is public information.

ELC 3.4 RELEASE OR DISCLOSURE OF OTHERWISE CONFIDENTIAL INFORMATION

(a) Disclosure of Information. Except as provided in rule 3.2(e), the grievant, respondent lawyer, or any witness may disclose the existence of proceedings under these rules or any documents or correspondence the person received.

(b) Investigative Disclosure. The Association may disclose information as necessary to conduct the investigation or to keep a grievant advised of the status of a matter except as prohibited by rule 3.3(b), 5.4(b), or 5.1 (c)(3), a protective order under rule 3.2(e), other court order, or other applicable law.

(c) Release Based upon Lawyer's Waiver. Upon a written waiver by a lawyer, the Association may release the status of otherwise confidential disciplinary proceedings and provide copies of nonpublic information to:

- (1) the Washington State Bar Association Committee of Law Examiners, the Washington State Bar Association Character and Fitness Committee, the National Conference of Bar Examiners, or the comparable body in other jurisdictions to evaluate the character and fitness of an applicant for admission to the practice of law in that jurisdiction;
- (2) the Washington State Bar Association Judicial Recommendation Committee, or the comparable body in other jurisdictions, to evaluate the character and fitness of a candidate for judicial office;
- (3) the Governor of the State of Washington, or of any other state, or his or her delegate, to evaluate the character and fitness of a potential nominee to judicial office; and
- (4) any other agency that a lawyer authorizes to investigate the lawyer's disciplinary record.

(d) Response to Inquiry or False or Misleading Statement.

(1) Subject to rule 3.2(e), the President, the Board of Governors, the Executive Director, or Chief Disciplinary Counsel, or a designee of any of them, may release otherwise confidential information:

- (A) to respond to specific inquiries about matters that are in the public domain; or
- (B) if necessary to correct a false or misleading public statement.

(2) A respondent must be given notice of a decision to release information under this section unless the President, the Board of Governors, the Executive Director, or the Chief

Disciplinary Counsel finds that notice would jeopardize serious interests of any person or the public or compromise an ongoing investigation.

(e) **Discretionary Release.** The Executive Director or the Chief Disciplinary Counsel may authorize the general or limited release of any confidential information obtained during an investigation when it appears necessary to protect the interests of clients or other persons, the public, or the integrity of the disciplinary process. A respondent must be given notice of a decision to release information under this section before its release unless the Executive Director or the Chief Disciplinary Counsel finds that notice would jeopardize serious interests of any person or the public, or that the delay caused by giving the respondent notice would be detrimental to the integrity of the disciplinary process.

(f) Statement of Concern.

(1) *Authority.* The Chief Disciplinary Counsel has discretion to file a statement of concern with the Clerk when deemed necessary to protect members of the public from a substantial threat, based on information from a pending investigation into a lawyer's apparent ongoing serious misconduct not otherwise made public by these rules.

(2) *Procedure.*

(A) On or before the date it is filed, a copy of the statement of concern must be served under rule 4.1 on the lawyer about whom the statement of concern has been made. The statement of concern is not public information until 14 days after service.

(B) The lawyer may at any time appeal to the Chair to have the statement of concern withdrawn.

(C) If an appeal to the Chair is filed with the Clerk under rule 4.2(a) within 14 days of service of the statement of concern, the statement of concern is not public information unless the Chair so orders and becomes public information upon issuance of the Chair's order.

(D) The Chair's decision is not subject to further review.

(E) The Chief Disciplinary Counsel may withdraw a statement of concern at any time.

(g) **Release to Judicial Officers.** Any state or federal judicial officer may be advised of the status of a confidential disciplinary grievance about a lawyer appearing before the judicial officer in a representational capacity and may be provided with requested confidential information if the grievance is relevant to the lawyer's conduct in a matter before that judicial officer. The judicial officer must maintain the confidentiality of the matter.

(h) **Cooperation with Criminal and Disciplinary Authorities.** Except as provided in rule 3.2(e), information or testimony may be released to authorities in any jurisdiction authorized to investigate alleged criminal activity or judicial or lawyer misconduct.

(i) **Release to Lawyers' Fund for Client Protection.** Information obtained in an investigation and about applications pending before the Lawyers' Fund for Client Protection may be released to the Fund. The Fund must treat such information as confidential unless this title or the Executive Director authorizes release.

(j) **Conflicts Review Officer.** Conflicts review officers have access to any otherwise confidential disciplinary information necessary to perform their duties.

(k) **Board of Governors Access.** In furtherance of its supervisory function, and not in derogation of the foregoing, the Board of Governors has access to all confidential disciplinary information, but must maintain its confidentiality.

ELC 3.5 NOTICE OF DISCIPLINE

(a) **Notice to Supreme Court.** The counsel to the Board must provide the Supreme Court with:

(1) a copy of any decision imposing a disciplinary sanction when that decision becomes final;

(2) a copy of any admonition, together with the order issuing the admonition, when the admonition is accepted or otherwise becomes final; and

(3) a copy of any resignation in lieu of disbarment.

(b) **Other Notices.** The counsel to the Board must also notify the following entities of the imposition of a disciplinary sanction or admonition, a resignation in lieu of disbarment, or the filing of a statement of concern under rule 3.4(f) as follows, in such form as may appear appropriate:

(1) the lawyer discipline authority or highest court in any jurisdiction where the lawyer is believed to be admitted to practice;

(2) the chief judge of each federal district court in Washington State and the chief judge of the United States Court of Appeals for the Ninth Circuit;

(3) the National Discipline Data Bank; and

(4) the Washington State Bar News.

(c) **Preparation of Bar News Notice.** The counsel to the Board has discretion in drafting notices for publication in the Washington State Bar News, and should include sufficient information to adequately inform the public and the members of the Association about the misconduct found, the rules violated and the disciplinary action imposed. All notices should include the respondent lawyer's name, bar number, date of admission, the time frame of the misconduct, the rules violated, and the disciplinary action. The counsel to the Board must serve a copy of the draft notice on respondent and disciplinary counsel under rule 4.1 and review any comments filed with the counsel to the Board within five days of service, but counsel to the Board's decision about the content of the notice is not subject to further review.

(d) **Notices of Suspension, Disbarment, Resignation in Lieu of Disbarment, or Disability Inactive Status.** The Association must publish a notice of the disbarment, suspension, resignation in lieu of disbarment, or transfer to disability inactive status of a lawyer in the Washington State Bar News and electronic or other index or site maintained by the Association for public information. The Association must provide copies of these notices to the news media in a manner designed to notify the public in the county or region where the lawyer has maintained a practice. For a transfer to disability inactive status, no reference may be made to the specific disability.

(e) **Notice to Judges.** The Association must promptly notify the presiding judge of the superior court of the county in which the lawyer maintained a practice of the lawyer's disbarment, suspension, resignation in lieu of disbarment, or

transfer to disability inactive status, and may similarly notify the presiding judge of any district court located in the county where the lawyer practiced, or the judge of any other court in which the lawyer may have practiced or is known to have practiced.

ELC 3.6 MAINTENANCE OF RECORDS

(a) **Permanent Records.** In any matter in which a disciplinary sanction has been imposed, the bar file and transcripts of the proceeding are permanent records. Related file materials, including investigative files, may be maintained in disciplinary counsel's discretion. Exhibits may be returned to the party supplying them, but copies should be retained where possible.

(b) **Destruction of Files.** In any matter in which a grievance or investigation has been dismissed without the imposition of a disciplinary sanction, whether following a hearing or otherwise, file materials relating to the matter may be destroyed three years after the dismissal first occurred, and must be destroyed at that time on the respondent lawyer's request unless the files are being used in an ongoing investigation or unless other good cause exists for retention. However, file materials on a matter concluded with an admonition must be retained at least five years after the admonition was issued. If disciplinary counsel opposes a request by a respondent for destruction of files under this rule, the Board rules on that request.

(c) **Retention of Docket.** If a file on a matter has been destroyed under section (b), the Association may retain a docket record of the matter for statistical purposes only. That docket record must not include the name or other identification of the respondent.

(d) **Deceased Lawyers.** Records and files relating to a deceased lawyer, including permanent records, may be destroyed at any time in disciplinary counsel's discretion.

TITLE 4 - GENERAL PROCEDURAL RULES

ELC 4.1 SERVICE OF PAPERS

(a) **Service Required.** Every pleading, every paper relating to discovery, every written request or motion other than one which may be heard *ex parte*, and every similar paper or document issued by disciplinary counsel or the respondent lawyer under these rules must be served on the opposing party. If a hearing is pending and a hearing officer has been assigned, except for discovery, the party also must serve a copy on the hearing officer or panel chair or, if required by these rules, on each member of a hearing panel.

(b) Methods of Service.

(1) *Service by Mail.*

(A) Unless personal service is required or these rules specifically provide otherwise, service may be accomplished by postage prepaid mail. If properly made, service by mail is deemed accomplished on the date of mailing and is effective regardless of whether the person to whom it is addressed actually receives it.

(B) Except as provided below, service by mail must be by certified or registered mail, return receipt requested. Service may be by first class mail if:

(i) the parties so agree;

(ii) the document is a notice of dismissal by disciplinary counsel or by a review committee under rule 5.6, a notice regarding deferral under rule 5.3(c), or a request for review of any of these notices;

(iii) one or more properly made certified mailings is returned as unclaimed; or

(iv) service is on a hearing officer or panel.

(C) The address for service by mail is as follows:

(i) for the respondent, or his or her attorney of record, the address in the answer, a notice of appearance, or any subsequent document filed by the respondent or his or her attorney; or, in the absence of an answer, the respondent's address on file with the Association;

(ii) for disciplinary counsel, at the address of the Association or other address that disciplinary counsel requests.

(2) *Service by Delivery.* If service by mail is permitted, service may instead be accomplished by leaving the document at the address for service by mail.

(3) *Personal Service.* Personal service on a respondent is accomplished as follows:

(A) if the respondent is found in Washington State, by personal service in the manner required for personal service of a summons in a civil action in the superior court;

(B) if the respondent cannot be found in Washington State, service may be made either by:

(i) leaving a copy at the respondent's place of usual abode in Washington State with a person of suitable age and discretion then resident therein; or

(ii) mailing by registered or certified mail, postage prepaid, a copy addressed to the respondent at his or her last known place of abode, office address maintained for the practice of law, post office address, or address on file with the Association.

(C) if the respondent is found outside of Washington State, then by the methods of service described in (A) or (B) above.

(c) **Service Where Question of Mental Competence.** If a guardian or guardian ad litem has been appointed for a respondent who has been judicially declared to be of unsound mind or incapable of conducting his or her own affairs, service under sections (a) and (b) above must also be made on the guardian or guardian ad litem.

(d) **Proof of Service.** If personal service is required, proof of service may be made by affidavit of service, sheriff's return of service, or a signed acknowledgment of service. In other cases, proof of service may also be made by certificate of a lawyer similar to that allowed by CR 5 (b)(2)(B), which certificate must state the form of mail used. Proof of service in all cases must be filed but need not be served on the opposing party.

ELC 4.2 FILING; ORDERS

(a) **Filing Originals.** Except in matters before the Supreme Court, the original of any pleading, motion, or other paper authorized by these rules, other than discovery, must be filed with the Clerk. Filing may be made by first class mail and is deemed accomplished on the date of mailing. Filing of papers for matters before the Supreme Court is governed by the Rules of Appellate Procedure.

(b) Filing and Service of Orders. Any written order, decision, or ruling, except an order of the Supreme Court or an informal ruling issued under rule 10.8(e), must be filed with the Clerk, and the Clerk serves it on the respondent lawyer and disciplinary counsel.

ELC 4.3 PAPERS

All pleadings or other papers must be typewritten or printed, double spaced, on good quality 8 1/2 by 11-inch paper. The use of letter-size copies of exhibits is encouraged if it does not impair legibility.

ELC 4.4 COMPUTATION OF TIME

CR 6 (a) and (e) govern the computation of time under these rules.

ELC 4.5 STIPULATION TO EXTENSION OR REDUCTION OF TIME

Except for notices of appeal or matters pending before the Supreme Court, the respondent lawyer and disciplinary counsel may stipulate in any proceeding to extension or reduction of the time requirements.

ELC 4.6 SUBPOENA UNDER THE LAW OF ANOTHER JURISDICTION

Disciplinary counsel, the chief hearing officer, or the Chair may issue a subpoena for use in lawyer discipline or disability proceedings in another jurisdiction if the issuance of the subpoena has been authorized under the law of that jurisdiction and upon a showing of good cause. The subpoena may compel the attendance of witnesses and production of documents in the county where the witness resides or is employed or elsewhere as agreed by the witness. These rules apply to service, enforcement, and challenges to subpoenas issued under this rule.

ELC 4.7 ENFORCEMENT OF SUBPOENAS

(a) Authority. To enforce subpoenas issued under these rules, the Supreme Court delegates contempt authority to the Superior Courts as necessary for the Superior Courts to act under this rule.

(b) Procedure.

(1) If a person fails to obey a subpoena, or obeys the subpoena but refuses to testify or produce documents when requested, disciplinary counsel, the respondent lawyer or the person issuing the subpoena may petition the Superior Court of the county where the hearing is being conducted, where the subpoenaed person resides or is found, or where the subpoenaed documents are located, for enforcement of the subpoena. The petition must:

(A) be accompanied by a copy of the subpoena and proof of service;

(B) state the specific manner of the lack of compliance; and

(C) request an order compelling compliance.

(2) Upon the filing of the petition, the Superior Court enters an order directing the person to appear before it at a specified time and place to show cause why the person has not obeyed the subpoena or has refused to testify or produce documents. A copy of the Superior Court's show cause order must be served on the person.

(3) At the show cause hearing, if it appears to the Superior Court that the subpoena was properly issued, and that the particular questions the person refused to answer or the

requests for production of documents were reasonable and relevant, the Superior Court enters an order requiring the person to appear at a specified time and place and testify or produce the required documents. On failing to obey this order, the person is dealt with as for contempt of court.

TITLE 5 - GRIEVANCE INVESTIGATIONS AND DISPOSITION

ELC 5.1 GRIEVANTS

(a) Filing of Grievance. Any person or entity may file a grievance against a lawyer admitted to practice law in this state, or against a lawyer specially admitted by a court of this state for a particular case.

(b) Consent to Disclosure. By filing a grievance, the grievant consents to disclosure of the content of the grievance to the respondent lawyer, or to any other person contacted during the investigation of the grievance, or to any person under rules 3.1 - 3.4, unless a protective order is issued under rule 3.2(e) or the grievance was filed under rule 5.2. By filing a grievance, the grievant also agrees that the respondent or any other lawyer contacted by the grievant may disclose to disciplinary counsel any information relevant to the investigation, unless a protective order is issued under rule 3.2(e).

(c) Grievant Rights. A grievant has the following rights:

(1) to be advised promptly of the receipt of the grievance, and of the name, address, and office phone number of the person assigned to its investigation if such an assignment is made;

(2) to have a reasonable opportunity to speak with the person assigned to the grievance, by telephone or in person, about the substance of the grievance or its status;

(3) to receive a copy of any response submitted by the respondent, except:

(A) if the response refers to a client's confidences or secrets to which the grievant is not privy;

(B) if the response contains information of a personal and private nature about the respondent; or

(C) if a review committee determines that the interests of justice would be better served by not releasing the response;

(4) to submit additional supplemental written information or documentation at any time;

(5) to attend any hearing conducted into the grievance, subject to these rules and any protective order issued under rule 3.2(e);

(6) to provide relevant testimony at any hearing conducted into the grievance, subject to these rules and any protective order issued under rule 3.2(e);

(7) to be notified of any proposed decision to refer the respondent to diversion and to be given a reasonable opportunity to submit to disciplinary counsel a written comment thereon;

(8) to be advised of the disposition of the grievance; and

(9) to request reconsideration of a dismissal of the grievance as provided in rule 5.6(b).

(d) Grievant Duties. A grievant must do the following, or the grievance may be dismissed:

(1) give the person assigned to the grievance documents or other evidence in his or her possession, and witnesses' names and addresses;

(2) assist in securing relevant evidence; and

(3) appear and testify at any hearing resulting from the grievance.

ELC 5.2 CONFIDENTIAL SOURCES

If a person files a grievance or provides information to disciplinary counsel or the Association about a lawyer's possible misconduct or disability, and asks to be treated as a confidential source, an investigation may be conducted in the Association's name. The confidential source has neither the rights nor the duties of a grievant. Unless otherwise ordered, the person's identity may not be disclosed, either during the investigation or in subsequent formal proceedings. If the respondent lawyer requests disclosure of the person's identity, the Chair, the chair of a review committee, or a hearing officer before whom a matter is pending examines disciplinary counsel and any requested documents or file materials in camera without the presence of the respondent or respondent's counsel and may order disciplinary counsel to reveal the identity to the respondent if doing so appears necessary for the respondent to conduct a proper defense in the proceeding.

ELC 5.3 INVESTIGATION OF GRIEVANCE

(a) **Review and Investigation.** Disciplinary counsel must review and may investigate any alleged or apparent misconduct by a lawyer and any alleged or apparent incapacity of a lawyer to practice law, whether disciplinary counsel learns of the misconduct by grievance or otherwise. If there is no grievant, the Association may open a grievance in the Association's name.

(b) **Adjunct Investigative Counsel.** Disciplinary counsel may assign a case to adjunct investigative counsel for investigation. Disciplinary counsel assists in those investigations and monitors the performance of adjunct investigative counsel. On receiving a report of an investigation by an adjunct investigative counsel, disciplinary counsel may, as appears appropriate, request or conduct additional investigation or take any action under these rules.

(c) Deferral by Disciplinary Counsel.

(1) Disciplinary counsel may defer an investigation into alleged acts of misconduct by a lawyer:

(A) if it appears that the allegations are related to pending civil or criminal litigation;

(B) if it appears that the respondent lawyer is physically or mentally unable to respond to the investigation; or

(C) for other good cause, if it appears that the deferral will not endanger the public.

(2) Disciplinary counsel must inform the grievant and respondent of a decision to defer or a denial of a request to defer and of the procedure for requesting review. A grievant or respondent may request review of a decision on deferral. If review is requested, disciplinary counsel refers the matter to a review committee for reconsideration of the decision on deferral. To request review, the grievant or respondent must deliver or deposit in the mail a request for review to the Association no later than 45 days after the Association mails the notice regarding deferral.

(d) **Dismissal of Grievance Not Required.** None of the following alone requires dismissal of a grievance: the unwillingness of a grievant to continue the grievance, the

withdrawal of the grievance, a compromise between the grievant and the respondent, or restitution by the respondent.

(e) **Duty To Furnish Prompt Response.** Any lawyer must promptly respond to any inquiry or request made under these rules for information relevant to grievances or matters under investigation. Upon inquiry or request, any lawyer must:

(1) furnish in writing, or orally if requested, a full and complete response to inquiries and questions;

(2) permit inspection and copying of the lawyer's business records, files, and accounts;

(3) furnish copies of requested records, files, and accounts;

(4) furnish written releases or authorizations if needed to obtain documents or information from third parties; and

(5) comply with discovery conducted under rule 5.5.

(f) Failure To Cooperate.

(1) *Noncooperation Deposition.* If a lawyer has not complied with any request made under section (e) or rule 2.13(d) for more than 30 days, disciplinary counsel may notify the lawyer that failure to comply within ten days may result in the lawyer's deposition or subject the lawyer to interim suspension under rule 7.2. Ten days after this notice, disciplinary counsel may serve the lawyer with a subpoena for a deposition. Any deposition conducted after the ten-day period and necessitated by the lawyer's continued failure to cooperate may be conducted at any place in Washington State.

(2) Costs and Expenses.

(A) Regardless of the underlying grievance's ultimate disposition, a lawyer who has been served with a subpoena under this rule is liable for the actual costs of the deposition, including but not limited to service fees, court reporter fees, travel expenses, and the cost of transcribing the deposition, if ordered by disciplinary counsel. In addition, a lawyer who has been served with a subpoena for a deposition under this rule is liable for a reasonable attorney fee of \$500.

(B) The procedure for assessing costs and expenses is as follows:

(i) Disciplinary counsel applies to a review committee by itemizing the cost and expenses and stating the reasons for the deposition.

(ii) The lawyer has ten days to respond to disciplinary counsel's application.

(iii) The review committee by order assesses appropriate costs and expenses.

(iv) Rule 13.9(e) governs Board review of the review committee order.

(3) *Grounds for Discipline.* A lawyer's failure to cooperate fully and promptly with an investigation as required by section (e) or rule 2.13(d) is also grounds for discipline.

ELC 5.4 PRIVILEGES

(a) **Privilege Against Self-Incrimination.** A lawyer's duty to cooperate is subject to the lawyer's privilege against self-incrimination, where applicable.

(b) **Attorney-Client Privilege.** A lawyer may not assert the attorney-client privilege or other prohibitions on revealing client confidences or secrets as a basis for refusing to provide information during the course of an investigation, but

information obtained during an investigation involving client confidences or secrets must be kept confidential to the extent possible under these rules unless the client otherwise consents. Nothing in these rules waives or requires waiver of any lawyer's own privilege or other protection as a client against the disclosure of confidences or secrets.

ELC 5.5 DISCOVERY BEFORE FORMAL COMPLAINT

(a) **Procedure.** Before filing a formal complaint, disciplinary counsel may depose either a respondent lawyer or a witness, or issue requests for admission to the respondent. To the extent possible, CR 30 or 31 applies to depositions under this rule. CR 36 governs requests for admission.

(b) **Subpoenas for Depositions.** Disciplinary counsel may issue subpoenas to compel the respondent's or a witness's attendance, or the production of books, documents, or other evidence, at a deposition. Subpoenas must be served as in civil cases in the superior court and may be enforced under rule 4.7.

(c) **Cooperation.** Every lawyer must promptly respond to discovery requests from disciplinary counsel.

ELC 5.6 DISPOSITION OF GRIEVANCE

(a) **Dismissal by Disciplinary Counsel.** Disciplinary counsel may dismiss grievances with or without investigation. On dismissal, disciplinary counsel must notify the grievant of the procedure for review in this rule.

(b) **Review of Dismissal.** A grievant may request review of dismissal of the grievance by delivering or depositing in the mail a request for review to the Association no later than 45 days after the Association mails the notice of dismissal. Mailing requires postage prepaid first class mail. If review is requested, disciplinary counsel may either reopen the matter for investigation or refer it to a review committee.

(c) **Report in Other Cases.** Disciplinary counsel must report to a review committee the results of investigations except those dismissed or diverted.

(d) **Authority on Review.** In reviewing grievances under this rule, a review committee may:

- (1) affirm the dismissal;
- (2) issue an advisory letter under rule 5.7;
- (3) issue an admonition under rule 13.5;
- (4) order a hearing on the alleged misconduct; or
- (5) order further investigation as may appear appropriate.

ELC 5.7 ADVISORY LETTER

An advisory letter may be issued when a hearing does not appear warranted but it appears appropriate to caution a respondent lawyer concerning his or her conduct. An advisory letter may be issued by a review committee but may not be issued when a grievance is dismissed following a hearing. An advisory letter does not constitute a finding of misconduct, is not a sanction, is not disciplinary action, and is not public information.

TITLE 6 - DIVERSION

ELC 6.1 REFERRAL TO DIVERSION

In a matter involving less serious misconduct as defined in rule 6.2, before filing a formal complaint, disciplinary counsel may refer a respondent lawyer to diversion. Diversion may include

- fee arbitration;
- arbitration;
- mediation;
- law office management assistance;
- lawyer assistance programs;
- psychological and behavioral counseling;
- monitoring;
- restitution;
- continuing legal education programs; or
- any other program or corrective course of action agreed to by disciplinary counsel and respondent to address respondent's misconduct.

Disciplinary counsel may negotiate and execute diversion contracts, monitor and determine compliance with the terms of diversion contracts, and determine fulfillment or any material breach of diversion contracts, subject to review under rule 6.9.

ELC 6.2 LESS SERIOUS MISCONDUCT

Less serious misconduct is conduct not warranting a sanction restricting the respondent lawyer's license to practice law. Conduct is not ordinarily considered less serious misconduct if any of the following considerations apply:

(A) the misconduct involves the misappropriation of funds;

(B) the misconduct results in or is likely to result in substantial prejudice to a client or other person, absent adequate provisions for restitution;

(C) the respondent has been sanctioned in the last three years;

(D) the misconduct is of the same nature as misconduct for which the respondent has been sanctioned or admonished in the last five years;

(E) the misconduct involves dishonesty, deceit, fraud, or misrepresentation;

(F) the misconduct constitutes a "serious crime" as defined in rule 7.1(a); or

(G) the misconduct is part of a pattern of similar misconduct.

ELC 6.3 FACTORS FOR DIVERSION

Disciplinary counsel considers the following factors in determining whether to refer a respondent lawyer to diversion:

(A) whether the presumptive sanction under the ABA Standards for Imposing Lawyer Sanctions for the violations raised by the grievance or grievances is likely to be no more severe than reprimand or admonition;

(B) whether participation in diversion is likely to improve the respondent's future professional conduct and accomplish the goals of lawyer discipline;

(C) whether aggravating or mitigating factors exist; and

(D) whether diversion was already tried.

ELC 6.4 NOTICE TO GRIEVANT

As provided in rule 5.1 (c)(7), disciplinary counsel must notify the grievant, if any, of the proposed decision to refer the respondent lawyer to diversion, and must give the grievant a reasonable opportunity to submit written comments. The grievant must be notified when the grievance is diverted and when the grievance is dismissed on completion of diversion. Such decisions to divert or dismiss are not appealable.

ELC 6.5 DIVERSION CONTRACT

(a) **Negotiation.** Disciplinary counsel and the respondent lawyer negotiate a diversion contract, the terms of which are tailored to the individual circumstances.

(b) **Required Terms.** A diversion contract must:

(1) be signed by the respondent and disciplinary counsel;

(2) set forth the terms and conditions of the plan for the respondent and, if appropriate, identify the use of a practice monitor and/or a recovery monitor and the monitor's responsibilities. If a recovery monitor is assigned, the contract must include respondent's limited waiver of confidentiality permitting the recovery monitor to make appropriate disclosures to fulfill the monitor's duties under the contract;

(3) provide for oversight of fulfillment of the contract terms. Oversight includes reporting any alleged breach of the contract to disciplinary counsel;

(4) provide that the respondent will pay all costs incurred in connection with the contract. The contract may also provide that the respondent will pay the costs associated with the grievances to be deferred; and

(5) include a specific acknowledgment that a material violation of a term of the contract renders the respondent's participation in diversion voidable by disciplinary counsel.

(c) **Amendment.** The contract may be amended on agreement of the respondent and disciplinary counsel.

ELC 6.6 AFFIDAVIT SUPPORTING DIVERSION

A diversion contract must be supported by the respondent lawyer's affidavit or declaration as approved by disciplinary counsel setting forth the respondent's misconduct related to the grievance or grievances to be deferred under this title. If the diversion contract is terminated due to a material breach, the affidavit or declaration is admissible into evidence in any ensuing disciplinary proceeding. Unless so admitted, the affidavit or declaration is confidential and must not be provided to the grievant or any other individual outside the Office of Disciplinary Counsel, but may be provided to a review committee or the Board considering the grievance.

ELC 6.7 EFFECT OF NON-PARTICIPATION IN DIVERSION

The respondent lawyer has the right to decline disciplinary counsel's offer to participate in diversion. If the respondent chooses not to participate, the matter proceeds as though no referral to diversion had been made.

ELC 6.8 STATUS OF GRIEVANCE

After a diversion contract is executed by the respondent lawyer and disciplinary counsel, the disciplinary grievance is deferred pending successful completion of the contract.

ELC 6.9 TERMINATION OF DIVERSION

(a) **Fulfillment of the Contract.** The contract terminates when the respondent lawyer has fulfilled the terms of the contract and gives disciplinary counsel an affidavit or declaration demonstrating fulfillment. Upon receipt of this affidavit or declaration, disciplinary counsel must acknowledge receipt and either dismiss any grievances deferred pending successful completion of the contract or notify the respondent that fulfillment of the contract is disputed. The grievant cannot appeal the dismissal. Successful completion of the contract is a bar to any further disciplinary proceedings based on the same allegations.

(b) **Material Breach.** A material breach of the contract is cause for termination of the diversion. After a material breach, disciplinary counsel must notify the respondent of termination from diversion and disciplinary proceedings may be instituted, resumed, or reinstated.

(c) **Review by the Chair.** The Chair may review disputes about fulfillment or material breach of the terms of the contract on the request of the respondent or disciplinary counsel. The request must be filed with the Board within 15 days of notice to the respondent of the determination for which review is sought. Determinations by the Chair under this section are not subject to further review and are not reviewable in any proceeding.

TITLE 7 - INTERIM PROCEDURES**ELC 7.1 INTERIM SUSPENSION FOR CONVICTION OF A CRIME****(a) Definitions.**

(1) "Conviction" for the purposes of this rule occurs upon entry of a plea of guilty, unless the defendant affirmatively shows that the plea was not accepted or was withdrawn, or upon entry of a finding or verdict of guilty, unless the defendant affirmatively shows that judgment was arrested or a new trial granted.

(2) "Serious crime" includes any:

(A) felony;

(B) crime a necessary element of which, as determined by its statutory or common law definition, includes any of the following:

- interference with the administration of justice;
- false swearing;
- misrepresentation;
- fraud;
- deceit;
- bribery;
- extortion;
- misappropriation; or
- theft; or

(C) attempt, or a conspiracy, or solicitation of another, to commit a "serious crime".

(b) Court Clerk To Advise Association of Conviction.

When a lawyer is convicted of a crime, the clerk of the court must advise the Association of the conviction, and on request provide the Association with certified copies of any order or other document showing the conviction.

(c) Procedure upon Conviction.

(1) If a lawyer is convicted of a felony, disciplinary counsel must file a formal complaint regarding the conviction. Disciplinary counsel must also petition the Supreme Court for an order suspending the respondent lawyer during the pendency of disciplinary proceedings. The petition for suspension may be filed before the formal complaint.

(2) If a lawyer is convicted of a crime that is not a felony, disciplinary counsel may refer the matter to a review committee to determine whether the crime is a serious crime. If so, disciplinary counsel proceeds in the same manner as for a felony.

(3) If a lawyer is convicted of a crime that is neither a felony nor a serious crime, the review committee considers a

report of the conviction in the same manner as any other report of possible misconduct by a lawyer.

(d) Petition. A petition to the Supreme Court for suspension under this rule must include a copy of any available document establishing the fact of conviction. If the crime is not a felony, the petition must also include a copy of the review committee order finding that the crime is a serious crime. Disciplinary counsel may also include additional facts, statements, arguments, affidavits, and documents in the petition. A copy of the petition must be personally served on the respondent, and proof of service filed with the Court.

(e) Immediate Interim Suspension. Upon the filing of a petition for suspension under this rule, the Court determines whether the crime constitutes a serious crime as defined in section (a).

(1) If the crime is a felony, the Court must enter an order immediately suspending the respondent from the practice of law.

(2) If the crime is not a felony, the Court conducts a show cause proceeding under rule 7.2(b) to determine if the crime is a serious crime. If the Court determines the crime is a serious crime, the Court must enter an order immediately suspending the respondent from the practice of law. If the Court determines that the crime is not a serious crime, upon being so advised, the Association processes the matter as it would any other grievance.

(3) If suspended, the respondent must comply with title 14.

(4) Suspension under this rule occurs:

(A) whether the conviction was under a law of this state, any other state, or the United States;

(B) whether the conviction was after a plea of guilty, nolo contendere, not guilty, or otherwise; and

(C) regardless of the pendency of an appeal.

(f) Duration of Suspension. A suspension under this rule must terminate when the disciplinary proceeding is fully completed, after appeal or otherwise.

(g) Termination of Suspension.

(1) *Petition and Response.* A respondent may at any time petition the Board to recommend termination of an interim suspension. Disciplinary counsel may file a response to the petition. The Chair may direct disciplinary counsel to investigate as appears appropriate.

(2) *Board Recommendation.* If either party requests, the Board must hear oral argument on the petition at a time and place and under terms as the Chair directs. The Board may recommend termination of a suspension only if the Board makes an affirmative finding of good cause to do so. There is no right of appeal from a Board decision declining to recommend termination of a suspension.

(3) *Court Action.* The Court determines the procedure for its consideration of a recommendation to terminate a suspension.

(h) Notice of Dismissal to Supreme Court. If disciplinary counsel has filed a petition for suspension under this rule, and the disciplinary proceedings based on the criminal conviction are dismissed, the Supreme Court must be provided a copy of the decision granting dismissal whether or not the respondent is suspended at the time of dismissal.

ELC 7.2 INTERIM SUSPENSION IN OTHER CIRCUMSTANCES

(a) Types of Interim Suspension.

(1) *Review Committee Finding of Risk to Public.* Disciplinary counsel may petition the Supreme Court for an order suspending the respondent lawyer during the pendency of any proceeding under these rules if:

(A) it appears that a respondent's continued practice of law poses a substantial threat of serious harm to the public; and

(B) a review committee recommends an interim suspension.

(2) *Board Recommendation for Disbarment.* When the Board enters a decision recommending disbarment, disciplinary counsel must file a petition for the respondent's suspension during the remainder of the proceedings. The respondent must be suspended absent an affirmative showing that the respondent's continued practice of law will not be detrimental to the integrity and standing of the bar and the administration of justice, or be contrary to the public interest. If the Board's decision is not appealed and becomes final, the petition need not be filed, or if filed may be withdrawn.

(3) *Failure To Cooperate with Investigation.* When any lawyer fails without good cause to comply with a request under rule 5.3(f) for information or documents, or with a subpoena issued under rule 5.3(f), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. If the lawyer complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

(b) Procedure.

(1) *Petition.* A petition to the Court under this rule must set forth the acts of the lawyer constituting grounds for suspension, and if filed under subsection (a)(2) must include a copy of the Board's decision. The petition may be supported by documents or affidavits. A copy of the petition must be personally served on the lawyer.

(2) *Show Cause Order.* Upon filing of the petition, the Chief Justice orders the lawyer to appear before the Court on a date set by the Chief Justice, and to show cause why the petition for suspension should not be granted. Disciplinary counsel must have a copy of the order to show cause personally served on the lawyer at least five days before the scheduled show cause hearing.

(3) *Answer to Petition.* The lawyer may answer the petition. An answer may be supported by documents or affidavits. Failure to answer does not result in default or waive the right to appear at the show cause hearing.

(4) *Filing of Answer.* A copy of any answer must be filed with both the Court and disciplinary counsel at least three days before the scheduled show cause hearing.

(5) *Application of Other Rules.* If the Court enters an order suspending the lawyer, the rules relating to suspended lawyers, including title 14, apply.

ELC 7.3 AUTOMATIC SUSPENSION WHEN RESPONDENT ASSERTING INCAPACITY

When a respondent lawyer asserts incapacity to conduct a proper defense to disciplinary proceedings, upon receipt of appropriate documentation of the assertion, the respondent must be suspended on an interim basis by the Supreme Court pending the conclusion of the disability proceedings. However, if the hearing officer in the supplemental proceeding files a decision that the respondent is not incapacitated, on petition of either party, the Court may terminate the interim suspension.

ELC 7.4 STIPULATION TO INTERIM SUSPENSION

At any time a respondent lawyer and disciplinary counsel may stipulate that the respondent be suspended during the pendency of any investigation or proceeding because of conviction of a serious crime, a substantial threat of serious harm to the public, or incapacity to practice law. A stipulation must state the factual basis for the stipulation and be submitted directly to the Supreme Court for expedited consideration. Stipulations under this rule are public upon filing with the Court, but the Court may order that supporting materials are confidential. Either party may petition the Court to terminate the interim suspension, and on a showing that the cause for the interim suspension no longer exists, the Court may terminate the suspension.

ELC 7.5 INTERIM SUSPENSIONS EXPEDITED

(a) Expedited Review. Petitions seeking interim suspension under this title receive an expedited hearing, ordinarily no later than 14 days from issuance of an order to show cause.

(b) Procedure During Court Recess. When a petition seeking interim suspension under this title is filed during a recess of the Supreme Court, the Chief Justice, the Acting Chief Justice, or the senior Justice under SAR 10, subject to review by the full Court on motion for reconsideration, may rule on the motion for interim suspension.

ELC 7.6 EFFECTIVE DATE OF INTERIM SUSPENSIONS

Interim suspensions become effective on the date of the Supreme Court's order unless the order provides otherwise.

ELC 7.7 APPOINTMENT OF CUSTODIAN TO PROTECT CLIENTS' INTERESTS

(a) Custodians Allowed. The Chair, on motion by disciplinary counsel or any other interested person, may appoint one or more lawyers or Association counsel as a custodian to act as counsel for the limited purpose of protecting clients' interests whenever a lawyer has been transferred to disability inactive status, suspended, or disbarred, and fails to carry out the obligations of title 14 or fails to protect the clients' interests, or whenever a lawyer disappears or dies, unless a partner, personal representative, or other responsible person appears to be properly protecting the clients' interests. The Chair may enter orders to carry out the provisions and purposes of this rule.

(b) Duties. The custodian takes possession of the necessary files and records and takes action as seems indicated to protect the clients' interests or required by the Chair's orders or these rules. Such action may include but is not limited to assuming control of trust accounts or other financial affairs. Any bank or other person honoring the authority of the custo-

dian is exonerated from any resulting liability. In determining ownership of funds in the trust account, including by subrogation or indemnification, the custodian should act as a reasonably prudent lawyer maintaining a client trust account. The custodian may rely on a certification of ownership issued by a person who conducts audits for the Association under rule 15.1. If the client trust account does not contain sufficient funds to meet known client balances, the custodian may disburse funds on a pro rata basis.

(c) Discharge. On motion by disciplinary counsel or any interested person, the Chair may discharge the custodian from further duties. The Chair may also order destruction of files and records as appropriate.

(d) Costs. Payment of any costs incurred by the Association under this rule may be a condition of reinstatement of a disbarred lawyer or a lawyer transferred to disability inactive status, or may be ordered as restitution in a disciplinary proceeding for failure to comply with rule 14.1.

TITLE 8 - DISABILITY PROCEEDINGS**ELC 8.1 ACTION ON ADJUDICATION OF INCOMPETENCY**

(a) Grounds. The Association must automatically transfer a lawyer from active to disability inactive membership status upon receipt of a certified copy of the judgment, order, or other appropriate document demonstrating that the lawyer:

- (1) was found to be incapable of assisting in his or her own defense in a criminal action;
- (2) was acquitted of a crime based on insanity;
- (3) had a guardian (but not a limited guardian) appointed for his or her person or estate on a finding of incompetency; or
- (4) was found to be mentally incapable of conducting the practice of law in any other jurisdiction.

(b) Notice to Lawyer. The Association must forthwith notify the disabled lawyer and his or her guardian, if one has been appointed, of the transfer to disability inactive status. The Association must also notify the Supreme Court of the transfer and provide a copy of the judgment, order, or other appropriate document on which the transfer was based.

ELC 8.2 DETERMINATION OF INCAPACITY TO PRACTICE LAW

(a) Review Committee May Order Hearing. Disciplinary counsel reports to a review committee on investigations into an active, suspended, or inactive respondent lawyer's mental or physical capacity to practice law. The committee orders a hearing if it appears there is reasonable cause to believe that the respondent does not have the mental or physical capacity to practice law. In other cases, the committee may direct further investigation as appears appropriate or dismiss the matter.

(b) Not Disciplinary Proceedings. Proceedings under this rule are not disciplinary proceedings.

(c) Procedure.

(1) Applicable Rules. Proceedings under this rule are conducted under the procedural rules for disciplinary proceedings.

(2) Appointment of Counsel. If counsel for the respondent does not appear within the time for filing an answer, the

Chair must appoint a member of the Association as counsel for the respondent.

(3) *Health Records.* After a review committee orders a hearing under this rule, disciplinary counsel may require the respondent to furnish written releases and authorizations for medical, psychological, or psychiatric records as may be relevant to the inquiry, subject to a motion to the hearing officer, or if no hearing officer has been appointed, to the chief hearing officer, to limit the scope of the requested releases or authorizations for good cause.

(4) *Examination.* Upon motion, the hearing officer, or if no hearing officer has been appointed, the chief hearing officer, may order an examination by a physician of the respondent's physical condition or by a mental health professional (as defined by RCW 71.05.020) of the respondent's mental condition to assist in determining the respondent's capacity to practice law. Unless waived by the parties, the examiner must submit a report of the examination, including the results of any tests administered and any diagnosis, to the hearing officer, disciplinary counsel, and the respondent.

(5) *Hearing Officer Recommendation.* If the hearing officer or panel finds that the respondent does not have the mental or physical capacity to practice law, the hearing officer or panel must recommend that the respondent be transferred to disability inactive status.

(6) *Appeal Procedure.* The procedures for appeal and review of suspension recommendations apply to recommendations for transfer to disability inactive status.

(7) *Transfer Following Board Review.* If, after review of the decision of the hearing officer or panel, the Board finds that the respondent does not have the mental or physical capacity to practice law, it must enter an order immediately transferring the respondent to disability inactive status. The transfer is effective upon service of the order under rule 4.1.

(d) Interim Suspension.

(1) When a review committee orders a hearing on the capacity of a respondent to practice law, disciplinary counsel must petition the Supreme Court for the respondent's interim suspension under rule 7.2(a) unless the respondent is already suspended on an interim basis.

(2) Even if the Court previously denied a petition for interim suspension under subsection (d)(1), disciplinary counsel may petition the Court for the interim suspension of a respondent under rule 7.2 (a)(3) if the respondent fails:

(A) to appear for an independent examination under this rule;

(B) to waive health care provider-patient privilege as required by this rule; or

(C) to appear at a hearing under this rule.

(e) **Termination of Interim Suspension.** If the hearing officer or panel files a decision recommending that a respondent placed on interim suspension under this rule not be transferred to disability inactive status, upon either party's petition, the Court may terminate the interim suspension.

ELC 8.3 DISABILITY PROCEEDINGS DURING THE COURSE OF DISCIPLINARY PROCEEDINGS

(a) **Supplemental Proceedings on Capacity To Defend.** A hearing officer or hearing panel, or chief hearing officer if no hearing officer has been appointed, must order a

supplemental proceeding on the respondent lawyer's capacity to defend the disciplinary proceedings if the respondent asserts, or there is reasonable cause to believe, that the respondent is incapable of properly defending the disciplinary proceeding because of mental or physical incapacity.

(b) **Purpose of Supplemental Proceedings.** In a supplemental proceeding, the hearing officer or panel determines if the respondent:

(1) is incapable of defending himself or herself in the disciplinary proceedings because of mental or physical incapacity;

(2) is incapable, because of mental or physical incapacity, of defending against the disciplinary charges without the assistance of counsel; or

(3) is currently unable to practice law because of mental or physical incapacity.

(c) **Not Disciplinary Proceedings.** Proceedings under this rule are not disciplinary proceedings.

(d) Procedure for Supplemental Proceedings.

(1) *Applicable Rules.* Proceedings under this rule are conducted under the procedural rules for disciplinary proceedings.

(2) *Deferral of Disciplinary Proceedings.* The disciplinary proceedings are deferred pending the outcome of the supplemental proceeding.

(3) *Appointment of Counsel.* If counsel for the respondent does not appear within 20 days of notice to the respondent of the issues to be considered in a supplemental proceeding under this rule, or within the time for filing an answer, the Chair must appoint a member of the Association as counsel for the respondent in the supplemental proceedings.

(4) *Health Records.* Disciplinary counsel may require the respondent to furnish written releases and authorizations for medical, psychological, or psychiatric records as may be relevant to the determination under section (b), subject to a motion to the hearing officer to limit the scope of the requested releases or authorizations for good cause. If the respondent asserted incapacity, there is a rebuttable presumption that good cause does not exist.

(5) *Examination.* Upon motion, the hearing officer may order an examination by a physician of the respondent's physical condition or by a mental health professional (as defined by RCW 71.05.020) of the respondent's mental condition to assist in the determinations to be made under section (b). Unless waived by the parties, the examiner must submit a report of the examination, including the results of any tests administered and any diagnosis, to the hearing officer, disciplinary counsel, and the respondent.

(6) *Failure To Appear or Cooperate.* If the respondent fails to appear for an independent examination, fails to waive health care provider-patient privilege as required in these rules, or fails to appear at the hearing, the following procedures apply:

(A) If the Association has the burden of proof, the hearing officer must hold a hearing and, if presented with sufficient evidence to determine incapacity, order the respondent transferred to disability inactive status. If there is insufficient evidence to determine incapacity, the hearing officer must enter an order terminating the supplemental proceedings and

reinstating the disciplinary proceedings. A respondent who does not appear at the hearing may move to vacate the order of transfer under rule 10.6(c).

(B) If the respondent has the burden of proof, the hearing officer must enter an order terminating the supplemental proceedings and resuming the disciplinary proceedings.

(7) Hearing Officer Decision.

(A) **Capacity To Defend and Practice Law.** If the hearing officer or panel finds that the respondent is capable of defending himself or herself and has the mental and physical capacity to practice law, the disciplinary proceedings resume.

(B) **Capacity To Defend with Counsel.** If the hearing officer or panel finds that the respondent is not capable of defending himself or herself in the disciplinary proceedings but is capable of adequately assisting counsel in the defense, the supplemental proceedings are dismissed and the disciplinary proceedings resume. If counsel does not appear on behalf of the respondent within 20 days of service of the hearing officer's decision, the Chair must appoint a member of the Association as counsel for the respondent in the disciplinary proceeding.

(C) **Finding of Incapacity.** If the hearing officer or panel finds that the respondent either does not have the mental or physical capacity to practice law, or is incapable of assisting counsel in properly defending a disciplinary proceeding because of mental or physical incapacity, the hearing officer or panel must recommend that the respondent be transferred to disability inactive status. The procedures for appeal and review of suspension recommendations apply to recommendations for transfer to disability inactive status.

(8) Transfer Following Board Review.

(A) The Board must enter an order immediately transferring the respondent to disability inactive status if after review of a hearing officer's or panel's recommendation of transfer to disability inactive status, the Board finds that the respondent:

- (i) does not have the mental or physical capacity to practice law; or
- (ii) is incapable of assisting counsel in properly defending a disciplinary proceeding because of mental or physical incapacity.

(B) The transfer is effective upon service of the order on the respondent under rule 4.1.

(e) **Interim Suspension.** When supplemental proceedings have been ordered, disciplinary counsel must petition the Supreme Court for the respondent's interim suspension under rule 7.2 (a)(1) or seek automatic suspension under rule 7.3 unless the respondent is already suspended on an interim basis.

ELC 8.4 APPEAL OF TRANSFER TO DISABILITY INACTIVE STATUS

The respondent lawyer may appeal an order of transfer to disability inactive status under rule 12.3. The Board's order remains in effect, regardless of the pendency of an appeal, unless and until reversed by the Supreme Court.

ELC 8.5 STIPULATED TRANSFER TO DISABILITY INACTIVE STATUS

(a) **Requirements.** At any time a respondent lawyer and disciplinary counsel may stipulate to the transfer of the

respondent to disability inactive status under this title. The respondent and disciplinary counsel must sign the stipulation.

(b) **Form.** The stipulation must:

(1) state with particularity the nature of the respondent's incapacity to practice law and the nature of any pending disciplinary proceedings that will be deferred as a result of the respondent's transfer to disability inactive status;

(2) state that it is not binding on the Association as a statement of all existing facts relating to the professional conduct of the respondent and that any additional existing facts may be proved in a subsequent disciplinary proceeding; and

(3) fix the amount of costs and expenses to be paid by the respondent.

(c) **Approval.** The stipulation must be presented to the Board. The Board reviews the stipulation based solely on the record agreed to by the respondent and disciplinary counsel. The Board may either approve the stipulation or reject it. Upon approval, the transfer to disability inactive status is not subject to further review.

(d) **Stipulation Not Approved.** If the stipulation is rejected by the Board, the stipulation has no force or effect and neither it nor the fact of its execution is admissible in any pending or subsequent disciplinary proceeding or in any civil or criminal action.

ELC 8.6 COSTS IN DISABILITY PROCEEDINGS

When reviewing a matter under this title, the Board may authorize disciplinary counsel to seek assessment of the costs and expenses against the respondent lawyer. If the Board authorizes, disciplinary counsel may file a statement of costs within 20 days of service of the Board's order. Rule 13.9 governs assessment of these costs and expenses. The respondent is not required to pay the costs and expenses until 90 days after reinstatement to active status.

ELC 8.7 BURDEN AND STANDARD OF PROOF

In proceedings under rules 8.2 or 8.3, the party asserting or alleging the incapacity has the burden of establishing it by a preponderance of the evidence. If the issue of incapacity is raised by a hearing officer or panel, the Association has the burden of proof.

ELC 8.8 REINSTATEMENT TO ACTIVE STATUS

(a) **Right of Petition and Burden.** A respondent lawyer transferred to disability inactive status may resume active status only by Board or Supreme Court order. Any respondent transferred to disability inactive status may petition the Board for transfer to active status. The respondent has the burden of showing that the disability has been removed.

(b) **Petition.** The petition for reinstatement must:

(1) state facts demonstrating that the disability has been removed;

(2) include the name and address of each psychiatrist, psychologist, physician, or other person and each hospital or other institution by whom or in which the respondent has been examined or treated since the transfer to disability inactive status; and

(3) be filed with the Clerk and served on disciplinary counsel.

(c) **Waiver of Privilege.** The filing of a petition for reinstatement to active status by a respondent transferred to disability inactive status waives any privilege as to treatment of

any medical, psychological, or psychiatric condition during the period of disability. The respondent must furnish, if requested by the Board or disciplinary counsel, written consent to each treatment provider to divulge information and records relating to the disability.

(d) Initial Review by Chair. The Chair reviews the petition and any response by disciplinary counsel and directs appropriate action to determine whether the disability has been removed, including investigation by disciplinary counsel or any other person or an examination by a physician of the respondent's physical condition or by a mental health professional (as defined by RCW 71.05.020) of the respondent's mental condition.

(e) Board Review.

(1) The respondent must have a reasonable opportunity to review any reports of investigations or examinations ordered by the Chair and submit additional materials before the matter is submitted to the Board.

(2) On submission, the Board reviews the petition and any reports as expeditiously as possible and takes one or more of the following actions:

(A) grants the petition;

(B) directs additional action as the Board deems necessary to determine whether the disability has been removed;

(C) orders that a hearing be held before a hearing officer or panel under the procedural rules for disciplinary proceedings;

(D) directs the respondent to establish proof of competence and learning in the law, which may include certification by the bar examiners of successful completion of an examination for admission to practice;

(E) denies the petition;

(F) directs the respondent to pay the costs of the reinstatement proceedings; or

(G) approves or rejects a stipulation to reinstatement between the respondent and the Association.

(3) The petition may be denied without the respondent having an opportunity for a hearing before a hearing officer or panel only if the Board determines that a hearing is not necessary because:

(A) the respondent fails to state a prima facie case for reinstatement in the petition; or

(B) the petition does not indicate a material change of circumstance since a previous denial of a petition for reinstatement.

(f) Petition Granted. If the petition for reinstatement is granted, the Association immediately restores the respondent to the respondent's prior status and notifies the Supreme Court of the transfer. If a disciplinary proceeding has been deferred because of the disability transfer, the proceeding resumes upon reinstatement.

(g) Review by Supreme Court. If the petition for reinstatement is not granted, the respondent may appeal the Board's decision to the Supreme Court, by filing a notice of appeal with the Clerk within 15 days of service of the Board's decision on the respondent. Title 12 applies to review under this section.

ELC 8.9 PETITION FOR LIMITED GUARDIANSHIP

(a) Guardian Powers and Qualifications. A guardian may be appointed under this rule to take any action deemed advisable related to the respondent lawyer's license to practice law and any disciplinary or disability investigation or proceeding.

(b) Referral to Review Committee. A hearing officer or panel, the Association, the respondent, or respondent's counsel may request that a review committee authorize the filing of a petition for a limited guardianship of a respondent as described in section (a). The person requesting the petition must give notice to the parties at the time of the request. The Association and the respondent may submit declarations or affidavits relevant to the Review Committee's decision.

(c) Review Committee Determination. The review committee may authorize the Association to petition for the appointment of a limited guardian as described in section (a) when the review committee reasonably believes that grounds for such an appointment exist under RCW 11.88.010(2). The review committee may require the respondent to submit to any necessary examinations or evaluations and may retain independent counsel to assist in the investigation and the filing of any petition.

(d) Action for Limited Guardianship.

(1) Upon authorization of a review committee, the Association may file a petition in any Superior Court seeking a limited guardian to act regarding the respondent's license or any disciplinary or disability investigation or proceeding.

(2) Notwithstanding any other provisions regarding the qualifications of a guardian ad litem, any guardian ad litem appointed under this rule must be a lawyer qualified to maintain and protect the confidences and secrets of the respondent's clients.

(3) Upon application to the Superior Court, the respondent may have the matter moved to the county where the respondent is domiciled or maintains an office or another county as authorized by law.

(4) The guardianship proceedings must be sealed to the extent necessary to protect confidences and secrets of the respondent's clients or on any other basis found by the Superior Court.

(5) The costs of any guardianship are paid out of the guardianship estate, except if the guardianship estate is indigent, the Association pays the costs.

TITLE 9 - RESOLUTIONS WITHOUT HEARING

ELC 9.1 STIPULATIONS

(a) Requirements. Any disciplinary matter or proceeding may be resolved by a stipulation at any time. The stipulation must be signed by the respondent lawyer and approved by disciplinary counsel. The stipulation may impose terms and conditions of probation and contain any other appropriate provisions.

(b) Form. A stipulation must:

(1) provide sufficient detail regarding the particular acts or omissions of the respondent to permit the Board or hearing officer to form an opinion as to the propriety of the proposed resolution, and, if approved, to make the stipulation useful in

any subsequent disciplinary proceeding against the respondent;

(2) set forth the respondent's prior disciplinary record or its absence;

(3) state that the stipulation is not binding on the Association as a statement of facts about the respondent's conduct, and that additional facts may be proved in a subsequent disciplinary proceeding; and

(4) fix the amount of costs and expenses to be paid by the respondent.

(c) Approval.

(1) *By Hearing Officer.* A hearing officer or panel may approve a stipulation disposing of a matter pending before the officer or panel, unless the stipulation requires the respondent's suspension or disbarment. This approval constitutes a final decision and is not subject to further review.

(2) *By Board.* All other stipulations must be presented to the Board. The Board reviews a stipulation based solely on the record agreed to by the respondent lawyer and disciplinary counsel. The parties may jointly ask the Chair to permit them to address the Board regarding a stipulation. Such presentations are at the Chair's discretion. The Board may approve, conditionally approve, or reject a stipulation. Regardless of the provisions of rule 3.3(a), the Board may direct that information or documents considered in reviewing a stipulation be kept confidential.

(d) Conditional Approval. The Board may condition its approval of a stipulation on the agreement by the respondent and disciplinary counsel to a different disciplinary action, probation, restitution, or other terms the Board deems necessary to accomplish the purposes of lawyer discipline. If the Board conditions approval of a stipulation, the stipulation as conditioned is deemed approved if, within 14 days of service of the order, or within additional time granted by the Chair, both parties serve on the Clerk written consent to the conditional terms in the Board's order.

(e) Reconsideration. Within 14 days of service of an order rejecting or conditionally approving a stipulation, the parties may serve on the Clerk a joint motion for reconsideration and may ask to address the Board on the motion.

(f) Stipulation Rejected. The Board's order rejecting a stipulation must state the reasons for the rejection. A rejected stipulation has no force or effect and neither it nor the fact of its execution is admissible in evidence in any disciplinary, civil, or criminal proceeding.

(g) Failure To Comply. A respondent's failure to comply with the terms of an approved stipulation may be grounds for discipline.

ELC 9.2 RECIPROCAL DISCIPLINE AND DISABILITY INACTIVE STATUS; DUTY TO SELF-REPORT

(a) Duty To Self-Report Discipline or Transfer to Disability Inactive Status. Within 30 days of being disciplined or transferred to disability inactive status in another jurisdiction, a lawyer admitted to practice in this state must inform disciplinary counsel of the discipline or transfer.

(b) Obtaining Order. Upon notification from any source that a lawyer admitted to practice in this state was disciplined or transferred to disability inactive status in another

jurisdiction, disciplinary counsel must obtain a certified copy of the order and file it with the Supreme Court.

(c) Supreme Court Action. Upon receipt of a certified copy of an order demonstrating that a lawyer admitted to practice in this state has been disciplined or transferred to disability inactive status in another jurisdiction, the Supreme Court orders the respondent lawyer to show cause within 30 days of service why it should not impose the identical discipline or disability inactive status. The Association must personally serve this order, and a copy of the order from the other jurisdiction, on the respondent under rule 4.1 (b)(3).

(d) Deferral. If the other jurisdiction has stayed the discipline or transfer, any reciprocal discipline or transfer in this state is deferred until the stay expires.

(e) Discipline or Transfer To Be Imposed.

(1) Thirty days after service of the order under section (c), the Supreme Court imposes the identical discipline or disability inactive status unless disciplinary counsel or the lawyer demonstrates, or the Court finds, that it clearly appears on the face of the record on which the discipline or disability transfer is based, that:

(A) the procedure so lacked notice or opportunity to be heard that it denied due process;

(B) the proof of misconduct or disability was so infirm that the Court is clearly convinced that it cannot, consistent with its duty, accept the finding of misconduct or disability;

(C) the imposition of the same discipline would result in grave injustice;

(D) the established misconduct warrants substantially different discipline in this state;

(E) the reason for the original transfer to disability inactive status no longer exists; or

(F) appropriate discipline has already been imposed in this jurisdiction for the misconduct.

(2) If the Court determines that any of the factors in subsection (1) exist, it enters an appropriate order. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that imposing the same discipline is not appropriate.

(f) Conclusive Effect. Except as this rule otherwise provides, a final adjudication in another jurisdiction that a lawyer has been guilty of misconduct or should be transferred to disability inactive status conclusively establishes the misconduct or the disability for purposes of a disciplinary or disability proceeding in this state.

ELC 9.3 RESIGNATION IN LIEU OF DISBARMENT

(a) Grounds. A respondent lawyer who desires not to contest or defend against allegations of misconduct may, at any time before the answer in any disciplinary proceeding is due, resign his or her membership in the Association in lieu of further disciplinary proceedings.

(b) Process. The respondent first notifies disciplinary counsel that the respondent intends to submit a resignation and asks disciplinary counsel to prepare a statement of alleged misconduct and to provide a declaration of costs. After receiving the statement and the declaration of costs, if any, the respondent may resign by submitting to disciplinary counsel a signed resignation, sworn to or affirmed under oath and notarized, that;

(1) includes disciplinary counsel's statement of the alleged misconduct and either an admission of that misconduct or a statement that while not admitting the misconduct the respondent agrees that the Association could prove by a clear preponderance of the evidence that the respondent committed violations sufficient to result in respondent's disbarment;

(2) affirmatively acknowledges that the resignation is permanent including the statement:

"I understand that my resignation is permanent and that any future application by me for reinstatement as a member of the Washington State Bar Association is currently barred. If the Supreme Court changes this rule or an application is otherwise permitted in the future, it will be treated as an application by one who has been disbarred for ethical misconduct, and that, if I file an application, I will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or instances of alleged misconduct on which this resignation was based.";

(3) assures that the respondent will:

(A) notify all other jurisdictions in which the respondent is or has been admitted to practice law of the resignation in lieu of disbarment;

(B) seek to resign permanently from the practice of law in any other jurisdiction in which the respondent is admitted; and

(C) provide disciplinary counsel with copies of any of these notifications and any responses;

(4) assures that the respondent will:

(A) notify all other professional licensing agencies in any jurisdiction from which the respondent has a professional license that is predicated on the respondent's admission to practice law of the resignation in lieu of disbarment;

(B) seek to resign permanently from any such license; and

(C) provide disciplinary counsel with copies of any of these notifications and any responses;

(5) states that when applying for any employment or license the respondent agrees to disclose the resignation in lieu of disbarment in response to any question regarding disciplinary action or the status of the respondent's license to practice law;

(6) states that the respondent agrees to pay any restitution or additional costs and expenses ordered by the review committee, and attaches payment for costs as described in section (f) below, or states that the respondent will execute a confession of judgment or deed of trust as described in section (f); and

(7) states that when the resignation becomes effective, the respondent will be subject to all restrictions that apply to a disbarred lawyer.

(c) Public Filing. Upon receipt of a resignation meeting the requirements set forth above, and any executed confession of judgment or deed of trust required under section (f), disciplinary counsel promptly causes it to be filed with the Clerk as a public and permanent record of the Association.

(d) Effect. A resignation under this rule is effective upon its filing with the Clerk. All disciplinary proceedings

against the respondent terminate except disciplinary counsel has the discretion to continue any investigations deemed appropriate under the circumstances to create a record of the respondent's actions. The Association immediately notifies the Supreme Court of a resignation under this rule and the respondent's name is forthwith stricken from the roll of lawyers. Upon filing of the resignation, the resigned respondent must comply with the same duties as a disbarred lawyer under title 14 and comply with all restrictions that apply to a disbarred lawyer. Notice is given of the resignation in lieu of disbarment under rule 3.5.

(e) Resignation is Permanent. Resignation under this rule is permanent. A respondent who has resigned under this rule will never be eligible to apply and will not be considered for admission or reinstatement to the practice of law nor will the respondent be eligible for admission for any limited practice of law.

(f) Costs and Expenses.

(A) If a respondent resigns under this rule, the expenses under rule 13.9(c) are \$1,000 for any proceedings for which an answer was not due when the respondent notified disciplinary counsel of the respondent's intent to resign under section (b). With the resignation, the respondent must pay this \$1,000 expense, plus all actual costs for which disciplinary counsel provides documentation, up to an additional \$1,000. If the respondent demonstrates inability to pay these costs and expenses, instead of paying this amount, the respondent must execute, in disciplinary counsel's discretion, a confession of judgment or a deed of trust for that amount. Disciplinary counsel may file a claim under section (g) for costs not covered by the payment, confession of judgment, or deed of trust.

(B) If at the time respondent serves the notice of intent to resign, an additional proceeding is pending against the respondent for which an answer has been filed or is due, disciplinary counsel may also file a claim under section (g) for costs and expenses for that proceeding.

(g) Review of Costs, Expenses, and Restitution. Any claims for restitution or for costs and expenses not resolved by agreement between disciplinary counsel and the respondent may be submitted at any time, including after the resignation, to a review committee in writing for the determination of appropriate restitution or costs and expenses. The Lawyers' Fund for Client Protection may request review including a determination by the review committee of whether any funds were obtained by the respondent by dishonesty of, or failure to account for money or property entrusted to, the respondent in connection with the respondent's practice of law or while acting as a fiduciary in a matter related to the respondent's practice of law. The review committee's order is not subject to further review and is the final assessment of restitution or costs and expenses for the purposes of rule 13.9 and may be enforced as any other order for restitution or costs and expenses. The record before the review committee and the review committee's order is public information under rule 3.1(b).

TITLE 10 - HEARING PROCEDURES

ELC 10.1 GENERAL PROCEDURE

(a) Applicability of Civil Rules. The civil rules for the superior courts of the State of Washington serve as guidance in proceedings under this title and, where indicated, apply directly. A party may not move for summary judgment, but either party may move at any time for an order determining the collateral estoppel effect of a judgment in another proceeding. Motions for judgment on the pleadings and motions to dismiss based upon the pleadings are available only to the extent permitted in rule 10.10.

(b) Meaning of Terms in Civil Rules. In applying the civil rules to proceedings under these rules, terms have the following meanings:

- (1) "Court" or "judge" means the hearing officer or hearing panel or its chair, as appropriate; and
- (2) "Parties" means the respondent lawyer and disciplinary counsel.

(c) Hearing Officer Authority. In addition to the powers specifically provided in these rules, the hearing officer may make any ruling that appears necessary and appropriate to insure a fair and orderly proceeding.

ELC 10.2 HEARING OFFICER OR PANEL

(a) Assignment.

(1) *Hearing Officer.* The chief hearing officer ordinarily assigns a single hearing officer, from those eligible under rule 2.5, to hear a matter ordered to hearing.

(2) *Hearing Panel.* On either party's motion, or when otherwise deemed advisable, the chief hearing officer may assign a hearing panel. In determining whether to assign a hearing panel, the chief hearing officer considers whether public interest in the proceeding makes a panel advisable and whether a nonlawyer on a hearing panel could contribute to the fairness, or the perception of fairness, in the process and the outcome. When a panel is assigned, the chief hearing officer designates one lawyer member as panel chair. The chief hearing officer's ruling on assigning a hearing panel is not subject to interim review. The chief hearing officer makes an assignment to fill any hearing officer or panel member vacancy.

(b) Disqualification and Removal.

(1) *Removal Without Cause.* Either party may have an assigned hearing officer or hearing panel member removed, without establishing cause for the removal, by filing a written request with the chief hearing officer within ten days of service on the moving party of that officer or panel member's assignment. A party may only once request removal without cause in any proceeding.

(2) *Disqualification for Cause.* Either party may seek to disqualify any assigned hearing officer or hearing panel member for good cause. A motion under this subsection must be filed promptly after the party knows, or in the exercise of due diligence should have known, of the basis for the disqualification.

(3) *Removal.* The chief hearing officer decides all requests for removal and disqualification motions, except the Chair decides a request to remove or disqualify the chief hearing officer. The decision of the chief hearing officer or Chair on a request for removal or a motion to disqualify is not

subject to interim review. Upon removal or disqualification of an assigned hearing officer or hearing panel member, the chief hearing officer assigns a replacement.

ELC 10.3 COMMENCEMENT OF PROCEEDINGS

(a) Formal Complaint.

(1) *Filing.* After a matter is ordered to hearing, disciplinary counsel files a formal complaint with the Clerk.

(2) *Service.* After the formal complaint is filed, it must be personally served on the respondent lawyer, with a notice to answer.

(3) *Content.* The formal complaint must state the respondent's acts or omissions in sufficient detail to inform the respondent of the nature of the allegations of misconduct. Disciplinary counsel must sign the formal complaint, but it need not be verified.

(4) *Prior Discipline.* Prior disciplinary action against the respondent may be described in a separate count of the formal complaint if the respondent is charged with conduct demonstrating unfitness to practice law.

(b) Filing Commences Proceedings. A disciplinary proceeding commences when the formal complaint is filed.

(c) Joinder. The body ordering a hearing on alleged misconduct or the hearing officer or panel may in its discretion consolidate for hearing two or more charges against the same respondent, or may join charges against two or more respondents in one formal complaint.

ELC 10.4 NOTICE TO ANSWER

(a) Content. The notice to answer must be substantially in the following form:

BEFORE THE DISCIPLINARY BOARD OF THE
WASHINGTON STATE BAR ASSOCIATION

| | | |
|---------|---|-------------------------------|
| In re |) | NOTICE TO ANSWER; |
| |) | NOTICE OF HEARING OFFICER [OR |
| _____ |) | PANEL]; |
| Lawyer. |) | NOTICE OF DEFAULT PROCEDURE |

To: The above named lawyer:

A formal complaint has been filed against you, a copy of which is served on you with this notice. You are notified that you *must* file your answer to the complaint *within 20 days of the date of service on you*, by filing the original of your answer with the Clerk to the Disciplinary Board of the Washington State Bar Association, [insert address] and by serving one copy [on the hearing officer] [on each member of the hearing panel] if one has been assigned and one copy on disciplinary counsel at the address[es] given below. Failure to file an answer may result in the imposition of a disciplinary sanction against you and the entry of an order of default under rule 10.6 of the Rules for Enforcement of Lawyer Conduct.

Notice of default procedure: Your default may be entered for failure to file a written answer to this formal complaint within 20 days of service as required by rule 10.6 of the Rules for Enforcement of Lawyer Conduct. The entry of an order of default may result in the charges of misconduct in the formal complaint being admitted and discipline being imposed or recommended based on the admitted charges of misconduct. If an order of

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default is entered, you will lose the opportunity to participate further in these proceedings unless and until the order of default is vacated on motion timely made under rule 10.6(c) of the Rules for Enforcement of Lawyer Conduct. The entry of an order of default means that you will receive no further notices regarding these proceedings except those required by rule 10.6 (b)(2).

The [hearing officer] [hearing panel] assigned to this proceeding is: [insert name, address, and telephone number of hearing officer, or name, address, and telephone number of each hearing panel member with an indication of the chair of the panel].

Dated this ___ day of _____, 20__.

WASHINGTON STATE BAR ASSOCIATION

By _____

Disciplinary Counsel, Bar No.

Address: _____

Telephone: _____

(b) Notice When Hearing Officer or Panel Not Assigned. If no hearing officer or panel has been assigned when a formal complaint is served, disciplinary counsel serves the formal complaint and a notice to answer as in section (a), but without reference to the hearing officer or panel.

ELC 10.5 ANSWER

(a) Time to Answer. Within 20 days of service of the formal complaint and notice to answer, the respondent lawyer must file and serve an answer. Failure to file an answer as required may be grounds for discipline and for an order of default under rule 10.6. The filing of a motion to dismiss for failure to state a claim stays the time for filing an answer during the pendency of the motion.

(b) Content. The answer must contain:

- (1) a specific denial or admission of each fact or claim asserted in the formal complaint in accordance with CR 8(b);
- (2) a statement of any matter or facts constituting a defense, affirmative defense, or justification, in ordinary and concise language without repetition; and
- (3) an address at which all further pleadings, notices, and other documents in the proceeding may be served on the respondent.

(c) Filing and Service. The answer must be filed and served under rules 4.1 and 4.2. If a hearing panel has been assigned to hear a matter, the respondent must serve each member with a copy of the answer.

ELC 10.6 DEFAULT PROCEEDINGS

(a) Entry of Default.

(1) *Timing.* If a respondent lawyer, after being served with a notice to answer as provided in rule 10.4, fails to file an answer to a formal complaint or to an amendment to a formal complaint within the time provided by these rules, disciplinary counsel may serve the respondent with a written motion for an order of default.

(2) *Motion.* Disciplinary counsel must serve the respondent with a written motion for an order of default and a copy of this rule at least five days before entry of the order of

default. The motion for an order of default must include the following:

(A) the dates of filing and service of the notice to answer, formal complaint, and any amendments to the complaint; and

(B) disciplinary counsel's statement that the respondent has not timely filed an answer as required by rule 10.5 and that disciplinary counsel seeks an order of default under this rule.

(3) *Entry of Order of Default.* If the respondent fails to file a written answer with the Clerk within five days of service of the motion for entry of an order of default, the hearing officer, or if no hearing officer or panel has been assigned, the chief hearing officer, on proof of proper service of the motion, enters an order finding the respondent in default.

(4) *Effect of Order of Default.* Upon entry of an order of default, the allegations and violations in the formal complaint and any amendments to the complaint are deemed admitted and established for the purpose of imposing discipline and the respondent may not participate further in the proceedings unless the order of default is vacated under this rule.

(b) Proceedings After Entry of an Order of Default.

(1) *Service.* The Clerk serves the order of default and a copy of this rule under rule 4.2(b).

(2) *No Further Notices.* After entry of an order of default, no further notices must be served on the respondent except for copies of the decisions of the hearing officer or hearing panel and the Board.

(3) **Disciplinary Proceeding.** Within 60 days of the filing of the order of default, the hearing officer must conduct a disciplinary proceeding to recommend disciplinary action based on the allegations and violations established under section (a). At the discretion of the hearing officer or panel, these proceedings may be conducted by formal hearing, written submissions, telephone hearing, or other electronic means. Disciplinary counsel may present additional evidence including, but not limited to, requests for admission under rule 10.11(b), and depositions, affidavits, and declarations regardless of the witness's availability.

(c) Setting Aside Default.

(1) *Motion To Vacate Order of Default.* A respondent may move to vacate the order of default and any decision of the hearing officer or panel or Board arising from the default on the following grounds:

(A) mistake, inadvertence, surprise, excusable neglect, or irregularity in obtaining the default;

(B) erroneous proceedings against a respondent who was, at the time of the default, incapable of conducting a defense;

(C) newly discovered evidence that by due diligence could not have been previously discovered;

(D) fraud, misrepresentation, or other misconduct of an adverse party;

(E) the order of default is void;

(F) unavoidable casualty or misfortune preventing the respondent from defending; or

(G) any other reason justifying relief from the operation of the default.

(2) *Time.* The motion must be made within a reasonable time and for grounds (A) and (C) within one year after entry

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of the default. If the respondent's motion is based on allegations of incapability of conducting a defense, the motion must be made within one year after the disability ceases.

(3) *Burden of Proof.* The respondent bears the burden of proving the grounds for setting aside the default. If the respondent proves that the default was entered as a result of a disability which made the respondent incapable of conducting a defense, the default must be set aside.

(4) *Service and Contents of Motion.* The motion must be filed and served under rules 4.1 and 4.2 and be accompanied by a copy of respondent's proposed answer to each formal complaint for which an order of default has been entered. The proposed answer must state with specificity the respondent's asserted defenses and any facts that respondent asserts as mitigation. The motion to vacate the order of default must be supported by an affidavit showing:

(A) the date on which the respondent first learned of the entry of the order of default;

(B) the grounds for setting aside the order of default; and

(C) an offer of proof of the facts that the respondent expects to establish if the order of default is vacated.

(5) *Response to Motion.* Within ten days of filing and service of the motion to vacate, disciplinary counsel may file and serve a written response.

(6) *Decision.* The hearing officer or panel decides a motion to vacate the order of default on the written record without oral argument. If the proceedings have been concluded, the chief hearing officer assigns a hearing officer or panel to decide the motion. Pending a ruling on the motion, the hearing officer or panel may order a stay of proceedings not to exceed 30 days. In granting a motion to vacate an order of default, the hearing officer or panel has discretion to order appropriate conditions.

(7) *Appeal of Denial of Motion.* A respondent may appeal to the Chair a denial of a motion to vacate an order of default by filing and serving a written notice of appeal stating the arguments against the hearing officer or panel's decision. The respondent must file the notice of appeal within ten days of service on the respondent of the order denying the motion. The appeal is decided on the written record without oral argument. Pending a ruling on the appeal, the Chair may order a stay of proceedings not to exceed 30 days. In granting a motion to vacate an order of default, the Chair has discretion to order appropriate conditions.

(8) *Decision To Vacate Is Not Subject to Interim Review.* An order setting aside an order of default is not subject to interim review.

(d) Order of Default Not Authorized in Certain Proceedings. The default procedure in this rule does not apply to a proceeding to inquire into a lawyer's capacity to practice law under title 8 except as provided in that title.

ELC 10.7 AMENDMENT OF FORMAL COMPLAINT

(a) Right To Amend. Disciplinary counsel may, without review committee authorization, amend a formal complaint at any time to add facts or charges that relate to matters in the formal complaint or to the respondent lawyer's conduct regarding the pending proceedings.

(b) Amendment with Authorization. Disciplinary counsel must seek review committee authorization for

amendments other than those under section (a). The review committee may authorize the amendment or may require that the additional facts or charges be the subject of a separate formal complaint. The Chair, with the consent of the respondent, and after consultation with the hearing officer on the previously filed matter, may consolidate the hearing on the separate formal complaint with the hearing on the other pending formal complaint against the respondent.

(c) Service and Answer. Disciplinary counsel serves an amendment to a formal complaint on the respondent as provided in rule 4.1 but need not serve a Notice to Answer with the amendment. Rule 10.5 governs the answer to an amendment except that any part of a previous answer may be incorporated by reference.

ELC 10.8 MOTIONS

(a) Filing and Service. Motions to the hearing officer, except motions which may be made ex parte or motions at hearing, must be in writing and filed and served as required by rules 4.1 and 4.2.

(b) Response. The opposing party has five days from service of a motion to respond, unless the time is shortened by the hearing officer for good cause. A request to shorten time for response to a motion may be made ex parte.

(c) Consideration of Motion. Upon expiration of the time for response, the hearing officer should promptly rule on the motion, with or without argument as may appear appropriate. Argument on a motion may be heard by conference telephone call.

(d) Ruling. A ruling on a written motion must be in writing and filed with the Clerk.

(e) Minor Matters. Alternatively, motions on minor matters may be made by letter to the hearing officer, with a copy to the opposing party and to the Clerk. The provisions of sections (b) and (c) apply to these motions. A ruling on such motion may also be by letter to each party with a copy to the Clerk.

(f) Chief Hearing Officer Authority. Before the assignment of a hearing officer or panel, the chief hearing officer may rule on any prehearing motion.

ELC 10.9 INTERIM REVIEW

Unless these rules provide otherwise, the Board may review any interim ruling on request for review by either party, if the Chair determines that review is necessary and appropriate and will serve the ends of justice.

ELC 10.10 PREHEARING DISPOSITIVE MOTIONS

(a) Respondent Motion. A respondent lawyer may move for dismissal of all or any portion of one or more counts of a formal complaint for failure to state a claim upon which relief can be granted.

(b) Disciplinary Counsel Motion. Disciplinary counsel may move for an order finding misconduct based on the pleadings. In ruling on this motion, the hearing officer or panel may find that all or some of the misconduct as alleged in the formal complaint is established, but will determine the sanction after a hearing.

(c) Time for Motion. A motion under this rule must be filed within 30 days of the filing of the answer to a formal complaint or amended formal complaint. A respondent may, within the time provided for filing an answer, instead file a

motion under this rule. If the motion does not result in the dismissal of the entire formal complaint, the respondent must file and serve an answer to the remaining allegations within ten days of service of the ruling on the motion.

(d) Procedure. Rule 10.8 and CR 12 apply to motions under this rule. No factual materials outside the answer and complaint may be presented. If the motion results in dismissal of part but not all of a formal complaint, the Board must hear an interlocutory appeal of the order by either party. The appeal must be filed within 15 days of service of the order.

ELC 10.11 DISCOVERY AND PREHEARING PROCEDURES

(a) General. The parties should cooperate in mutual informal exchange of relevant non-privileged information to facilitate expeditious, economical, and fair resolution of the case.

(b) Requests for Admission. After a formal complaint is filed, the parties may request admissions under CR 36. Under appropriate circumstances, the hearing officer may apply the sanctions in CR 37(c) for improper denial of requests for admission.

(c) Other Discovery. After a formal complaint is filed, the parties have the right to other discovery under the Superior Court Civil Rules, including under CR 27-31 and 33-35, only on motion and under terms and limitations the hearing officer deems just or on the parties' stipulation.

(d) Limitations on Discovery. The hearing officer may exercise discretion in imposing terms or limitations on the exercise of discovery to assure an expeditious, economical, and fair proceeding, considering all relevant factors including necessity and unavailability by other means, the nature and complexity of the case, seriousness of charges, the formal and informal discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise.

(e) Deposition Procedure.

(1) Subpoenas for depositions may be issued under CR 45. Subpoenas may be enforced under rule 4.7.

(2) For a deposition outside Washington State, a commission need not issue, but a copy of the order of the chief hearing officer or hearing officer, certified by the officer, is sufficient to authorize the deposition.

(f) CR 16 Orders. The hearing officer may enter orders under CR 16.

(g) Duty to Cooperate. A respondent lawyer who has been served with a formal complaint must respond to discovery requests and comply with all lawful orders made by the hearing officer. The hearing officer or panel may draw adverse inferences as appear warranted by the failure of either the Association or the respondent to respond to discovery.

ELC 10.12 SCHEDULING HEARING

(a) Where Held. All disciplinary hearings must be held in Washington State, unless the respondent lawyer is not a resident of the state, or cannot be found in the state.

(b) Scheduling of Hearing. If possible, the parties should arrange a date, time, and place for the hearing by agreement among themselves and the hearing officer or panel members. Alternatively, at any time after the respondent has

filed an answer to the formal complaint, or after the time to file the answer has expired, either party may move for an order setting a date, time, and place for the hearing. Rule 10.8 applies to this motion. The motion must state:

- the requested date or dates for the hearing;
- other dates that are available to the requesting party;
- the expected duration of the hearing;
- discovery and anything else that must be completed before the hearing; and
- the requested time and place for the hearing.

A response to the motion must contain the same information.

(c) Scheduling Order. The hearing officer must enter an order setting the date and place of the hearing. This order may include any prehearing deadlines the hearing officer deems required by the complexity of the case, and may be in the following form with the following timelines:

IT IS ORDERED that the hearing is set and the parties must comply with prehearing deadlines as follows:

1. **Witnesses.** A list of intended witnesses, including addresses and phone numbers, must be filed and served by [Hearing Date (H)-8 weeks].

2. **Discovery.** Discovery cut-off is [H-6 weeks].

3. **Motions.** Prehearing motions, other than motions to bifurcate, must be served by [H-4 weeks]. An exhibit not ordered or stipulated admitted may not be attached to a motion or otherwise transmitted to the hearing officer unless the motion concerns the exhibit's admissibility. The hearing officer will advise counsel whether oral argument is necessary, and, if so, the date and time, and whether it will be heard by telephone. (Rule 10.15 provides the deadline for a motion to bifurcate.)

4. **Exhibits.** A list of proposed exhibits must be filed and served by [H-3 weeks].

5. **Service of Exhibits/Summary.** Copies of proposed exhibits and a summary of the expected testimony of each witness must be served on the opposing counsel by [H-2 weeks].

6. **Objections.** Objections to proposed exhibits, including grounds, must be exchanged by [H-1 week].

7. **Briefs.** Any hearing brief must be served and filed by [H-1 week]. Exhibits not ordered or stipulated admitted may not be attached to a hearing brief or otherwise transmitted to the hearing officer before the hearing.

8. **Hearing.** The hearing is set for [H] and each day thereafter until recessed by the hearing officer, at [location].

(d) Motion for Hearing Within 120 Days. A respondent's motion under section (b) for a hearing within 120 days must be granted, unless disciplinary counsel shows good cause for setting the hearing at a later date.

(e) Notice. Service of a copy of an order or ruling of the hearing officer setting a date, time, and place for the hearing constitutes notice of the hearing. The respondent must be given at least ten days notice of the hearing absent consent.

(f) Continuance. Either party may move for a continuance of the hearing date. The hearing officer has discretion to grant the motion for good cause shown.

ELC 10.13 DISCIPLINARY HEARING

(a) Representation. The Association is represented at the hearing by disciplinary counsel. The respondent lawyer may be represented by counsel.

(b) Respondent Must Attend. A respondent given notice of a hearing must attend the hearing. Failure to attend the hearing, without good cause, may be grounds for discipline. If, after proper notice, the respondent fails to attend the hearing, the hearing officer or panel:

(1) may draw an adverse inference from the respondent's failure to attend as to any questions that might have been asked the respondent at the hearing; and

(2) must admit testimony by deposition regardless of the deponent's availability. An affidavit or declaration is also admissible, if:

(A) the facts stated are within the witness's personal knowledge;

(B) the facts are set forth with particularity; and

(C) it shows affirmatively that the witness could testify competently to the stated facts.

(c) Respondent Must Bring Requested Materials. Disciplinary counsel may request in writing, served on the respondent at least three days before the hearing, that the respondent bring to the hearing any documents, files, records, or other written materials or things. The respondent must comply with this request and failure to bring requested materials, without good cause, may be grounds for discipline.

(d) Witnesses. Except as provided in subsection (b)(2) and rule 10.6, witnesses must testify under oath. Testimony may also be submitted by deposition as permitted by CR 32. Testimony must be recorded by a court reporter or, if allowed by the hearing officer, by tape recording. The parties have the right to cross-examine witnesses who testify and to submit rebuttal evidence.

(e) Subpoenas. The parties may subpoena witnesses, documents, or things under the terms of CR 45. A witness must promptly comply with all subpoenas issued under this rule and with all lawful orders made by the hearing officer under this rule. Subpoenas may be enforced under rule 4.7. The hearing officer or panel may additionally draw adverse inferences as appear warranted by the respondent's failure to respond.

(f) Prior Disciplinary Record. The respondent's record of prior disciplinary action, or the fact that the respondent has no prior disciplinary action, must be made a part of the hearing record before the hearing officer or panel files a decision.

ELC 10.14 EVIDENCE AND BURDEN OF PROOF

(a) Proceedings Not Civil or Criminal. Hearing officers should be guided in their evidentiary and procedural rulings by the principle that disciplinary proceedings are neither civil nor criminal but are sui generis hearings to determine if a lawyer's conduct should have an impact on his or her license to practice law.

(b) Burden of Proof. Disciplinary counsel has the burden of establishing an act of misconduct by a clear preponderance of the evidence.

(c) Proceeding Based on Criminal Conviction. If a formal complaint charges a respondent lawyer with an act of misconduct for which the respondent has been convicted in a

criminal proceeding, the court record of the conviction is conclusive evidence at the disciplinary hearing of the respondent's guilt of the crime and violation of the statute on which the conviction was based.

(d) Rules of Evidence. Consistent with section (a) of this rule, the following rules of evidence apply during disciplinary hearings:

(1) evidence, including hearsay evidence, is admissible if in the hearing officer's judgment it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The hearing officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious;

(2) if not inconsistent with subsection (1), the hearing officer shall refer to the Washington Rules of Evidence as guidelines for evidentiary rulings;

(3) documents may be admitted in the form of copies or excerpts, or by incorporation by reference;

(4) Official Notice.

(A) official notice may be taken of:

(i) any judicially cognizable facts;

(ii) technical or scientific facts within the hearing officer's or panel's specialized knowledge; and

(iii) codes or standards adopted by an agency of the United States, of this state, or of another state, or by a nationally recognized organization or association.

(B) the parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material noticed and the sources thereof, including any staff memoranda and data, and they shall have an opportunity to contest the facts and material noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

(e) APA as Guidance. The evidence standards in this rule are based on the evidence provisions of the Washington Administrative Procedures Act, which, when not inconsistent with these standards, should be looked to for guidance. "Shall" has the meaning in this rule ascribed to it in the APA.

ELC 10.15 BIFURCATED HEARINGS

(a) When Allowed. Upon written motion filed no later than 60 days before the scheduled hearing, either party may request that the disciplinary proceeding be bifurcated. The hearing officer or panel must weigh the reasons for bifurcation against any increased cost and delay, inconvenience to participants, duplication of evidence, and any other factors, and may grant the motion only if it appears necessary to insure a fair and orderly hearing because the respondent has a record of prior disciplinary sanction or because either party would suffer significant prejudice or harm.

(b) Procedure.

(1) *Violation Hearing.*

(A) A bifurcated proceeding begins with an initial hearing to make factual determinations and legal conclusions as to the violations charged, including the mental state necessary for the violations. During this stage of the proceedings, evidence of a prior disciplinary record is not admissible to prove the respondent's character or to impeach the respondent's credibility. However, evidence of prior acts of misconduct may be admitted for other purposes, such as proof of

motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(B) At the conclusion of that hearing, the hearing officer or panel files findings and conclusions.

(i) If no violation is found, the proceedings are concluded, the findings and conclusions are the decision of the hearing officer or panel, and the sanction hearing is canceled.

(ii) If any violation is found, after the expiration of the time for a motion to amend under rule 10.16(c), or after ruling on that motion, the findings and conclusions as to those violations are not subject to reconsideration by the hearing officer.

(2) *Sanction Hearing.* If any violation is found, a second hearing is held to determine the appropriate sanction recommendation. During the sanction hearing, evidence of the existence or lack of any prior disciplinary record is admissible. No evidence may be admitted to contradict or challenge the findings and conclusions as to the violations. At the conclusion of the sanction hearing, the hearing officer or panel files findings and conclusions as to a sanction recommendation, that, together with the previously filed findings and conclusions, is the decision of the hearing officer or panel.

(3) *Timing.* If a motion for bifurcation is granted, the violation hearing is held on the date previously set for hearing. Upon granting a motion to bifurcate, the hearing officer must set a date and place for the sanction hearing. Absent extraordinary circumstances, the sanction hearing should be held no later than 45 days after the anticipated last day of the violation hearing.

ELC 10.16 DECISION OF HEARING OFFICER OR PANEL

(a) **Decision.** Within 20 days after the proceedings are concluded, unless extended by agreement, the hearing officer should file with the Clerk a decision in the form of findings of fact, conclusions of law, and recommendation.

(b) **Preparation of Findings.** The hearing officer or hearing panel write their own findings of fact, conclusions of law, and recommendations. At the request of the hearing officer, or without a request, either party may submit proposed findings, conclusions, and recommendation.

(c) Amendment.

(1) *Timing of Motion.* Either party may move to modify, amend, or correct the decision as follows:

(A) In a proceeding not bifurcated, within ten days of service of the decision on the respondent lawyer;

(B) In a bifurcated proceeding, within five days of service of:

(i) the violation findings of fact and conclusions of law; or

(ii) the sanction recommendation, but this motion may not seek to modify, amend, or correct the violation findings or conclusions.

(C) If a hearing panel member dissents from a decision of the majority, the five or ten day period does not begin until the written dissent is filed or the time to file a dissent has expired, whichever is sooner.

(2) *Procedure.* Rule 10.8 governs this motion, except that all members of a hearing panel must be served with the motion and any response and participate in a decision on the motion. A panel's deliberation may be conducted through

telephone conference call. The hearing officer or panel should rule on the motion within 15 days after the filing of a timely response or after the period to file a response under rule 10.8(b) has expired. The ruling may deny the motion or may amend, modify, or correct the decision.

(3) *Effect of Failure To Move.* Failure to move for modification, correction, or amendment does not affect any appeal to the Board or review by the Supreme Court.

(d) **Dissent of Panel Member.** Any member of a hearing panel who dissents from the decision of the majority of the panel should file a dissent, which may consist of alternative findings, conclusions, or recommendation. A dissent should be filed within ten days of the filing of the majority's decision and becomes part of the record of the proceedings.

(e) **Panel Members Unable To Agree.** If no two panel members are able to agree on a decision, each panel member files findings, conclusions, and a recommendation, and the Board reviews the matter whether or not an appeal is filed.

(f) **When Final.** If a hearing officer or panel recommends reprimand or an admonition, or recommends dismissal of the charges, the recommendation becomes the final decision if neither party files an appeal and if the Chair does not refer the matter to the Board for consideration within the time permitted by rule 11.2 (b)(3). If the Chair refers the matter to the Board for consideration of a sua sponte review, the decision is final upon entry of an order dismissing sua sponte review under rule 11.3 or upon other Board decision under rule 11.12(g).

TITLE 11 - REVIEW BY BOARD

ELC 11.1 SCOPE OF TITLE

This title provides the procedure for Board review following a hearing officer or panel's findings of fact, conclusions of law, and recommendation. It does not apply to Board review of interim rulings under rule 10.9.

ELC 11.2 DECISIONS SUBJECT TO BOARD REVIEW

(a) **Decision.** For purposes of this title, "Decision" means the hearing officer or panel's findings of fact, conclusions of law, and recommendation, provided that if either party properly files a motion to amend under rule 10.16(c), the "Decision" includes the ruling on the motion, and becomes subject to Board review only upon the ruling on the motion.

(b) **Review of Decisions.** The Board reviews the following Decisions:

- (1) those recommending suspension or disbarment;
- (2) those in which no two members of a hearing panel are able to agree on a Decision; and
- (3) all others if within 15 days of service of the Decision on the respondent:

(A) either party files a notice of appeal; or

(B) the Chair files a notice of referral for sua sponte consideration of the Decision.

ELC 11.3 SUA SPONTE REVIEW

(a) **Procedure.** Sua sponte review commences when the Chair files a notice of referral under rule 11.2 (b)(3)(B). Upon this filing, the Chair causes a copy to be served on the parties and schedules the matter for consideration by the Board. On consideration, the Board either issues an order for

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sua sponte review setting forth the issues to be reviewed or dismisses the sua sponte review. If the Board issues an order for sua sponte review, the procedures of rule 11.9(e) apply unless otherwise modified by the order, except either party may raise any issue for Board review.

(b) Standards. The Board uses sua sponte review only in extraordinary circumstances to prevent substantial injustice or to correct a clear error. Sua sponte review uses the same standards of review as other cases.

ELC 11.4 TRANSCRIPT OF HEARING

(a) Ordering Transcript. A hearing transcript or partial transcript may be ordered at any time by the hearing officer or panel, respondent lawyer, disciplinary counsel, or the Board. Disciplinary counsel must order the entire transcript if the hearing officer or panel recommends suspension or disbarment or if no two panel members can agree on a Decision. If a notice of appeal is filed under rule 11.2 (b)(3)(A), disciplinary counsel must order the entire transcript unless the parties agree that no transcript or only a partial transcript is necessary for review. For sua sponte review, the Chair determines the procedure for ordering the transcript if not already ordered.

(b) Filing and Service. The original of the transcript is filed with the Clerk. Disciplinary counsel must cause a copy of the transcript to be served on the respondent except if the respondent ordered the transcript.

(c) Proposed Corrections. Within ten days of service of a copy of the transcript on the respondent, or within ten days of filing the transcript if the respondent ordered the transcript, each party may file any proposed corrections to the transcript. Each party has five days after service of the opposing party's proposed corrections to file objections to those proposed corrections.

(d) Settlement of Transcript. If either party files objections to any proposed correction under section (c), the hearing officer, upon review of the proposed corrections and objections, enters an order settling the transcript. Otherwise, the transcript is deemed settled and any proposed corrections deemed incorporated in the transcript.

ELC 11.5 RECORD ON REVIEW

(a) Generally. The record on review consists of:

- (1) any hearing transcript or partial transcript; and
- (2) bar file documents and exhibits designated by the parties.

(b) References to the Record. Briefs filed under rules 11.8 and 11.9 must specifically refer to the record if available, using the designations TR for transcript of hearing, EX for exhibits, and BF for bar file documents.

(c) Avoid Duplication. Material appearing in one part of the record on review should not be duplicated in another part of the record on review.

(d) No Additional Evidence. Evidence not presented to the hearing officer or panel must not be presented to the Board.

ELC 11.6 DESIGNATION OF BAR FILE DOCUMENTS AND EXHIBITS

The parties designate bar file documents and exhibits for Board consideration under the procedure of RAP 9.6 with the following adaptations and modifications:

(a) Bar File Documents. The bar file documents are considered the clerk's papers.

(b) Disciplinary Board and Clerk. The Disciplinary Board is considered the appellate court and the Clerk to the Disciplinary Board is considered the trial court clerk.

(c) Time for Designation.

(1) *Review of Suspension or Disbarment Recommendation.* When review is under rule 11.2 (b)(1), the respondent lawyer must file and serve the respondent's designation of bar file documents and exhibits within 30 days of service of the Decision.

(2) *Review Not Involving Suspension or Disbarment Recommendation.* When review is under rule 11.2 (b)(3)(A), the party seeking review must file and serve that party's designation of bar file documents and exhibits within 15 days of filing the notice of appeal. When review is under rule 11.2 (b)(2) or 11.2 (b)(3)(B), the respondent is considered the party seeking review for designating bar file documents and exhibits.

(d) Hearing Officer Recommendation. The bar file documents must include the hearing officer or panel's recommendation.

ELC 11.7 PREPARATION OF BAR FILE DOCUMENTS AND EXHIBITS

(a) Preparation. The Clerk prepares the bar file documents and exhibits in the format required by RAP 9.7 (a) & (b), and distributes them to the Board. The Clerk provides the parties with a copy of the index of the bar file documents and the cover sheet listing the exhibits.

(b) Costs. Costs for preparing bar file documents and exhibits may be assessed as costs under rule 13.9 (b)(9).

ELC 11.8 BRIEFS FOR REVIEWS INVOLVING SUSPENSION OR DISBARMENT RECOMMENDATION

(a) Caption of Briefs. Parties should caption their briefs as follows:

[Name of Party] Brief [in Support of/in Opposition to] Hearing [Officer's] [Panel's] Decision
[Name of Party] Reply Brief

(b) Briefs in Support or Opposition. In a matter before the Board under rule 11.2 (b)(1), each party may file a brief in support of or in opposition to the Decision, or any part of it.

(c) Time for Filing Briefs. Briefs, if any, must be filed as follows:

(1) The respondent lawyer must file a brief within 20 days of service on the respondent of the later of:

- (A) a copy of the hearing transcript; or
- (B) the Decision.

(2) Disciplinary counsel must file a brief within 15 days of service on disciplinary counsel of the respondent's brief, or, if no brief is filed by the respondent, within 15 days of the expiration of the period for the respondent to file a brief.

(3) The respondent may file a reply to disciplinary counsel's brief within ten days of service of that brief on the respondent.

ELC 11.9 BRIEFS FOR REVIEWS NOT INVOLVING SUSPENSION OR DISBARMENT RECOMMENDATION

(a) Caption of Briefs. The parties should caption briefs as follows:

[Name of Party] Brief in Opposition to Hearing
[Officer's] [Panel's] Decision

[Name of Party] Response

[Name of Party] Reply

(b) Brief in Opposition.

(1) The party seeking review must file a brief in opposition to the Decision within 20 days of the later of:

(A) service on the respondent lawyer of a copy of the transcript, unless the parties have agreed that no transcript is necessary; or

(B) filing of the notice of appeal.

(2) Failure to file a brief within the required period constitutes an abandonment of the appeal.

(c) Response. The opposing party has 15 days from service of the statement of the party seeking review to file a brief responding to the issues raised on appeal.

(d) Reply. The party seeking review may file a reply to the response within ten days of service of the response.

(e) Procedure when Both Parties Seek Review or When No Two Panel Members Can Agree. When both parties file notices of appeal under rule 11.2 (b)(3)(A) or when no two panel members are able to agree on a Decision, the respondent is considered the party seeking review and disciplinary counsel is considered the opposing party. In that case, disciplinary counsel's response may raise any issue for Board review, and the respondent has an additional five days to file the reply permitted by section (d).

ELC 11.10 SUPPLEMENTING RECORD ON REVIEW

The record on review may be supplemented under the procedures of RAP 9.6 except that leave to supplement is freely granted. The Board may direct that the record be supplemented with any portion of the record before the hearing officer, including any bar file documents and exhibits.

ELC 11.11 REQUEST FOR ADDITIONAL PROCEEDINGS

In any brief permitted in rules 11.8 and 11.9, either party may request that an additional hearing be held before the hearing officer or panel to take additional evidence based on newly discovered evidence. A request for an additional hearing must be supported by affidavit describing in detail the additional evidence sought to be admitted and any reasons why it was not presented at the previous hearing. The Board may grant or deny the request in its discretion.

ELC 11.12 DECISION OF BOARD

(a) Basis for Review. Board review is based on the hearing officer or panel's Decision, any hearing panel member's dissent, the parties' briefs filed under rule 11.8 or 11.9, and the record on review.

(b) Standards of Review. The Board reviews findings of fact for substantial evidence. The Board reviews conclusions of law and recommendation de novo. Evidence not presented to the hearing officer or panel cannot be considered by the Board.

(c) Oral Argument. The Board hears oral argument if requested by either party or the Chair. A party's request must be filed no later than the deadline for that party to file his or her last brief, including a response or reply, under rule 11.8 or 11.9. The Chair's notice of oral argument must be filed and served on the parties no later than 14 days before the oral

argument. The Chair sets the time, place, and terms for oral argument.

(d) Action by Board. On review, the Board may adopt, modify, or reverse the findings, conclusions, or recommendation of the hearing officer or panel. The Board may also direct that the hearing officer or panel hold an additional hearing on any issue, on its own motion, or on either party's request.

(e) Order or Opinion. The Board must issue a written order or opinion. If the Board amends, modifies, or reverses any finding, conclusion, or recommendation of the hearing officer or panel, the Board must state the reasons for its decision in a written order or opinion. A Board member agreeing with the majority's order or opinion may file separate concurring reasons. A Board member dissenting from the majority's order or opinion may set forth in writing the reasons for that dissent. The decision should be prepared as expeditiously as possible and consists of the majority's opinion or order together with any concurring or dissenting opinions. None of the opinions or orders may be filed until all opinions are filed. A copy of the complete decision is served by the Clerk on the parties.

(f) Procedure to Amend, Modify, or Reverse if No Appeal.

(1) If the Board intends to amend, modify, or reverse the hearing officer or panel's recommendation in a matter that has not been appealed to the Board by either party, the Board issues a notice of intended decision.

(2) Either party may, within 15 days of service of this notice, file a request that the Board reconsider the intended decision.

(3) If a request is filed, the Board reconsiders its intended decision and the intended decision has no force or effect. The Chair determines the procedure for the Board's reconsideration, including whether to grant requests for oral argument.

(4) If no timely request for reconsideration is filed, the Board forthwith issues an order adopting the intended decision effective on the date of the order. If a party files a timely request for reconsideration, the Board issues an order or opinion after reconsideration under section (e).

(g) Decision Final Unless Appealed. The Board's decision is final if neither party files a notice of appeal nor a petition for review within the time permitted by title 12 or upon the Supreme Court's denial of a petition for discretionary review.

ELC 11.13 CHAIR MAY MODIFY REQUIREMENTS

Upon written motion filed with the Clerk by either party, for good cause shown, the Chair may modify the time periods in title 11, and make other orders as appear appropriate to assure fair and orderly Board review. However, the time period for filing a notice of appeal in rule 11.2 (b)(3)(A) may not be extended or altered.

TITLE 12 - REVIEW BY SUPREME COURT

ELC 12.1 APPLICABILITY OF RULES OF APPELLATE PROCEDURE

The Rules of Appellate Procedure serve as guidance for review under this title except as to matters specifically dealt with in these rules.

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ELC 12.2 METHODS OF SEEKING REVIEW

(a) Two Methods for Seeking Review of Board Decisions. The methods for seeking Supreme Court review of Board decisions entered under rule 11.12(e) are: review as a matter of right, called "appeal", and review with Court permission, called "discretionary review". Both "appeal" and "discretionary review" are called "review".

(b) Power of Court Not Affected. This rule does not affect the Court's power to review any Board decision recommending suspension or disbarment and to exercise its inherent and exclusive jurisdiction over the lawyer discipline and disability system. The Court notifies the respondent lawyer and disciplinary counsel of the Court's intent to exercise sua sponte review within 90 days of the Court receiving notice of the decision under rule 3.5(a), rule 7.1(h), or otherwise.

ELC 12.3 APPEAL

(a) Respondent's Right to Appeal. The respondent lawyer has the right to appeal a Board decision recommending suspension or disbarment. There is no other right of appeal.

(b) Notice of Appeal. To appeal, the respondent must file a notice of appeal with the Clerk within 15 days of service of the Board's decision on the respondent.

ELC 12.4 DISCRETIONARY REVIEW

(a) Decisions Subject to Discretionary Review. Board decisions under rule 11.12(e) not recommending suspension or disbarment are subject to Supreme Court review only through discretionary review. The Court accepts discretionary review only if:

- (1) the Board's decision is in conflict with a Supreme Court decision;
- (2) a significant question of law is involved;
- (3) there is no substantial evidence in the record to support a material finding of fact on which the Board's decision is based; or
- (4) the petition involves an issue of substantial public interest that the Court should determine.

(b) Petition for Review. Either party may seek discretionary review by filing a petition for review with the Court within 25 days of service of the Board's decision.

(c) Content of Petition; Answer; Service; Decision. A petition for review should be substantially in the form prescribed by RAP 13.4(c) for petitions for Supreme Court review of Court of Appeals decisions. References in that rule to the Court of Appeals are considered references to the Board. The appendix to the petition or an appendix to an answer or reply may additionally contain any part of the record, including portions of the transcript or exhibits, to which the party refers. RAP 13.4 (d) - (h) govern answers and replies to petitions for review and related matters including service and decision by the Court.

(d) Acceptance of Review. The Court accepts discretionary review of a Board decision by granting a petition for review. Upon acceptance of review, the same procedures apply to matters subject to appeal and matters subject to discretionary review.

ELC 12.5 RECORD TO SUPREME COURT

(a) Transmittal. The Clerk should transmit the record to the Supreme Court within 30 days of the filing of the notice

of appeal, service of the order accepting review, or filing of the transcript of oral argument before the Board, if any.

(b) Content. The record transmitted to the Court consists of:

- (1) the notice of appeal, if any;
- (2) the Board's decision;
- (3) the record before the Board;
- (4) the transcript of any oral argument before the Board; and
- (5) any other portions of the record before the hearing officer, including any bar file documents or exhibits, that the Court deems necessary for full review.

(c) Notice to Parties. The Clerk serves each party with a list of the portions of the record transmitted.

(d) Transmittal of Cost Orders. Within ten days of entry of an order assessing costs under rule 13.9(e), the Clerk should transmit it to the Court as a separate part of the record, together with the supporting statements of costs and expenses and any exceptions or reply filed under rule 13.9(d).

(e) Additions to Record. Either party may at any time move the Court for an order directing the transmittal of additional portions of the record to the Court.

ELC 12.6 BRIEFS

(a) Brief Required. The party seeking review must file a brief stating his or her objections to the Board's decision.

(b) Time for Filing. The brief of the party seeking review should be filed with the Supreme Court within 30 days of service under rule 12.5(c) of the list of portions of the record transmitted to the Court.

(c) Answering Brief. The answering brief of the other party should be filed with the Court within 30 days after service of the brief of the party seeking review.

(d) Reply Brief. A reply brief of a party seeking review should be filed with the Court within the sooner of 20 days after service of the answering brief or 14 days before oral argument. A reply brief should be limited to a response to the issues in the brief to which the reply brief is directed.

(e) Briefs When Both Parties Seek Review. When both the respondent lawyer and disciplinary counsel seek review of a Board decision, the respondent is deemed the party seeking review for the purposes of this rule. In that case, disciplinary counsel may file a brief in reply to any response the respondent has made to the issues presented by disciplinary counsel, to be filed with the Court the sooner of 20 days after service of the respondent's reply brief or 14 days before oral argument.

(f) Form of Briefs. Briefs filed under this rule must conform as nearly as possible to the requirements of RAP 10.3 and 10.4. Bar file documents should be abbreviated BF, the transcript or partial transcript of the hearing should be abbreviated TR, and exhibits should be abbreviated EX.

(g) Reproduction and Service of Briefs by Clerk. The Supreme Court clerk reproduces and distributes briefs as provided in RAP 10.5.

ELC 12.7 ARGUMENT

(a) Rules Applicable. Oral argument before the Supreme Court is conducted under title 11 of the Rules of Appellate Procedure, unless the Court directs otherwise.

(b) Priority. Disciplinary proceedings have priority and are set upon compliance with the above rules.

ELC 12.8 EFFECTIVE DATE OF OPINION

(a) Effective when Filed. An opinion in a disciplinary proceeding takes effect when filed unless the Court specifically provides otherwise.

(b) Motion for Reconsideration. A motion for reconsideration may be filed as provided in RAP 12.4, but the motion does not stay the judgment unless the Court enters a stay.

ELC 12.9 VIOLATION OF RULES

Sanctions for violation of these rules may be imposed on a party under RAP 18.9. Upon dismissal under that rule of a review sought by a respondent lawyer and expiration of the period to file objections under RAP 17.7, or upon dismissal of review by the Court if timely objections are filed, the Board's decision is final.

TITLE 13 - SANCTIONS AND REMEDIES

ELC 13.1 SANCTIONS AND REMEDIES

Upon a finding that a lawyer has committed an act of misconduct, one or more of the following may be imposed:

(a) Sanctions.

- (1) Disbarment;
- (2) Suspension under rule 13.3; or
- (3) Reprimand.

(b) Admonition. An admonition under rule 13.5.

(c) Remedies.

- (1) Restitution;
- (2) Probation;
- (3) Limitation on practice;
- (4) Requirement that the lawyer attend continuing legal education courses;
- (5) Assessment of costs; or
- (6) Other requirements consistent with the purposes of lawyer discipline.

ELC 13.2 EFFECTIVE DATE OF SUSPENSIONS AND DISBARMENTS

Suspensions and disbarments are effective on the date set by the Supreme Court's order, which will ordinarily be seven days after the date of the order. If no date is set, the suspension or disbarment is effective on the date of the Court's order.

ELC 13.3 SUSPENSION

(a) Term of Suspension. A suspension must be for a fixed period of time not exceeding three years.

(b) Reinstatement.

(1) After the period of suspension, the Association administratively returns the suspended respondent lawyer to the respondent's status before the suspension without further order by the Court upon:

- (A) the respondent's compliance with all current licensing requirements; and
- (B) disciplinary counsel's certification that the respondent has complied with any specific conditions ordered, and has paid any costs or restitution ordered or is current with any costs or restitution payment plan.

(2) A respondent may ask the Chair to review an adverse determination by disciplinary counsel regarding compliance

with the conditions for reinstatement, payment of costs or restitution, or compliance with a costs or restitution payment plan. On review, the Chair may modify the terms of the payment plan if warranted. The Chair determines the procedure for this review. The Chair's ruling is not subject to further review. If the Chair determines that the Board should review the matter, the Chair directs the procedure for Board review and the Board's decision is not subject to further review.

ELC 13.4 REPRIMAND

(a) Administration. The Board of Governors personally administers a reprimand to a respondent lawyer. The respondent must appear at a time and place directed by the Board of Governors to receive the reprimand. A reprimand is given privately, and the respondent may not make any statement. A reprimand is deemed administered at the time it is scheduled whether or not the respondent appears as required. Failure to appear after proper notice may be grounds for discipline.

(b) Notice and Review of Contents. Not less than 20 days before the reprimand is to be administered, the Association must serve the respondent with notice of the time and place for the reprimand and a copy of the proposed reprimand. Within five days of service of the notice, the respondent may file a request for review of the content of the proposed reprimand. This request stays the administration of the reprimand. The Disciplinary Board reviews the proposed reprimand in light of the decision or stipulation imposing the reprimand and may take any appropriate action. The Board's action is not subject to further review. If no request is received, the reprimand is administered at the time and place set.

ELC 13.5 ADMONITION

(a) By a Review Committee.

(1) A review committee may issue an admonition when investigation of a grievance shows misconduct.

(2) A respondent lawyer may protest either the review committee's or the Board's prehearing issuance of an admonition by filing a notice to that effect with the Clerk within 30 days of service of the admonition. Upon receipt of a timely protest, the admonition is rescinded, and the grievance is deemed ordered to hearing.

(b) Following a Hearing. A hearing officer or panel may recommend that a respondent receive an admonition following a hearing.

(c) By Stipulation. The parties may stipulate to an admonition under rule 9.1.

(d) Effect. An admonition is admissible in subsequent disciplinary or disability proceedings involving the respondent. Rule 3.6(b) governs destruction of file materials relating to an investigation or hearing concluded with an admonition, including the admonition.

(e) Action on Board Review. Upon review under title 11, the Board may dismiss, issue an admonition, or impose sanctions or other remedies under rule 13.1.

(f) Signing of Admonition. The review committee chair signs an admonition issued by a review committee. The Disciplinary Board Chair or the Chair's designee signs all other admonitions.

ELC 13.6 DISCIPLINE FOR CUMULATIVE ADMONITIONS

(a) **Grounds.** A lawyer may be subject to sanction or other remedy under rule 13.1 if the lawyer receives three admonitions within a five year period.

(b) **Procedure.** Upon being presented with evidence that a respondent lawyer has received three admonitions within a five year period, a review committee may authorize the filing of a formal complaint based solely on the provisions of this rule. A proceeding under this rule is conducted in the same manner as any disciplinary proceeding. The issues in the proceeding are whether the respondent has received three admonitions within a five year period and, if so, what sanction or other remedy should be recommended.

ELC 13.7 RESTITUTION

(a) **Restitution May Be Required.** A respondent lawyer who has been sanctioned under rule 13.1 or admonished under rule 13.5(b) may be ordered to make restitution to persons financially injured by the respondent's conduct.

(b) Payment of Restitution.

(1) A respondent ordered to make restitution must do so within 30 days of the date on which the decision requiring restitution becomes final, unless the decision provides otherwise or the respondent enters into a periodic payment plan with disciplinary counsel.

(2) Disciplinary counsel may enter into an agreement with a respondent for a reasonable periodic payment plan if:

(A) the respondent demonstrates in writing present inability to pay restitution and

(B) disciplinary counsel consults with the persons owed restitution.

(3) A respondent may ask the Chair to review an adverse determination by disciplinary counsel of the reasonableness of a proposed periodic payment plan for restitution. The Chair directs the procedure for this review. The Chair's ruling is not subject to further review. If the Chair determines that the Board should review the matter, the Chair directs the procedure for Board review and the Board's decision is not subject to further review.

(c) **Failure To Comply.** A respondent's failure to make restitution when ordered to do so, or to comply with the terms of a periodic payment plan may be grounds for discipline.

ELC 13.8 PROBATION

(a) **Conditions of Probation.** A respondent lawyer who has been sanctioned under rule 13.1 or admonished under rule 13.5(b) may be placed on probation for a fixed period of two years or less.

(1) Conditions of probation may include, but are not limited to requiring:

(A) alcohol or drug treatment;

(B) medical care;

(C) psychological or psychiatric care;

(D) professional office practice or management counseling; or

(E) periodic audits or reports.

(2) Upon disciplinary counsel's request, the Chair may appoint a suitable person to supervise the probation. Cooperation with a person so appointed is a condition of the probation.

(b) **Failure To Comply.** Failure to comply with a condition of probation may be grounds for discipline and any sanction imposed must take into account the misconduct leading to the probation.

ELC 13.9 COSTS AND EXPENSES

(a) **Assessment.** The Association's costs and expenses may be assessed as provided in this rule against any respondent lawyer who is ordered sanctioned or admonished.

(b) **Costs Defined.** The term "costs" for the purposes of this rule includes all monetary obligations, except attorney fees, reasonably and necessarily incurred by the Association in the complete performance of its duties under these rules, whether incurred before or after the filing of a formal complaint. Costs include, by way of illustration and not limitation:

(1) court reporter charges for attending and transcribing depositions or hearings;

(2) process server charges;

(3) necessary travel expenses of hearing officers, hearing panel members, disciplinary counsel, adjunct investigative counsel, or witnesses;

(4) expert witness charges;

(5) costs of conducting an examination of books and records or an audit under title 15;

(6) costs incurred in supervising probation imposed under rule 13.8;

(7) telephone toll charges;

(8) fees, costs, and expenses of a lawyer appointed under rule 8.2 or rule 8.3;

(9) costs of copying materials for submission to a review committee, a hearing officer or panel, or the Board; and

(10) compensation provided to hearing officers or panel members under rule 2.11.

(c) **Expenses Defined.** "Expenses" for the purposes of this rule means a reasonable charge for attorney fees and administrative costs. Expenses assessed under this rule may equal the actual expenses incurred by the Association, but in any case cannot be less than the following amounts:

(1) for an admonition that is accepted under rule 13.5(a), \$750;

(2) for a matter that becomes final without review by the Board, \$1,500;

(3) for a matter that becomes final following Board review, without appeal to the Supreme Court, a total of \$2,000;

(4) for a matter appealed to the Supreme Court or in which the Court accepts discretionary review but not requiring briefing, a total of \$2,500; and

(5) for a matter appealed to the Supreme Court or in which the Court accepts discretionary review in which briefing is required, a total of \$3,000.

(d) **Statement of Costs and Expenses, Exceptions, and Reply.**

(1) **Timing.** Disciplinary counsel must file a statement of costs and expenses with the Clerk within 20 days from any of the following events:

(A) an admonition is accepted;

(B) the decision of a hearing officer or panel or the Board imposing an admonition or a sanction becomes final;

(C) a notice of appeal from a Board decision is filed and served; or

(D) the Supreme Court accepts or denies discretionary review of a Board decision.

(2) *Content.* A statement of costs and expenses must state with particularity the nature and amount of the costs claimed and also state the expenses requested. Disciplinary counsel must sign the statement, and this signature constitutes a certification that all reasonable attempts have been made to insure the statement's accuracy.

(3) *Service.* The Clerk serves a copy of the statement on the respondent.

(4) *Exceptions.* The respondent may file exceptions no later than 20 days from service of the statement of costs and expenses.

(5) *Reply.* Disciplinary counsel may file a reply no later than ten days from service of any exceptions.

(e) **Assessment.** The Chair enters an order assessing costs and expenses after the expiration of the time for filing exceptions or replies.

(f) Review of Chair's Decision.

(1) *Matters Reviewed by Court.* In matters reviewed by the Supreme Court under title 12, the Chair's decision is subject to review only by the Court.

(2) *All Other Matters.* In all other matters, the following procedures apply:

(A) *Request for Review by Board.* Within 20 days of service on the respondent of the order assessing costs and expenses, either party may file a request for Board review of the order.

(B) *Board Action.* Upon the timely filing of a request, the Board reviews the order assessing costs and expenses, based on the Association's statement of costs and expenses and any exceptions or reply, the decision of the hearing officer or panel or of the Board, and any written statement submitted by either party within the time directed by the Chair. The Board may approve or modify the order assessing costs and expenses. The Board's decision is final when filed and not subject to further review.

(g) **Assessment in Matters Reviewed by the Court.** When a matter is reviewed by the Court as provided in title 12, any order assessing costs and expenses entered by the Chair under section (e) and the statement of costs and expenses and any exceptions or reply filed in the proceeding are included in the record transmitted to the Court. Upon filing of an opinion by the Court imposing a sanction or admonition, costs and expenses may be assessed in favor of the Association under the procedures of RAP Title 14, except that "costs" as used in that title means any costs and expenses allowable under this rule.

(h) **Assessment Discretionary.** Assessment of any or all costs and expenses may be denied if it appears in the interests of justice to do so.

(i) Payment of Costs and Expenses.

(1) A respondent ordered to pay costs and expenses must do so within 30 days of the date on which the assessment becomes final, unless the order assessing costs and expenses provides otherwise or the respondent enters into a periodic payment plan with disciplinary counsel.

(2) The respondent must pay interest on any amount not paid within 30 days of the date the assessment is final at the maximum rate permitted under RCW 19.52.020.

(3) Disciplinary counsel may enter into an agreement with a respondent for a reasonable periodic payment plan if the respondent demonstrates in writing present inability to pay assessed costs and expenses.

(A) Any payment plan entered into under this rule must provide for interest at the maximum rate permitted under RCW 19.52.020.

(B) A respondent may ask the Chair to review an adverse determination by disciplinary counsel regarding specific conditions for a periodic payment plan. The Chair directs the procedure for this review. The Chair's ruling is not subject to further review. If the Chair determines that the Board should review the matter, the Chair directs the procedure for Board review, and the Board's decision is not subject to further review.

(j) **Failure To Comply.** A respondent's failure to pay costs and expenses when ordered to do so or to comply with the terms of a periodic payment plan may be grounds for discipline.

(k) **Costs in Other Cases.** Rule 9.1 governs costs and expenses in cases resolved by stipulation. Rule 8.6 governs assessment of costs and expenses in disability proceedings.

(l) **Money Judgment for Costs and Expenses.** After the assessment of costs and expenses is final, upon application by the Association, the Supreme Court commissioner or clerk may enter a money judgment on the order for costs and expenses if the respondent has failed to pay the costs and expenses as provided by this rule. The Association must serve the application for a money judgment on the respondent under rule 4.1. The respondent may file an objection with the commissioner or clerk within 20 days of service of the application. The sole issue to be determined by the commissioner or clerk is whether the respondent has complied with the duty to pay costs and expenses under this rule. The commissioner or clerk may enter a money judgment in compliance with RCW 4.64.030 and notify the Association and the respondent of the judgment. On application, the commissioner or clerk transmits the judgment to the clerk of the superior court in any county selected by the Association and notifies the respondent of the transmittal. The clerk of the superior court files the judgment as a judgment in that court without payment of a filing fee.

**TITLE 14 - DUTIES ON SUSPENSION OR DISBARMENT
ELC 14.1 NOTICE TO CLIENTS AND OTHERS; PROVIDING
CLIENT PROPERTY**

(a) **Providing Client Property.** A lawyer who has been suspended from the practice of law, disbarred, or transferred to disability inactive status must provide each client or the client's substituted counsel upon request with the client's assets, files, and other documents in the lawyer's possession, regardless of any possible claim of lien under RCW 60.40.

(b) **Notice if Suspended for 60 Days or Less.** A lawyer who has been suspended for 60 days or less under rule 13.3 must within ten days of the effective date of the suspension:

(1) notify every client involved in litigation or administrative proceedings, and counsel for each adverse party (or

the adverse party directly if not represented by counsel), of the suspension, the reason therefor, and of the lawyer's consequent inability to act as a lawyer after the effective date of the suspension, and advise each of these clients to seek prompt substitution of another lawyer. If the client does not substitute counsel within ten days of this notice, the lawyer must advise the court or agency of the lawyer's inability to act; and

(2) notify all other clients of the suspension, the reason therefor, and consequent inability to act during the suspension. The notice must advise the client to seek legal advice elsewhere if needed during the suspension.

(c) Notice if Otherwise Suspended or Disbarred. A lawyer who has been disbarred or suspended for more than 60 days, for nonpayment of dues, or under title 7 or APR 11 must within ten days of the effective date of the disbarment or suspension:

(1) notify every client of the lawyer's inability to act as the client's lawyer and the reason therefor, and advise the client to seek legal advice elsewhere;

(2) advise every client involved in litigation or administrative proceedings to seek the prompt substitution of another lawyer. If the client does not substitute counsel within ten days of being notified of the lawyer's inability to act, the lawyer must advise the court or agency of the lawyer's inability to act; and

(3) notify counsel for each adverse party in pending litigation or administrative proceedings, or the adverse party directly if not represented by counsel, of the lawyer's inability to act further on the client's behalf.

(d) Notice if Transferred to Disability Inactive Status. A lawyer transferred to disability inactive status, or his or her guardian if one has been appointed, must give all notices required by section (c), except that the notices need not refer to disability.

(e) Address of Client. All notices to lawyers, adverse parties, courts, or agencies as required by sections (b), (c), or (d) must contain the client's name and last known address, unless doing so would disclose a confidence or secret of the client. If the name and address are omitted, the client must be advised that so long as his or her address remains undisclosed and no new lawyer is substituted, the client may be served by leaving papers with the clerk of the court under CR 5 (b)(1) in pending superior court actions, and that comparable provisions may allow similar service in other court proceedings or administrative actions.

ELC 14.2 LAWYER TO DISCONTINUE PRACTICE

A disbarred or suspended lawyer, or a lawyer transferred to disability inactive status, must not practice law after the effective date of the disbarment, suspension, or transfer to disability inactive status, and also must take whatever steps necessary to avoid any reasonable likelihood that anyone will rely on him or her as a lawyer authorized to practice law. This rule does not preclude a disbarred or suspended lawyer, or a lawyer transferred to disability inactive status, from disbursing assets held by the lawyer to clients or other persons or from providing information on the facts and the lawyer's theory of a case and its status to a succeeding lawyer, provided that the suspended or disbarred lawyer not be involved in any discussion regarding matters occurring after the date

of the suspension or disbarment. The lawyer must provide this information on request and without charge.

ELC 14.3 AFFIDAVIT OF COMPLIANCE

Within 25 days of the effective date of a lawyer's disbarment, suspension, or transfer to disability inactive status, the lawyer must serve on disciplinary counsel an affidavit stating that the lawyer has fully complied with the provisions of this title. The affidavit must also provide a mailing address where communications to the lawyer may thereafter be directed. The lawyer must attach to the affidavit copies of the form letters of notification sent to the lawyer's clients and opposing counsel or parties and copies of letters to any court, together with a list of names and addresses of all clients and opposing counsel or parties to whom notices were sent. The affidavit is a confidential document except the lawyer's mailing address is treated as a change of mailing address under APR 13(b).

ELC 14.4 LAWYER TO KEEP RECORDS OF COMPLIANCE

A lawyer who has been disbarred, suspended, or transferred to disability inactive status must maintain written records of the various steps taken by him or her under this title, so that proof of compliance will be available in any subsequent proceeding.

TITLE 15 - AUDITS AND TRUST ACCOUNT OVERDRAFT NOTIFICATION

ELC 15.1 AUDIT AND INVESTIGATION OF BOOKS AND RECORDS

The Board and its Chair have the following authority to examine, investigate, and audit the books and records of any lawyer to ascertain and obtain reports on whether the lawyer has been and is complying with RPC 1.14:

(a) Random Examination. The Board may authorize examinations of the books and records of any lawyer or law firm selected at random. Only the lawyer or law firm's books and records may be examined in an examination under this section.

(b) Particular Examination. Upon receipt of information that a particular lawyer or law firm may not be in compliance with RPC 1.14, the Chair may authorize an examination limited to the lawyer or law firm's books and records. Information may be presented to the Chair without notice to the lawyer or law firm. Disclosure of this information is subject to rules 3.1 - 3.4.

(c) Audit. After an examination under section (a) or (b), if the Chair determines that further examination is warranted, the Chair may order an appropriate audit of the lawyer's or firm's books and records, including verification of the information in those records from available sources.

ELC 15.2 COOPERATION OF LAWYER

Any lawyer or firm who is subject to examination, investigation, or audit under rule 15.1 must cooperate with the person conducting the examination, investigation, or audit, subject only to the proper exercise of any privilege against self-incrimination, by:

(a) producing forthwith all evidence, books, records, and papers requested for the examination, investigation, or audit;

(b) furnishing forthwith any explanations required for the examination, investigation, or audit;

(c) producing written authorization, directed to any bank or depository, for the person to examine, investigate, or audit trust and general accounts, safe deposit boxes, and other forms of maintaining trust property by the lawyer in the bank or depository.

ELC 15.3 DISCLOSURE

The examination and audit report are only available to the Board, disciplinary counsel, and the lawyer or firm examined, investigated, or audited, and to the Board of Governors on its request, unless a disciplinary proceeding is commenced in which case the disclosure provisions of title 3 apply.

ELC 15.4 TRUST ACCOUNT OVERDRAFT NOTIFICATION

(a) Overdraft Notification Agreement Required.

Every bank, credit union, savings and loan association, or qualified public depository referred to in RPC 1.14(c) will be approved as a depository for lawyer trust accounts if it files with the Disciplinary Board an agreement, in a form provided by the Board, to report to the Board if any properly payable instrument is presented against a lawyer trust account containing insufficient funds, whether or not the instrument is honored. The agreement must apply to all branches of the financial institution and cannot be canceled except on 30 days' notice in writing to the Board. The Board annually publishes a list of approved financial institutions.

(b) Overdraft Reports.

(1) The overdraft notification agreement must provide that all reports made by the financial institution must contain the following information:

- (A) the identity of the financial institution;
- (B) the identity of the lawyer or law firm;
- (C) the account number; and
- (D) either:
 - (i) the amount of overdraft and date created; or
 - (ii) the amount of the returned instrument(s) and the date returned.

(2) The financial institution must provide the information required by the notification agreement within five banking days of the date the item(s) was paid or returned unpaid.

(c) **Costs.** Nothing in these rules precludes a financial institution from charging a particular lawyer or law firm for the reasonable cost of producing the reports and records required by this rule, but those charges may not be a transaction cost charged against funds payable to the Legal Foundation of Washington under RPC 1.14 (c)(1).

(d) **Notification by Lawyer.** Every lawyer who receives notification that any instrument presented against his or her trust account was presented against insufficient funds, whether or not the instrument was honored, must promptly notify the Office of Disciplinary Counsel of the Association of the information required by section (b). The lawyer must include a full explanation of the cause of the overdraft.

ELC 15.5 DECLARATION OR QUESTIONNAIRE

(a) **Questionnaire.** The Association annually sends each active lawyer a written declaration or questionnaire designed to determine whether the lawyer is complying with RPC 1.14. Each active lawyer must complete, execute, and deliver to the Association this declaration or questionnaire by the date specified in the declaration or questionnaire.

(b) **Noncompliance.** Failure to file the declaration or questionnaire by the date specified in section (a) is grounds for discipline. This failure also subjects the lawyer who has failed to comply with this rule to a full audit of his or her books and records as provided in rule 15.1(c), upon request of disciplinary counsel to a review committee. A copy of any request made under this section must be served on the lawyer. The request must be granted on a showing that the lawyer has failed to comply with section (a) of this rule. If the lawyer should later comply, disciplinary counsel has discretion to determine whether an audit should be conducted, and if so the scope of that audit. A lawyer audited under this section is liable for all actual costs of conducting such audit, and also a charge of \$100 per day spent by the auditor in conducting the audit and preparing an audit report. Costs and charges are assessed in the same manner as costs under rule 5.3(f).

ELC 15.6 REGULATIONS

The Disciplinary Board may adopt regulations regarding the powers in this title subject to the approval of the Board of Governors and the Supreme Court.

TITLE 16 - EFFECT OF THESE RULES ON PENDING PROCEEDINGS

ELC 16.1 EFFECT ON PENDING PROCEEDINGS

These rules and any subsequent amendments will apply in their entirety, on the effective date as ordered by the Supreme Court, to any pending matter or investigation that has not yet been ordered to hearing. They will apply to other pending matters except as would not be feasible or would work an injustice. The hearing officer or panel chair assigned to hear a matter, or the Chair in a matter pending before the Board, may rule on the appropriate procedure with a view to insuring a fair and orderly proceeding.

*Related Changes to the
GENERAL RULES*

GR 1 CLASSIFICATION SYSTEM FOR COURT RULES

PART I. RULES OF GENERAL APPLICATION

| | |
|--|----------------|
| General Rules | GR |
| Code of Judicial Conduct | CJC |
| Discipline Rules for Judges | DRJ |
| Board for Judicial Administration Rules | BJAR |
| Rules of Professional Conduct | RPC |
| Admission to Practice Rules | APR |
| Rules for Lawyer Discipline | RLD |
| <u>Rules of Professional Conduct</u> | <u>RPC</u> |
| <u>Rules for Enforcement of Lawyer Conduct</u> | <u>ELC</u> |
| Judicial Information System Committee Rules | JISCR |
| Rules of Evidence | ER |

- PART II. [No Change]
- PART III. [No Change]
- PART IV. [No Change]
- PART V. [No Change]

MISC.

Related Changes to the
ADMISSION TO PRACTICE RULES

APR 3. APPLICANTS TO TAKE THE BAR EXAMINATION

(a) [No Change].

(b) [No Change].

(c) **Exceptions.** The Board of Governors may, in its discretion, withhold permission for an otherwise qualified person to sit for the bar examination, until completion of an inquiry into the applicants character and fitness, if the applicant (i) has ever been convicted of a "serious crime" as defined in ~~RLD 3-1(h)~~ ELC 7.1 (a)(2), or (ii) has ever been disbarred or is presently suspended from the practice of law for disciplinary reasons in any jurisdiction, or (iii) has previously been denied admission to the Bar in this or any other jurisdiction for reasons other than failure to pass a bar examination. The Board of Governors may also withhold permission to sit for the bar examination where for any other reason there are serious and substantial questions regarding the present moral character or fitness of the applicant. The Board of Governors may refer such matters to the Character and Fitness Committee for investigation and hearing pursuant to rule 7.

(d) [No Change].

APR 8. SPECIAL ADMISSIONS

(a) [No Change].

(b) [No Change].

(c) **Exception for Indigent Representation.** A member in good standing of the Bar of another state or territory of the United States or of the District of Columbia, who is eligible to take the bar examination in this state, while rendering service in either a bar association or governmentally sponsored legal services organization or in a public defenders office or similar program providing legal services to indigents and only in that capacity, may, upon application and approval, practice law and appear as a lawyer before the courts of this state in any matter, litigation, or administrative proceeding, subject to the following conditions and limitations:

(1) Application to practice under this rule shall be made to the Board of Governors, and the applicant shall be subject to the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct and to the Rules of Professional Conduct.

(2) [No Change].

(3) [No Change].

(4) [No Change].

(d) **Exception for Educational Purposes.** A lawyer who is enrolled and in good standing as a postgraduate student or as a faculty member in a program of an approved law school in this state, involving clinical work in the courts or in the practice of law, may apply to the Board of Governors for admission to the limited practice of law by paying an investigation fee and by presenting satisfactory proof of (i) admission to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, and (ii) compliance with the requirements of rule 3 (b)(1), and (iii) good moral character.

(1) [No Change].

(2) The practice of an applicant admitted under this section shall be (i) limited to the period of time the applicant

actively participates in the program, (ii) limited to the clinical work of the particular course of study in which the applicant is enrolled or teaching, (iii) free of charge for the services so rendered, and (iv) subject to the Rules of Professional Conduct and the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct.

(3) [No Change].

(4) [No Change].

(e) **Exception for Emeritus Membership.** A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia, including Washington State, may apply to the Board of Governors for a limited license to practice law as an emeritus member in this state when the lawyer is otherwise fully retired from the practice of law. An emeritus member shall provide legal services for a qualified legal services provider as defined in part (2) below. The lawyer shall apply by (I) filing an application in the form and manner that may be prescribed by the Board of Governors; (ii) presenting satisfactory proof of admission by examination to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, provided that if a disciplinary sanction has been imposed upon the lawyer within 15 years immediately preceding the filing of the application for emeritus status, the Board of Governors shall have the discretion to accept or reject the application; (iii) presenting satisfactory proof of active legal experience as defined in APR 3(b) for at least 5 of the 10 years immediately preceding the filing of the application for lawyers admitted in Washington and for at least 10 of the 15 years immediately preceding the filing of the application for lawyers only admitted to practice in jurisdictions other than Washington; (iv) filing certification from a qualified legal services provider as defined in part (2) below that the applicant's practice of law will comply with the terms of this rule; (v) paying such fee as may be set by the Board of Governors with approval of the Supreme Court; (vi) complying with training requirements as may be prescribed by the Board of Governors; and (vii) furnishing whatever additional information or proof that may be required in the course of investigating the applicant.

(1) [No Change].

(2) [No Change].

(3) [No Change].

(4) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(5) [No Change].

(6) [No Change].

(7) [No Change].

(f) **Exception for House Counsel.** A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia may apply to the Board of Governors for a limited license to practice law as in-house counsel in this state when the lawyer is employed in Washington as a lawyer exclusively for a profit or not for profit corporation,

including its subsidiaries and affiliates, association, or other business entity, that is not a government entity, and whose lawful business consists of activities other than the practice of law or the provision of legal services. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors, (ii) presenting satisfactory proof of (I) admission by examination to the practice of law and current good standing in a state of territory of the United States or the District of Columbia and (II) good moral character, (iii) filing an affidavit from an officer, director, or general counsel of the applicant's employer in this state attesting to the fact the applicant is employed as a lawyer for the employer, including its subsidiaries and affiliates, and the nature of the employment conforms to the requirements of this rule, (iv) paying such fee as may be set by the Board of Governors with approval of the Supreme Court, and (v) furnishing whatever additional information or proof that may be required in the course of investigating the applicant. The lawyer must also pass the Professional Responsibility portion of the Washington bar examination.

- (1) [No Change].
- (2) [No Change].
- (3) [No Change].
- (4) [No Change].

(5) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the active practice of law in this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

- (6) [No Change].
- (7) [No Change].

APR 9. LEGAL INTERNS

- (a) [No Change].
- (b) [No Change].

(c) **Scope of Practice.** A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the usual rights of appeal to the Supreme Court.

- (1) [No Change].
- (2) [No Change].
- (3) [No Change].
- (4) [No Change].
- (5) [No Change].
- (6) [No Change].

(d) **Supervising Lawyer.** The supervising lawyer shall be an active member of the Bar Association in good standing, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding approval of the application, the Board of Governors shall have the discretion to accept or reject the lawyer as a supervising lawyer. The supervising lawyer shall have been actively engaged in the practice of law in the State of Washington or elsewhere for at least 3 years at the time the application is filed.

- (1) [No Change].
- (2) [No Change].
- (3) [No Change].
- (4) [No Change].

(5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide adequate supervision or to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct.

- (6) [No Change].
- (7) [No Change].
- (e) [No Change].

APR 11 CONTINUING LEGAL EDUCATION

Regulation 101. Definitions As used in these Regulations, the following definitions shall apply: (a) - (n) [No Change].

(o) "Ethics" shall include discussion, analysis, interpretation, or application of the Rules of Professional Conduct, ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct, Code of Judicial Conduct, judicial decisions interpreting these rules, and ethics opinions published by bar associations relating to these rules, as well as the general subject of standards of professional conduct expected of lawyers acting in the representation of clients and in the public interest.

- (p) [No Change].

APR 12.1 PRESERVING IDENTITY OF FUNDS AND PROPERTY IN TRANSACTIONS CLOSED BY LIMITED PRACTICE OFFICERS

- (a) [No Change].
- (b) [No Change].

(c) Each trust account referred to in section (b) shall be an interest-bearing trust account in any bank, credit union or savings and loan association, selected by a certified closing officer or the closing firm by which he or she is employed to perform closing services in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or the Washington Credit Union Share Guaranty Association, or which is a qualified public depository as defined in RCW 39.58.010(2), ~~or~~ which bank, credit union, savings and loan association or qualified public depository has filed an agreement with the Disciplinary Board pursuant to rule ~~13-4~~ 15.4 of the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct. Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfers can be made without delay when such funds are required, subject only to

any notice period which the depository institution is required to reserve by law or regulation. Such account, if established in the name of the closing firm, must reference the name(s) of the certified closing officer(s) whose services are engaged in connection with the real or personal property closing activities of the closing firm.

- (1) [No Change].
- (2) [No Change].
- (3) [No Change].
- (4) [No Change].
- (d) [No Change].

APR 14 LIMITED PRACTICE RULE FOR FOREIGN LAW CONSULTANTS

- (a) [No Change].
- (b) [No Change].
- (c) **Procedure.**

(1) The Board of Governors shall approve or disapprove applications for admission of Foreign Law Consultants. Additional proof of any facts stated in the application may be required by the Board. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those applicants it deems qualified, conditioned upon such applicants:

(i) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(ii) Paying to the Bar Association its membership fee for the current year in the maximum amount required of active members; and

(iii) Filing with the Bar Association in writing his or her address in the State of Washington, or the name and address of his or her registered agent as provided in APR 5(e), together with a statement that the applicant has read the Rules of Professional Conduct and ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct, is familiar with their contents and agrees to abide by them.

(2) Upon the entry of an order of admission, the filing of the required materials and payment of the membership fee, the applicant shall be enrolled as a Foreign Law Consultant and shall be entitled to the limited practice of law as specified by this rule.

- (d) [No Change].

(e) **Disciplinary Provisions.** A Foreign Law Consultant shall be subject to the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct and the Rules of Professional Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state. Jurisdiction shall continue whether or not the Consultant retains the authority for the limited practice of law in this state, and regardless of the residence of the Consultant.

- (f) [No Change].
- (g) [No Change].
- (h) [No Change].

APR 16 MEDIATION PROGRAM

- (a) [No Change].
- (b) [No Change].

(c) **Confidentiality.** Mediation under this rule shall be confidential, and communications made or materials submitted in, or in connection with, the mediation proceeding will be privileged and confidential as provided by RCW 5.60.070, provided that no party to the mediation will be precluded from filing or pursuing a grievance under the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct.

- (d) [No Change].
- (e) [No Change].

APR 17 SUSPENSION FROM PRACTICE

(a) **Suspension from Practice.** The Washington State Bar Association shall request that the Supreme Court suspend a member from the practice of law upon the execution of written findings from an adjudicative process that: (1) the member is more than six months delinquent in noncompliance with a valid and enforceable order entered by a court of competent jurisdiction requiring the member to pay child support, and (2) the member has had the opportunity for an adjudicative proceeding to contest the issue of compliance with the child support order, and (3) there are currently no good faith negotiations for a repayment agreement or other modification of the order, and (4) there are no pending judicial or administrative proceedings to determine whether child support is delinquent. A member shall be considered in compliance with an order of child support if the member is current with a payment arrangement pursuant to an order which contemplates payments for past due child support. The hearing will be held, on actual notice to the member of no less than sixty days. The hearing shall otherwise be conducted pursuant to and in accordance with the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct but will be for an administrative suspension only so long as the conditions set forth above exist.

- (b) [No Change].
- (c) [No Change].
- (d) [No Change].

APR 18 ADMISSION OF LAWYERS LICENSED IN OTHER STATES OR TERRITORIES OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA TO PRACTICE LAW IN WASHINGTON

- (a) [No Change].
- (b) [No Change].
- (c) **Procedure.**

(1) The Board of Governors shall approve or disapprove applications for admission of lawyers admitted to the practice of law in other states or territories of the United States or the District of Columbia. The Board may require additional proof of any facts stated in the application. In the event of the failure or refusal of the applicant to furnish any information or proof, or to answer any inquiry of the Board pertinent to the pending application, the Board may deny the application. Upon approval of the application by the Board of Governors, the Board shall recommend to the Supreme Court the admission of the applicant for the purposes herein stated. The Supreme Court may enter an order admitting to practice those

applicants it deems qualified, conditioned upon such applicant:

(i) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney pursuant to rule 5; and

(ii) Paying to the Bar Association its membership fee for the current year in the maximum amount required of active members; and

(iii) Filing with the Bar Association in writing his or her address in the State of Washington, together with a statement that the applicant has read the Rules of Professional Conduct and ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct, is familiar with their contents and agrees to abide by them.

(2) [No Change].

[NEW RULE]

APR 20 CHARACTER AND FITNESS COMMITTEE

(a) Membership.

(1) *Composition.* The Committee shall consist of not less than three nonlawyer members, appointed by the Supreme Court, and not less than one lawyer member from each congressional district, appointed by the Board of Governors.

(2) *Qualifications.* Lawyer members must have been active members of the Bar Association for at least 7 years.

(3) *Quorum.* A majority of the Committee members shall constitute a quorum. Given a quorum, the concurrence of a majority of those present shall constitute action of the Committee.

(4) *Disqualification.* In the event a grievance is made to the Bar Association alleging an act of misconduct by a lawyer member of the committee, such member shall take a leave of absence from the Committee until the matter is resolved, unless otherwise directed by the Board of Governors.

(5) *Voting.* Each member, whether nonlawyer or lawyer, shall have one vote.

(b) Terms of Office. The term of office for a member of the Committee shall be 3 years. Newly created Committee positions may be filled by appointments of less than 3 years, as designated by the court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than one term except as otherwise provided in these rules. Members heretofore appointed shall continue to serve until replaced.

(c) Committee Chair. The Board of Governors shall annually designate one lawyer member of the Committee to act as chair and another as vice-chair. The vice-chair shall serve in the absence of or at the request of the Committee chair.

(d) Vacancies. Vacancies in lawyer membership on the Committee and in the office of the Committee chair and the vice-chair shall be filled by the Board of Governors. Vacancies in nonlawyer membership shall be filled by the Supreme Court. A person appointed to fill a vacancy shall complete the unexpired term of the person he or she replaces, and if that unexpired term is less than 18 months he or she may be reappointed to a consecutive term.

(e) Pro Tempore Members. When a member of the Committee is disqualified or unable to function on a case for good cause, the chair of the Committee may, by written order, designate a member pro tempore to sit with the Committee to hear and determine the cause. A member pro tempore may be appointed from among those persons who have previously served as members of the Character and Fitness Committee, or from among lawyers appointed as alternate Board members by the Board of Governors and nonlawyers appointed as alternate Committee members by the Supreme Court. A lawyer shall be appointed to substitute for a lawyer member of the Committee, and a nonlawyer to substitute for a nonlawyer member of the Board.

(f) Authority of Committee. The Committee shall have the power and authority to:

(1) Accept referrals from the Executive Director of the Bar Association by concerning itself with matters of character and fitness bearing upon the qualification of applicants for reinstatement.

(2) Review each Petition for Reinstatement to practice law in the state of Washington.

(3) Investigate matters relevant to the reinstatement of any applicant and conduct hearings concerning such matters.

(4) The committee's recommendation to grant the application shall be forwarded to the Supreme Court. The Committee's recommendation to deny the application may be forwarded to the Disciplinary Board for review upon request of the applicant. All recommendations shall contain findings of fact, conclusions of law, and rationale for the recommendation.

(5) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Board of Governors or Supreme Court, or as may be necessary and proper to carry out its duties.

(g) Meetings. The Committee shall hold meetings at such times and places as it may determine. Where the chair of the Committee determines that prompt action is necessary for protection of the public, and that circumstances do not permit a full meeting of the Committee, the Committee may vote on a matter otherwise ready for review without meeting together, through telephone or written communication.

(h) Clerk. The Executive Director of the Bar Association, under the direction of the Board of Governors, may appoint a suitable person or persons to act as clerk to the Committee, and to assist the Committee in carrying out its functions under these rules.

[NEW RULE]

APR 21 REINSTATEMENT AFTER DISBARMENT

[NEW RULE]

APR 21.1 RESTRICTIONS ON REINSTATEMENT

(a) When Petition May Be Filed. No petition for reinstatement shall be filed within a period of 5 years after disbarment or within a period of 2 years after an adverse decision of the Supreme Court upon a former petition, or within a period of 1 year after an adverse recommendation of the Character and Fitness Committee of the Washington State Bar Association on a former petition when that recommendation is not submitted to the Supreme Court. If prior to disbarment the

lawyer was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the 5 years referred to above.

(b) When Reinstatement May Occur. No disbarred lawyer may be reinstated sooner than 6 years following disbarment. If prior to disbarment the lawyer was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the 6 years referred to above.

(c) Payment of Obligations. No disbarred lawyer may file a petition for reinstatement until costs and expenses assessed pursuant to these rules, and restitution ordered as provided herein, have been paid and until amounts paid out of any program maintained by the Bar Association to indemnify clients against losses caused by the conduct of the petitioner have been repaid to the Bar Association, or until periodic payment plans for costs and expenses, restitution and repayment to the indemnity program have been entered into by agreement between the respondent lawyer and disciplinary counsel. A respondent lawyer may seek review by the Chair of the Disciplinary Board of an adverse determination by disciplinary counsel regarding the reasonableness of any such proposed periodic payment plan. Such review will proceed as directed by the Chair of the Disciplinary Board and the decision of the Chair of the Disciplinary Board is final unless the Chair of the Disciplinary Board determines that the matter should be reviewed by the Disciplinary Board, in which case the Disciplinary Board review will proceed as directed by the Chair and the decision of the Board will be final.

[NEW RULE]

APR 21.2 REVERSAL OF CONVICTION

If a lawyer has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, enter an order reinstating the lawyer to active status. At the time such direct application is filed with the court a copy shall be filed with the Bar Association.

[NEW RULE]

APR 21.3 PETITIONS AND INVESTIGATIONS

(a) Form of Petition. A petition for reinstatement as a member of the Bar Association after disbarment shall be in writing in such form as the Character and Fitness Committee may prescribe. The petition shall be filed with the Character and Fitness Committee. The petition shall set forth the age, residence and address of the petitioner, the date of disbarment, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required of a lawyer applicant under these rules.

(b) Investigations. The Character and Fitness Committee may in its discretion refer the petition for reinstatement for investigation and report to the Character and Fitness Committee by disciplinary counsel, adjunct investigative counsel, or by such other person or persons as may be determined by the Character and Fitness Committee.

(c) Proceedings Public. A petition for reinstatement after disbarment shall be a public proceeding from the time the petition is filed.

[NEW RULE]

APR 21.4 HEARING BEFORE CHARACTER AND FITNESS COMMITTEE

(a) Notice. The Character and Fitness Committee may fix a time and place for a hearing on the petition, and shall serve notice thereof 10 days prior to the hearing upon the petitioner and upon such other persons as may be ordered by the Character and Fitness Committee. Notice of the hearing shall also be published at least once in the Washington State Bar News or such other newspaper or periodical as the Character and Fitness Committee may direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.

(b) Statement in Support or Opposition. On or prior to the date of hearing, anyone wishing to do so may file with the Character and Fitness Committee a written statement for or against the petition, such statements to set forth factual matters showing that the petitioner does or does not meet the requirements of rule 21.5(a).

[NEW RULE]

APR 21.5 ACTION BY CHARACTER AND FITNESS COMMITTEE

(a) Requirements for Favorable Recommendation. Reinstatement may be recommended by the Character and Fitness Committee only upon an affirmative showing that the petitioner possesses the qualifications and meets the requirements as set forth in these rules for lawyer applicants, and that his or her reinstatement will not be detrimental to the integrity and standing of the judicial system or to the administration of justice, or be contrary to the public interest.

(b) Action on Committee Recommendation. The recommendation of the Character and Fitness Committee shall be served upon the petitioner. If the Committee recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Committee recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the petitioner requests that it be submitted to the Disciplinary Board by filing with the Clerk of the Disciplinary Board a request for Disciplinary Board review within 15 days of service of the recommendation of the Character and Fitness Committee. If the petitioner so requests, the record and recommendation shall be transmitted to the Disciplinary Board for disposition and the review will be conducted under the procedure of rules 11.9 and 11.12 of the Rules for Enforcement of Lawyer Conduct. If the petitioner does not so request, the bar examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Character and Fitness Committee.

(c) Action on Disciplinary Board Recommendation. The recommendation of the Disciplinary Board shall be served upon the petitioner. If the Disciplinary Board recommends reinstatement, the record and recommendation shall

be transmitted to the Supreme Court for disposition. If the Disciplinary Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the petitioner requests that it be submitted to the Supreme Court. If the petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the petitioner does not so request, the bar examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Disciplinary Board under the procedure of rule 13.9 of the Rules for Enforcement of Lawyer Conduct.

[NEW RULE]

APR 21.6 ACTION ON SUPREME COURT'S DETERMINATION

(a) **Petition Approved.** If the petition for reinstatement is granted by the Supreme Court, the reinstatement shall be subject to the petitioner's taking and passing the bar examination and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

(b) **Petition Denied.** If the petition for reinstatement is denied, the bar examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding.

Suggested Change

RULE 9. LEGAL INTERNS

(a) - (b) [Unchanged].

(c) **Scope of Practice.** A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Lawyer Discipline Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the usual rights of appeal to the Supreme Court.

(1) A judge may exclude a legal intern from active participation in a case filed with the court in the interest of orderly administration of justice or for the protection of a litigant or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer.

(2) No legal intern may receive payment from a client for the intern's services. However, nothing contained herein shall prevent a legal intern from being paid for services by the intern's employer or to prevent the employer from making such charges for the service of the legal intern as may otherwise be proper. A legal intern and the intern's supervising lawyer or a lawyer from the same office shall, before the

intern undertakes to perform any services for a client, inform the client of the legal intern's status.

(3) A legal intern may advise or negotiate on behalf of a person referred to the intern by the supervising lawyer. A legal intern may prepare necessary pleadings, motions, briefs or other documents. It is not necessary in such instances for the supervising lawyer to be present.

(4) A legal intern may participate in superior court and Court of Appeals proceedings, including depositions, provided the supervising lawyer or another lawyer from the same office is present. Ex parte and agreed orders may be presented to the court by a legal intern without the presence of the supervising lawyer or another lawyer from the same office. An intern may represent the State in juvenile court in misdemeanor and gross misdemeanor cases without in-court supervision after a reasonable period of in-court supervision, which shall not be less than one trial.

(5) Except as otherwise provided in subsection (c)(6), in courts of limited jurisdiction, a legal intern, ~~only after participating with the supervising lawyer in at least one nonjury case, may try nonjury cases in such courts without the presence of a supervising lawyer and, only after participating with the supervising lawyer in at least one jury case, may try jury cases in such courts without the presence of a supervising lawyer~~ may represent the State without in-court supervision after a reasonable period of in-court supervision, which shall not be less than one trial.

(6) Either the supervising lawyer or a lawyer from the same office shall be present in the representation of a defendant in all preliminary criminal hearings.

(d) **Supervising Lawyer.** The supervising lawyer shall be an active member of the Bar Association in good standing, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding approval of the application, the Board of Governors shall have the discretion to accept or reject the lawyer as a supervising lawyer. The supervising lawyer shall have been actively engaged in the practice of law in the State of Washington or elsewhere for at least 3 years at the time the application is filed.

(1) The supervising lawyer or another lawyer from the same office shall direct, supervise and review all of the work of the legal intern and both shall assume personal professional responsibility for any work undertaken by the legal intern while under the lawyer's supervision. ~~All pleadings, motions, briefs, and other documents prepared by the legal intern shall be reviewed by the supervising lawyer or a lawyer from the same office as the supervising lawyer.~~ When a legal intern signs any correspondence or legal documents, the intern's signature shall be followed by the title "legal intern" and, if the document is prepared for presentation to a court of for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or lawyer from the same office as the supervising lawyer. When a legal intern signs any correspondence or legal documents, the intern's signature shall be followed by the title "legal intern", ~~and, if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer.~~ In any proceeding in which a legal intern

appears before the court, the legal intern must advise the court of the intern's status and the name of the intern's supervising lawyer.

(2) Supervision shall not require that the supervising lawyer be present in the room while the legal intern is advising or negotiating on behalf of a person referred to the intern by the supervising lawyer, or while the legal intern is preparing the necessary pleadings, motions, briefs, or other documents.

(3) As a general rule, no supervising lawyer shall have supervision over more than 1 legal intern at any one time. However, in the case of (i) recognized institutions of legal aid, legal assistance, public defender and similar programs furnishing legal assistance to indigents, or legal departments of a state, county or municipality, the supervising lawyer may have supervision over 2 legal interns at one time, or (ii) a clinical course offered by an approved law school where such course has been approved by its dean and is directed by a member of its faculty, and conducted within institutions or legal departments described in (i) or the law school, each full-time clinical supervising lawyer may have supervision over 10 legal interns at one time provided a supervising lawyer attends all adversarial proceedings conducted by the legal interns.

(4) A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer at the discretion of the Board of Governors. When an intern's supervisor is so terminated, the intern shall cease performing any services under this rule and shall cease holding himself or herself out as a legal intern until written notice of a substitute supervising lawyer, signed by the intern and by the new and qualified supervising lawyer, is given to the Bar Association and to the Supreme Court.

(5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide adequate supervision or to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Lawyer Discipline.

(6) For purposes of the attorney-client privilege, an intern shall be considered a subordinate of the lawyer providing supervision for the intern.

(7) For purposes of the provisions of this rule which permit a lawyer from the same office as the supervising lawyer to sign documents or be present with a legal intern during court appearances, the lawyer so acting must be one who meets all of the qualifications for becoming a supervising lawyer under this rule.

(e) [Unchanged].

Related Changes to the RULES OF PROFESSIONAL CONDUCT

RPC 1.2 SCOPE OF REPRESENTATION

(a) [No Change].

(b) [No Change].

(c) [No Change].

(d) [No Change].

(e) [No Change].

(f) A lawyer shall not willfully purport to act as a lawyer for any person without the authority of that person.

RPC 1.14 PRESERVING IDENTITY OF FUNDS AND PROPERTY OF A CLIENT

(a) [No Change].

(b) [No Change].

(c) Each trust account referred to in section (a) shall be an interest-bearing trust account in any bank, credit union or savings and loan association, selected by a lawyer in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Washington Credit Union Share Guaranty Association, or the Federal Savings and Loan Insurance Corporation, or which is a qualified public depository as defined in RCW 39.58.010(2), which bank, credit union, savings and loan association or qualified public depository has filed an agreement with the Disciplinary Board pursuant to rule ~~13.4~~ 15.4 of the ~~Rules for Lawyer Discipline~~ Rules for Enforcement of Lawyer Conduct. Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to reserve by law or regulation.

(1) [No Change].

(2) [No Change].

(3) [No Change].

(4) [No Change].

(5) [No Change].

(6) [No Change].

(d) [No Change].

RPC 5.5 UNAUTHORIZED PRACTICE OF LAW

A lawyer shall not:

(a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or

(b) assist a person who is not a member of the Bar in the performance of activity that constitutes the unauthorized practice of law;

(c) permit his or her name to be used as a lawyer by another person who is not a lawyer authorized to practice law in the state of Washington;

(d) engage in any of the following with an individual who is a disbarred or suspended lawyer or who has resigned resigned in lieu of disbarment:

(1) practice law with or in cooperation with such an individual;

(2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;

(3) permit such an individual to use the lawyer's name for the practice of law;

(4) practice law for or on behalf of such an individual;

(5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual; or

(e) engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.

RPC 8.1 BAR ADMISSION MATTERS

An applicant for admission to the Bar, or a lawyer in connection with a bar admission application, or an application for reinstatement, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

RPC 8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) [No Change].
- (b) [No Change].
- (c) [No Change].
- (d) [No Change].
- (e) State or imply an ability to influence improperly a government agency or official; or
- (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) Commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability or marital status. This rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with RPC 1.15; or
- (h) In representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, other parties and/or their counsel, witnesses and/or their counsel, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments;

(i) Commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;

(j) Willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;

(k) Violate his or her oath as an attorney;

(l) Violate a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ELC 1.5;

(m) Violate the Code of Judicial Conduct; or

(n) Engage in conduct demonstrating unfitness to practice law.

RULE 8.5 JURISDICTION

(a) A lawyer licensed or admitted for any purpose to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.

(b) A lawyer may be subjected to disciplinary sanctions or actions in this jurisdiction on the basis of suspension, disbarment or other disciplinary sanction by competent authority in any other state, federal or foreign jurisdiction.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-21-002

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed October 2, 2002, 3:21 p.m.]

ETA 2010.04.08.183—Health and physical fitness clubs receiving initiation fees and dues income

This announcement of the issuance of this interpretive statement is published in the Washington State Register pursuant to the requirements of RCW 34.05.230.

ETA 2010 has been issued to explain that for purposes of determining whether income is deductible as bona fide initiation fees or dues, a health and/or physical fitness club must first show that it receives some income from dues and/or initiation fees solely for social benefits and not for services rendered. It explains the continued validity of Det. No. 97-146R, 17 WTD 133 (1998), and that the fact that a health and/or physical fitness club may have parties or other events for its members at no separate charge does not demonstrate that the member pays a portion of his or her dues for social benefits.

A copy of this advisory is available via the Internet at <http://dor.wa.gov/docs/rules/eta/2010.pdf>. Alternatively, a request for a copy of this advisory may be directed to: Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Alan R. Lynn
Rules Coordinator

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WSR 02-21-003
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—October 3, 2002]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
 Mount Vernon, WA 98273
 Tuesday, October 1, 2002
 4:00 p.m.

Mount Vernon Campus - Board Room

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Tuesday, October 1, 2002, 4:00 p.m.** This meeting is being held as a presidential search study session. Action may be taken, if necessary, as a result of items discussed.

WSR 02-21-006
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

(State Capitol Committee)

[Memorandum—October 1, 2002]

This is a notice of cancellation for the Thursday, October 17, 2002, State Capitol Committee meeting.

If you have any questions, contact Lenore Miller at (360) 902-0970.

WSR 02-21-007
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—October 4, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 17, 2002, 8:30 - 11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 02-21-008
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—October 4, 2002]

The board of trustees of Bellingham Technical College will meet on Friday, October 4, 2002, 8:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus, in a special session to discuss pending

legal matters. Action may be taken, if necessary, as a result of items discussed. Call 738-3105 ext. 334 for information.

WSR 02-21-015
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT

[Memorandum—October 7, 2002]

NOTICE OF SPECIAL MEETING

By direction of the Commission on Judicial Conduct, the commission will hold a special meeting commencing at 6:00 p.m. on Wednesday, December 4, 2002, and continuing until approximately 1:00 p.m., December 6, 2002. The meeting will be conducting at the Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, for the purpose of providing an education program for its members.

WSR 02-21-017
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 8, 2002, 4:08 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 226.

Subject: Registering foreign country orders.

Effective Date: September 20, 2002.

Document Description: This notice explains to DCS staff how to register foreign country child support orders with the superior court.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

October 2, 2002
 Stephanie E. Schiller

WSR 02-21-018
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 8, 2002, 4:09 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 225.

Subject: New NWEF procedures.

Effective Date: September 17, 2002.

Document Description: This notice explains to DCS staff how headquarters nonwage enforcement program staff

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now send out the DSHS 18-521 and the DSHS 18-522 forms rather than field staff.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

October 1, 2002
Stephanie E. Schiller

WSR 02-21-026
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE

[Memorandum—October 9, 2002]

The board of trustees of Whatcom Community College, District Number Twenty-One, has rescheduled its regular meeting of Tuesday, November 12, 2002, at 2:00 p.m. in the Board Room at 237 West Kellogg Road, Bellingham, WA. The rescheduled meeting will be held on Tuesday, November 5, 2002. Notices will be sent to the media and the college community.

WSR 02-21-027
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—September 27, 2002]

At the direction of Joe King, president of the board of regents, and with the concurrence of the members of the board, the regular meeting of the board of regents scheduled for October 11, 2002, is canceled.

The next board meeting will be held on Friday, November 22, 2002.

WSR 02-21-028
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—October 3, 2002]

The board of regents of Washington State University will hold the following committee meetings on Friday, October 11, 2002, at WSU West, 520 Pike Street, Suite 1101, in Seattle:

- 10:00 a.m. - 12:00 p.m. Executive, Planning, Budget, and Athletics Committee
- 1:00 - 3:00 p.m. Business Affairs and Information Technology Committee
- 1:00 - 3:00 p.m. University Development and University Relations Committee

The regents are also invited to have an informal lunch at noon.

This notice is being sent by direction of the president of the board of regents pursuant to the requirements of the Open Public Meetings Act of 1971 (chapter 250, Laws of 1971 1st sp.s.), as amended.

WSR 02-21-029
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE

[Memorandum—October 4, 2002]

The October 16, 2002, meeting of the Lower Columbia College board of trustees will be held in an alternative location. The meeting will begin as usual at 5:00 p.m., but will take place in the Lower Columbia College Admissions Center, Room 143.

WSR 02-21-034
RULES OF COURT
STATE SUPREME COURT

[October 10, 2002]

| | | |
|---------------------------------------|---|-----------------|
| IN THE MATTER OF THE ADOPTION |) | ORDER |
| OF THE AMENDMENTS TO RPC 1.2, |) | NO. 25700-A-753 |
| RPC 4.2, RPC 4.3, NEW RPC 6.5, NEW CR |) | |
| 4.2, NEW CRLJ 4.2, CR 11 AND CRLJ 11 |) | |
| (BY DESIGNATING CR 11 AND CRLJ 11 |) | |
| AS CR 11(a) AND CRLJ 11(a) AND BY |) | |
| ADDING NEW CR 11(b) AND NEW CRLJ |) | |
| 11(b)), NEW CR 70.1 AND NEW CRLJ |) | |
| 70.1 |) | |

The Washington State Bar Association and the Access to Justice Board having recommended the adoption of the proposed amendments and new rules to RPC 1.2, RPC 4.2, RPC 4.3, New RPC 6.5, New CR 4.2, New CRLJ 4.2, CR 11 and CRLJ 11 (by designating CR 11 and CRLJ 11 as CR 11(a) and CRLJ 11(a) and by adding New CR 11(b) and New CRLJ 11(b)), New CR 70.1 and New CRLJ 70.1, and the Court having determined that the proposed amendments and new rules will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and new rules as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments and new rules will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 10th day of October 2002.

Alexander, C. J.

Smith, J.

MISC.

| | |
|----------------------------|--------------|
| Johnson, J. | Bridge, J. |
| Madsen, J. | Chambers, J. |
| Sanders, J. - except CR 11 | Owens, J. |

SUGGESTED NEW RULE
RULES OF PROFESSIONAL CONDUCT (RPC)
RPC 6.5 - NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest except that those rules shall not prohibit a lawyer from providing limited legal services sufficient only to determine eligibility of the client for assistance by the program and to make an appropriate referral of the client to another program; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter; and,

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a) or 1.10 in providing limited legal services to a client if (a) the program lawyers representing the opposing clients are screened by effective means from information as to the opposing client's confidences, secrets, trial strategy and work product as to the matter at issue, (b) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of confidential or secret information; and (c) the program is able to demonstrate by convincing evidence that no confidences or secrets that are material were transmitted by the personally disqualified lawyers to the lawyer representing the conflicting client before implementation of the screening mechanism and notice to the opposing client.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

RULES FOR SUPERIOR COURT - CIVIL RULES (CR)
CR 4.2 - PROCESS - LIMITED REPRESENTATION

(a) An attorney may undertake to provide limited representation in accordance with RPC 1.2 to a person involved in a court proceeding.

(b) Providing limited representation of a person under these rules shall not constitute an entry of appearance by the attorney for purposes of CR 5(b) and does not authorize or require the service or delivery of pleadings, papers or other documents upon the attorney under CR 5(b). Representation of the person by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the person constitutes an entry of appearance pursuant to RCW 4.28.210 and CR 4 (a)(3), except to the extent that a limited notice of appearance as provided for under CR 70.1 is filed and served prior to or simultaneous with the actual appearance. The attorney's violation of this Rule may subject the attorney to the sanctions provided in CR 11(a).

SUGGESTED AMENDMENT
RULES OF PROFESSIONAL CONDUCT (RPC)
RPC 1.2 - SCOPE OF REPRESENTATION

- (a) No change.
- (b) No change.
- (c) A lawyer may limit the objectives scope of the representation if the limitation is reasonable under the circumstances and the client consents after consultation. An agreement limiting the scope of a representation shall consider the applicability of rule 4.2 to the representation.
- (d) No change.
- (e) No change.

SUGGESTED AMENDMENT
RULES OF PROFESSIONAL CONDUCT (RPC)
RPC 4.2 - COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

(a) In representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.

SUGGESTED AMENDMENT
RULES OF PROFESSIONAL CONDUCT (RPC)
RPC 4.3 - DEALING WITH UNREPRESENTED PERSON

(a) In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding.

(b) An otherwise unrepresented person to whom limited representation is being provided or has been provided in accordance with rule 1.2 is considered to be unrepresented for purposes of this rule unless the opposing lawyer knows of, or has been provided with, a written notice of appearance under which, or a written notice of time period during which, he or she is to communicate only with the limited representation lawyer as to the subject matter within the limited scope of the representation.

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**CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CR)
CRLJ 4.2 - PROCESS - LIMITED REPRESENTATION**

(a) An attorney may undertake to provide limited representation in accordance with RPC 1.2 to a person involved in a court proceeding.

(b) Providing limited representation of a person under these rules shall not constitute an entry of appearance by the attorney for purposes of CR 5(b) and does not authorize or require the service or delivery of pleadings, papers or other documents upon the attorney under CRLJ 5(b). Representation of the person by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the person constitutes an entry of appearance pursuant to RCW 4.28.210 and CRLJ 4 (a)(3), except to the extent that a limited notice of appearance as provided for under CRLJ 70.1 is filed and served prior to or simultaneous with the actual appearance. The attorney's violation of this Rule may subject the attorney to the sanctions provided in CRLJ 11(a).

SUGGESTED AMENDMENT

**RULES FOR SUPERIOR COURT - CIVIL RULES (CR)
CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS,
AND LEGAL MEMORANDA; SANCTIONS**

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or paper, that to the best of the attorney's knowledge, informa-

tion, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

SUGGESTED AMENDMENT

**CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
CRLJ 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS,
AND LEGAL MEMORANDA; SANCTIONS**

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum; that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or paper, that to the best of the attorney's knowledge, information, and belief, formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are

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false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

**SUGGESTED NEW RULE
RULES FOR SUPERIOR COURT - CIVIL RULES (CR)
CR 70.1 - APPEARANCE BY ATTORNEY**

(a) Notice of Appearance. An attorney admitted to practice in this state may appear for a party by serving a notice of appearance.

(b) Notice of Limited Appearance. If specifically so stated in a notice of limited appearance filed and served prior to or simultaneous with the proceeding, an attorney's role may be limited to one or more individual proceedings in the action. Service on an attorney who has made a limited appearance for a party shall be valid (to the extent permitted by statute and rule 5(b)) only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders. At the conclusion of such proceedings the attorney's role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance which notice shall include the client information required by rule 71 (c)(1).

**CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
CRLJ 70.1 - APPEARANCE BY ATTORNEY**

(a) Notice of Appearance. An attorney admitted to practice in this state may appear for a party by serving a notice of appearance.

(b) Notice of Limited Appearance. If specifically so stated in a notice of limited appearance filed and served prior to or simultaneous with the proceeding, an attorney's role may be limited to one or more individual proceedings in the action. Service on an attorney who has made a limited appearance for a party shall be valid (to the extent permitted by statute and rule 5(b)) only in connection with the specific proceedings for which the attorney has appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders. At the conclusion of such proceedings the attorney's role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance which notice shall include the client information required by rule 71 (c)(1).

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

**WSR 02-21-035
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
[Memorandum—October 10, 2002]**

**Board of Trustees
2003 Meeting Schedule**

February 7, 2003
April 11, 2003

June 13, 2003
August 1, 2003
October 3, 2003
December 5, 2003 or December 12, 2003

At the October 4, 2002, meeting of Western's board of trustees, a resolution was adopted formally changing board meeting days from Thursdays to Fridays. It is the university's intention to amend WAC 516-04-010 in the near future to reflect the Friday dates.

If you have any questions, please contact Suzanne Baker by phone at (360) 650-3117 or by e-mail at Suzanne.Baker@wwu.edu.

**WSR 02-21-036
NOTICE OF PUBLIC MEETINGS
HORSE RACING COMMISSION
[Memorandum—October 11, 2002]**

2003 Meeting Dates

| DATE | TOPIC | LOCATION |
|-------------------------------|------------------------------|---|
| Thursday January 9, 2003 | Equine Health and Medication | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |
| Thursday February 13, 2003 | Spring/Summer Race Meets | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |
| Thursday March 13, 2003 | | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |
| Thursday April 10, 2003 | | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |
| Thursday May 8, 2003 | | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |
| Thursday June 12, 2003 | | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |
| Thursday July 10, 2003 | Fall/Winter Race Meets | 1:00 p.m. Auburn City Council Chambers 25 West Main Auburn, WA 98001 |

MISC.

Thursday
August 14, 2003

1:00 p.m.
Auburn City Council
Chambers
25 West Main
Auburn, WA 98001

Thursday
September 11, 2003

1:00 p.m.
Auburn City Council
Chambers
25 West Main
Auburn, WA 98001

Thursday
October 9, 2003

1:00 p.m.
Auburn City Council
Chambers
25 West Main
Auburn, WA 98001

Thursday
November 13, 2003

1:00 p.m.
Peppertree Auburn Inn
401 8th Street S.W.
Auburn, WA 98001

Thursday
December 11, 2003

2004 Race Dates

1:00 p.m.
Auburn City Council
Chambers
25 West Main
Auburn, WA 98001

WSR 02-21-037
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—October 9, 2002]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, October 15, 2002, at 1:15 p.m.** in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-21-038
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—October 9, 2002]

A meeting of the Washington State Convention and Trade Center board of directors Minority Outreach Committee will be held on **Tuesday, October 15, 2002, at 12:15 p.m.** in the Administrative Glass Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-21-039
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—October 9, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, October 15, 2002, at 2:00 p.m.** in Room 203, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-21-040
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY
SITE EVALUATION COUNCIL

[Memorandum—October 11, 2002]

2003 MEETING SCHEDULE

| January | February | March | April |
|---------------|---------------|--------------|--------------|
| 6 Executive | 3 Executive | 3 Executive | 7 Executive |
| 13 Council | 10 Council | 10 Council | 14 Council |
| *21 Executive | *18 Executive | 17 Executive | 21 Executive |
| May | June | July | August |
| 5 Executive | 2 Executive | 7 Executive | 4 Executive |
| 10 Council | 9 Council | 14 Council | 11 Council |
| 19 Executive | 16 Executive | 21 Executive | 18 Executive |
| September | October | November | December |
| *2 Executive | 6 Executive | 3 Executive | 1 Executive |
| 8 Council | 13 Council | 10 Council | 8 Council |
| 15 Executive | 20 Executive | 17 Executive | 15 Executive |

*Due to holiday, meeting scheduled on Tuesday

Regular council meetings start at 1:30 p.m. and are held at the Attorney General's Conference Center, RoweSix Conference Center, Building One, 4224 Sixth Avenue S.E., Lacey, WA 98504-0107, phone (360) 438-8584.

Executive council meetings start at 1:30 p.m. and are held at the WSU Building, Conference Room 308, 925 Plum Street S.E., Olympia, WA 98504-3172, phone (360) 956-2121.

Energy Facility Site Evaluation Council mailing address: P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2121, fax (360) 956-2158.

MISC.

WSR 02-21-041
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—October 14, 2002]

BOARD OF TRUSTEES
October 18, 2002

Open Public Meeting at 9:00 a.m.
Executive Session at 12:00 p.m.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 02-21-042
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION

[Memorandum—October 14, 2002]

Below are the 2003 meeting dates for the Washington Traffic Safety Commission. Please note that the dates and time have changed.

Thursday, January 23
 Thursday, April 24
 Thursday, July 24
 Thursday, October 23

Each meeting will be held at 10:30 a.m. in the conference room of the Washington Traffic Safety Commission.

Please note that the July 24, meeting is critical one. We need to have the commissioners in attendance to approve the highway safety plan. Please contact Michelle Nicholls for additional information.

For special accommodation needs or to request an auxiliary aid for these meetings, please contact Michelle Nicholls at (360) 586-3864.

WSR 02-21-048
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 14, 2002, 3:18 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing instruction.
 Subject: Dental and orthodontic programs.
 Effective Date: November 1, 2002.

Document Description: These are billing instructions for dental and orthodontic providers to use when billing for services rendered to medical assistance clients. Included in this document are definitions, client eligibility, coverage information, teeth charts, claim form instructions and samples, and fee schedules.

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>.

October 8, 2002

E. A. Myers, Manager
 Rules and Publications Section

WSR 02-21-049
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed October 14, 2002, 3:19 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-78 MAA.

Subject: Updates to MAA's maximum allowable cost (MAC) list.

Effective Date: November 1, 2002.

Document Description: Effective for dates of service on and after November 1, 2002, MAA will implement the additions and rate changes to the maximum allowable cost list featured in this memo.

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>.

October 8, 2002

E. A. Myers, Manager
 Rules and Publications Section

WSR 02-21-057
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Title and Registration Advisory Committee)

[Memorandum—October 14, 2002]

Please publish a public meeting notice for the next **Title and Registration Advisory Committee (TRAC)** meeting in the next publication of the State Register.

DATE: October 18, 2002
TIME: 8:30 a.m. - 10:30 a.m.

PLACE: Highways-Licensing Building
Conference Room 413
1125 Washington Street
Olympia, WA 98504

WSR 02-21-060
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 15, 2002, 2:08 p.m.]

Minimum Wage Rate

As per RCW 49.46.020, the Department of Labor and Industries has calculated the adjusted minimum wage rate to be \$7.01, effective January 1, 2003.

Please call (360) 902-5303 if you have any questions.

Rich Ervin
Employment Standards
Program Manager

change is nonrandom, previously unanticipated, and applicable to the group.

- The carrier must provide a statement that they expect a favorable opinion from the valuation actuary considering the following:
 1. Reserves for each group are adequate and reasonable with consideration given to anticipated future gross premiums, claims and expenses.
 2. The analysis of reserve adequacy must not anticipate rate increases that have not been approved.
 3. If a policy offers a nonforfeiture benefit, its reserve must not be less than the net single premium for that benefit.

These procedures apply to filings received after the issue of this Advisory, including subsequent changes to any previously approved filings.

For specific questions or additional information, please contact Lee Michelson at 360-725-7130 or e-mail at LeeM@OIC.WA.GOV or go to the OIC website at www.insurance.wa.gov.

WSR 02-21-064
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed October 15, 2002, 4:49 p.m.]

TECHNICAL ASSISTANCE ADVISORY
T 02-04

TO: Long-Term Care Insurers
SUBJECT: Limited Premium Payment Options for Long-Term Care Contracts
DATE: October 15, 2002

The Office of the Insurance Commissioner is revising review procedures for Long-Term Care (LTC) contracts with limited premium payment options. Policy filings with premium payment options such as "single premium," "20 pay," and "10 pay" will now be considered for approval subject to the following conditions:

- The premium paying period must be stated and guaranteed in the policy form and specified in the application or in the enrollment form.
- Under WAC 284-60-040(1), policy forms must be grouped by the number of years of premium payments or by the age at which the policy becomes paid up.
- The experience records required by WAC 284-60-070 must be maintained for each group separately.
- Rate changes must be based upon each group's experience. If the experience is not credible (either on a state or nationwide basis), a rate change may be based on a change in underlying pricing factors (e.g., general inflation of nursing home charges). The filing must satisfy the Commissioner that the

WSR 02-21-065
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed October 15, 2002, 4:51 p.m.]

WITHDRAWAL OF BULLETINS

In an effort to continue the scheme of regulatory improvement, the insurance commissioner has reviewed bulletins issued by the office over the past forty-seven years. The following bulletins have become obsolete and are no longer necessary to clarify state law and/or state regulations. Therefore, the following bulletins are being withdrawn:

- No. 1958 Antidiscrimination
- No. 80-3 Underinsured Motorist Forms - Prohibited Exclusion
- No. 82-9 Motorcycle Policies - Liability Coverage with Respect to Passengers to be included
- No. 83-2 Underinsured Motor Vehicle Insurance - 1983 changes
- No. 89-1 Amendments to Charter or By-Laws
- No. 92-3 Excess Loss/Stop Loss Coverage Written by Life and Disability Insurers
- No. 98-1 Diabetes Cost Reduction Act of 1997
- No. 98-2 WAC 284-43-920
- No. 00-05 Implementation of Gramm-Leach-Bliley Act

If you have questions contact Kacy Scott, (360) 664-3784, kacys@oic.wa.gov.

MISC.

WSR 02-21-069
NOTICE OF PUBLIC MEETINGS
YAKIMA VALLEY
COMMUNITY COLLEGE
 [Memorandum—October 14, 2002]

The board of trustees for Yakima Valley Community College holds regular meetings at 4:30 p.m. on the second Thursday of every month in the M. L. King Room of the Hopf Union Building on the Yakima Valley Community College campus. *Exceptions for 2003 are noted as indicated below.*

- January 9, 2003
- February 13, 2003
- March 13, 2003
- April 10, 2003 (*Grandview Campus, Grandview, Washington*)
- May 8, 2003
- June 5, 2003 (*1st Thursday*)
- July 10, 2003
- August 14, 2003
- September 11, 2003
- October 9, 2003
- November 13, 2003
- December 11, 2003

In accordance with RCW 42.30.075, this schedule of regular meeting dates for the Yakima Valley Community College, District 16, board of trustees is filed with the Office of the Code Reviser for publication in the Washington State Register.

WSR 02-21-077
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 17, 2002, 3:05 p.m.]

The Washington Fish and Wildlife Commission has scheduled the following conference call: October 24, 2002, at 9:00 a.m.

Nancy Burkhart
 Commission Office Assistant

WSR 02-21-083
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD
 [Memorandum—October 18, 2002]

The January meetings of the Washington State Noxious Weed Control Board will be held as follows:

- Tuesday
 January 21, 2003
 8:30 a.m.
- Natural Resources Building, Room 172
 1111 Washington Street
 Olympia, WA 98504-2560
- Wednesday
 January 22, 2003
 1 p.m.
- Natural Resources Building, Room 172
 1111 Washington Street
 Olympia, WA 98504-2560

WSR 02-21-091
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 [Memorandum—October 21, 2002]

MEDICAL QUALITY ASSURANCE COMMISSION
2003 MEETING DATES

| DATE | | COMMENTS |
|-------------|---|---|
| January 10 | Holiday Inn Select One South Grady Way Renton, WA 98055 (425) 226-7700 | Regular Meeting 8:00 a.m. - 11:30 a.m. |
| February 28 | Holiday Inn Select One South Grady Way Renton, WA 98055 (425) 226-7700 | Regular Meeting 8:00 a.m. - 11:30 a.m. |
| April 11 | Hawthorn Suites 6329 South 212th Street Kent, WA 98032 (253) 395-3800 | Regular Meeting 8:00 a.m. - 11:30 a.m. |
| May 30 | Holiday Inn Select One South Grady Way Renton, WA 98055 (425) 226-7700 | Regular Meeting 8:00 a.m. - 11:30 a.m. |
| July 11 | Holiday Inn Select One South Grady Way Renton, WA 98055 (425) 226-7700 | Regular Meeting 8:00 a.m. - 11:30 a.m. |
| October 10 | Holiday Inn Select One South Grady Way Renton, WA 98055 (425) 226-7700 | Regular Meeting 8:00 a.m. - 11:30 a.m. |
| November 21 | Holiday Inn Select One South Grady Way Renton, WA 98055 (425) 226-7700 | Regular Meeting 8:00 a.m. - 11:30 a.m. |

Current as of September 12, 2002.

WSR 02-21-099
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Memorandum—October 22, 2002]

Notice of Meeting Cancellation

At the direction of the Commission on Judicial Conduct Chair, the December business meeting, previously scheduled for Friday, December 6, 2002, at 11:00 a.m. at the Holiday

MISC.

Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA 98188, has been cancelled.

WSR 02-21-110
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY
SITE EVALUATION COUNCIL
 [Memorandum—October 22, 2002]

EFSEC 2003 MEETING SCHEDULE DATE AMENDMENT

Please amend 2003 meeting schedule for the Washington State Energy Facility Site Evaluation Council (council or EFSEC). The information shown below has the change to the notice completed. The correction reads regular council meeting, May 12th (Monday), instead of May 10th (Saturday).

2003 MEETING SCHEDULE

| January | February | March | April |
|---------------|---------------|--------------|--------------|
| 6 Executive | 3 Executive | 3 Executive | 7 Executive |
| 13 Council | 10 Council | 10 Council | 14 Council |
| *21 Executive | *18 Executive | 17 Executive | 21 Executive |
| May | June | July | August |
| 5 Executive | 2 Executive | 7 Executive | 4 Executive |
| 12 Council | 9 Council | 14 Council | 11 Council |
| 19 Executive | 16 Executive | 21 Executive | 18 Executive |
| September | October | November | December |
| *2 Executive | 6 Executive | 3 Executive | 1 Executive |
| 8 Council | 13 Council | 10 Council | 8 Council |
| 15 Executive | 20 Executive | 17 Executive | 15 Executive |

*Due to holiday, meeting scheduled on Tuesday.

Regular council meetings start at 1:30 p.m. and are held at the Attorney General's Conference Center, RoweSix Conference Center, Building One, 4224 Sixth Avenue S.E., Lacey, WA 98504-0107, phone (360) 438-8584.

Executive council meetings start at 1:30 p.m. and are held at the WSU Building, Conference Room 308, 925 Plum Street S.E., Olympia, WA 98504-3172, phone (360) 956-2121.

Energy Facility Site Evaluation Council mailing address: P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2121, fax (360) 956-2158.

WSR 02-21-116
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum—October 21, 2002]

MEETING NOTICE: January 16, 2003
 County Road Administration Board
 2404 Chandler Court S.W. Suite 240
 Olympia, WA 98504
 1:00 p.m. to 5:00 p.m.

PUBLIC HEARING: January 16, 2003
 County Road Administration Board
 2404 Chandler Court S.W. Suite 240
 Olympia, WA 98504
 2:00 p.m.

MEETING NOTICE: January 17, 2003
 County Road Administration Board
 2404 Chandler Court S.W. Suite 240
 Olympia, WA 98504
 9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 02-21-124
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIRE FIGHTERS
 [Memorandum—October 21, 2002]

The State Board for Volunteer Firefighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 112, on January 17, April 18, July 11, and October 17, 2003, at 9:00 a.m.

WSR 02-21-132
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—October 23, 2002]

Revised Schedule*

The Transportation Improvement Board's 2002 meeting schedule is as follows:

| | | |
|---------------------|-----------------------|-------------|
| Thursday and Friday | January 24-25, 2002 | Everett |
| Thursday and Friday | March 21-23, 2002 | Olympia |
| Thursday and Friday | May 23-24, 2002 | Walla Walla |
| Thursday and Friday | July 25-26, 2002 | Aberdeen |
| Thursday and Friday | September 26-27, 2002 | Wenatchee |
| Thursday and Friday | November 21-22, 2002 | Spokane |

The Transportation Improvement Board's 2003 meeting schedule is as follows:

| | | |
|---------------------|-----------------------|-------------|
| Thursday and Friday | January 23-24, 2003 | Olympia |
| Thursday and Friday | March 27-28, 2003 | Bellingham |
| Thursday and Friday | May 29-30, 2003 | Pullman |
| Thursday and Friday | July 24-25, 2003 | Vancouver |
| Thursday and Friday | September 25-26, 2003 | Ellensburg* |
| Thursday and Friday | November 20-21, 2003 | Tacoma |

MISC.

The above meetings will be held between 1:00 p.m. and 6:00 p.m. on Thursdays and 9:00 a.m. and 12:00 p.m. on Fridays.

If you have any questions, please contact Steve Gorcetter by phone at (360) 586-1139, or by e-mail at steveg@tib.wa.gov.

***The September 25-26, 2003, TIB meeting location has moved from Pasco to Ellensburg.**

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 # |
|------------|--------|-----------|------------|--------|-----------|------------|--------|-----------|
| 4- 25-410 | AMD | 02-04-064 | 16- 89-020 | REP-P | 02-20-100 | 16-157-100 | NEW-P | 02-04-109 |
| 4- 25-520 | AMD | 02-04-064 | 16- 89-022 | NEW-P | 02-20-100 | 16-157-100 | NEW | 02-10-090 |
| 4- 25-530 | AMD-P | 02-13-022 | 16- 89-025 | NEW-P | 02-20-100 | 16-157-110 | NEW-P | 02-04-109 |
| 4- 25-530 | AMD-S | 02-17-050 | 16- 89-030 | AMD-P | 02-20-100 | 16-157-110 | NEW | 02-10-090 |
| 4- 25-540 | AMD | 02-04-064 | 16- 89-050 | AMD-P | 02-20-100 | 16-157-120 | NEW-P | 02-04-109 |
| 4- 25-610 | AMD | 02-04-064 | 16- 89-100 | AMD-P | 02-20-100 | 16-157-120 | NEW | 02-10-090 |
| 4- 25-610 | PREP | 02-11-007 | 16-104 | PREP | 02-06-050 | 16-157-200 | NEW-P | 02-04-109 |
| 4- 25-620 | AMD | 02-04-064 | 16-108 | PREP | 02-18-015 | 16-157-200 | NEW | 02-10-090 |
| 4- 25-626 | AMD | 02-04-064 | 16-154-010 | REP-P | 02-04-109 | 16-157-210 | NEW-P | 02-04-109 |
| 4- 25-630 | AMD | 02-04-064 | 16-154-030 | REP-P | 02-04-109 | 16-157-210 | NEW | 02-10-090 |
| 4- 25-631 | AMD | 02-04-064 | 16-154-040 | REP-P | 02-04-109 | 16-157-220 | NEW-P | 02-04-109 |
| 4- 25-640 | AMD-W | 02-04-062 | 16-154-050 | REP-P | 02-04-109 | 16-157-220 | NEW | 02-10-090 |
| 4- 25-640 | PREP | 02-04-063 | 16-154-053 | REP-P | 02-04-109 | 16-157-230 | NEW-P | 02-04-109 |
| 4- 25-640 | AMD-P | 02-17-049 | 16-154-060 | REP-P | 02-04-109 | 16-157-230 | NEW | 02-10-090 |
| 4- 25-660 | AMD | 02-04-064 | 16-154-070 | REP-P | 02-04-109 | 16-157-240 | NEW-P | 02-04-109 |
| 4- 25-710 | PREP | 02-04-063 | 16-154-080 | REP-P | 02-04-109 | 16-157-240 | NEW | 02-10-090 |
| 4- 25-710 | AMD | 02-04-064 | 16-154-090 | REP-P | 02-04-109 | 16-157-250 | NEW-P | 02-04-109 |
| 4- 25-720 | AMD | 02-04-064 | 16-154-100 | REP-P | 02-04-109 | 16-157-250 | NEW | 02-10-090 |
| 4- 25-721 | AMD | 02-04-064 | 16-154-110 | REP-P | 02-04-109 | 16-157-255 | NEW-P | 02-04-109 |
| 4- 25-730 | AMD | 02-04-064 | 16-154-120 | REP-P | 02-04-109 | 16-157-255 | NEW | 02-10-090 |
| 4- 25-735 | NEW | 02-04-064 | 16-154-180 | REP-P | 02-04-109 | 16-157-260 | NEW-P | 02-04-109 |
| 4- 25-745 | AMD | 02-04-064 | 16-156-003 | REP-P | 02-04-109 | 16-157-260 | NEW | 02-10-090 |
| 4- 25-746 | AMD | 02-04-064 | 16-156-004 | REP-P | 02-04-109 | 16-157-270 | NEW-P | 02-04-109 |
| 4- 25-750 | AMD | 02-04-064 | 16-156-005 | REP-P | 02-04-109 | 16-157-270 | NEW | 02-10-090 |
| 4- 25-752 | NEW | 02-04-064 | 16-156-010 | REP-P | 02-04-109 | 16-157-275 | NEW-P | 02-04-109 |
| 4- 25-756 | NEW | 02-04-064 | 16-156-020 | REP-P | 02-04-109 | 16-157-275 | NEW | 02-10-090 |
| 4- 25-783 | AMD | 02-04-064 | 16-156-030 | REP-P | 02-04-109 | 16-157-280 | NEW-P | 02-04-109 |
| 4- 25-790 | AMD | 02-04-064 | 16-156-035 | REP-P | 02-04-109 | 16-157-280 | NEW | 02-10-090 |
| 4- 25-791 | AMD | 02-04-064 | 16-156-040 | REP-P | 02-04-109 | 16-157-290 | NEW-P | 02-04-109 |
| 4- 25-792 | AMD | 02-04-064 | 16-156-050 | REP-P | 02-04-109 | 16-157-290 | NEW | 02-10-090 |
| 4- 25-793 | NEW | 02-04-064 | 16-156-060 | REP-P | 02-04-109 | 16-158-010 | REP-P | 02-04-109 |
| 4- 25-795 | AMD | 02-04-064 | 16-156-070 | REP-P | 02-04-109 | 16-158-020 | REP-P | 02-04-109 |
| 4- 25-820 | AMD | 02-04-064 | 16-157 | AMD-C | 02-07-117 | 16-158-027 | REP-P | 02-04-109 |
| 4- 25-830 | AMD | 02-04-064 | 16-157 | PREP | 02-16-098 | 16-158-028 | REP-P | 02-04-109 |
| 4- 25-910 | AMD | 02-04-064 | 16-157-010 | NEW-P | 02-04-109 | 16-158-030 | REP-P | 02-04-109 |
| 4- 25-930 | NEW-P | 02-13-021 | 16-157-010 | NEW | 02-10-090 | 16-158-040 | REP-P | 02-04-109 |
| 4- 25-930 | NEW | 02-17-051 | 16-157-020 | NEW-P | 02-04-109 | 16-158-050 | REP-P | 02-04-109 |
| 16- 89-005 | AMD-P | 02-20-100 | 16-157-020 | NEW | 02-10-090 | 16-158-060 | REP-P | 02-04-109 |
| 16- 89-010 | AMD-P | 02-20-100 | 16-157-030 | NEW-P | 02-04-109 | 16-158-080 | REP-P | 02-04-109 |
| 16- 89-015 | AMD-P | 02-20-100 | 16-157-030 | NEW | 02-10-090 | 16-158-090 | REP-P | 02-04-109 |

TABLE

Table of WAC Sections Affected

| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
|--------------|--------|-----------|-------------|--------|-----------|------------|--------|-----------|
| 16-158-100 | REP-P | 02-04-109 | 16-228-1238 | NEW-W | 02-12-028 | 16-302-435 | AMD-P | 02-09-059 |
| 16-158-110 | REP-P | 02-04-109 | 16-228-1460 | PREP | 02-18-111 | 16-302-435 | AMD | 02-12-060 |
| 16-158-120 | REP-P | 02-04-109 | 16-228-2000 | REP-P | 02-14-092 | 16-302-440 | PREP | 02-05-083 |
| 16-158-130 | REP-P | 02-04-109 | 16-228-2000 | REP-C | 02-18-023 | 16-302-440 | REP-P | 02-09-059 |
| 16-158-135 | REP-P | 02-04-109 | 16-228-2005 | NEW-P | 02-14-092 | 16-302-440 | REP | 02-12-060 |
| 16-158-150 | REP-P | 02-04-109 | 16-228-2005 | NEW-C | 02-18-023 | 16-302-490 | PREP | 02-05-083 |
| 16-160 | PREP | 02-16-097 | 16-228-2005 | NEW-S | 02-19-107 | 16-302-490 | AMD-P | 02-09-059 |
| 16-162-010 | REP-P | 02-04-109 | 16-228-2015 | NEW-P | 02-14-092 | 16-302-490 | AMD | 02-12-060 |
| 16-162-025 | REP-P | 02-04-109 | 16-228-2015 | NEW-C | 02-18-023 | 16-302-545 | PREP | 02-05-083 |
| 16-162-030 | REP-P | 02-04-109 | 16-228-2020 | REP-P | 02-14-092 | 16-302-685 | PREP | 02-05-083 |
| 16-162-034 | REP-P | 02-04-109 | 16-228-2020 | REP-C | 02-18-023 | 16-302-685 | AMD-P | 02-09-059 |
| 16-162-036 | REP-P | 02-04-109 | 16-228-2025 | NEW-P | 02-14-092 | 16-302-685 | AMD | 02-12-060 |
| 16-162-037 | REP-P | 02-04-109 | 16-228-2025 | NEW-C | 02-18-023 | 16-303-200 | PREP | 02-03-127 |
| 16-162-040 | REP-P | 02-04-109 | 16-228-2030 | REP-P | 02-14-092 | 16-303-200 | AMD-P | 02-09-060 |
| 16-162-045 | REP-P | 02-04-109 | 16-228-2030 | REP-C | 02-18-023 | 16-303-200 | AMD | 02-12-061 |
| 16-162-050 | REP-P | 02-04-109 | 16-228-2035 | NEW-P | 02-14-092 | 16-303-210 | PREP | 02-03-127 |
| 16-162-070 | REP-P | 02-04-109 | 16-228-2035 | NEW-C | 02-18-023 | 16-303-210 | AMD-P | 02-09-060 |
| 16-162-100 | REP-P | 02-04-109 | 16-228-2035 | NEW-S | 02-19-107 | 16-303-210 | AMD | 02-12-061 |
| 16-164-010 | REP-P | 02-04-109 | 16-228-2040 | REP-P | 02-14-092 | 16-303-230 | PREP | 02-03-127 |
| 16-164-020 | REP-P | 02-04-109 | 16-228-2040 | REP-C | 02-18-023 | 16-303-230 | AMD-P | 02-09-060 |
| 16-164-035 | REP-P | 02-04-109 | 16-228-2045 | NEW-P | 02-14-092 | 16-303-230 | AMD | 02-12-061 |
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| 16-164-040 | REP-P | 02-04-109 | 16-228-2050 | NEW-P | 02-14-092 | 16-303-250 | PREP | 02-05-083 |
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| 16-164-090 | REP-P | 02-04-109 | 16-301-045 | PREP | 02-05-083 | 16-303-310 | AMD-P | 02-09-060 |
| 16-164-100 | REP-P | 02-04-109 | 16-301-045 | AMD-P | 02-09-059 | 16-303-310 | AMD | 02-12-061 |
| 16-164-110 | REP-P | 02-04-109 | 16-301-045 | AMD | 02-12-060 | 16-303-317 | PREP | 02-03-127 |
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| 16-200-7405 | NEW-P | 02-21-126 | 16-302-091 | AMD-P | 02-09-059 | 16-303-320 | AMD | 02-12-061 |
| 16-200-7406 | NEW-P | 02-21-126 | 16-302-091 | AMD | 02-12-060 | 16-303-330 | PREP | 02-03-127 |
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| 16-228-12351 | NEW-P | 02-07-080 | 16-302-250 | AMD | 02-12-060 | 16-324-375 | AMD-P | 02-08-087 |
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| 16-228-12352 | NEW-C | 02-11-070 | 16-302-330 | AMD-P | 02-09-059 | 16-324-401 | AMD | 02-12-010 |
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| 16-400-045 | AMD | 02-13-119 | 16-470-860 | NEW-E | 02-07-120 | 16-557-070 | REP-C | 02-09-005 |
| 16-401 | PREP | 02-14-150 | 16-470-860 | NEW | 02-09-099 | 16-557-070 | REP-W | 02-11-083 |
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| 16-403-142 | AMD-C | 02-12-005 | 16-484-210 | AMD | 02-12-009 | 16-585 | AMD | 02-14-091 |
| 16-403-142 | AMD | 02-12-011 | 16-484-220 | AMD-P | 02-08-086 | 16-585-010 | AMD-P | 02-10-121 |
| 16-403-190 | PREP | 02-03-128 | 16-484-220 | AMD | 02-12-009 | 16-585-010 | AMD | 02-14-091 |
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| 36-12-240 | AMD | 02-03-069 | 36-13-090 | REP-P | 02-16-060 | 44-10-130 | AMD-P | 02-10-060 |
| 36-12-240 | AMD-P | 02-16-060 | 36-13-090 | REP-W | 02-17-059 | 44-10-130 | AMD | 02-12-093 |
| 36-12-240 | AMD-W | 02-17-059 | 36-13-090 | REP-P | 02-17-103 | 44-10-140 | AMD-P | 02-10-060 |
| 36-12-240 | AMD-P | 02-17-103 | 36-13-090 | REP | 02-20-094 | 44-10-140 | AMD | 02-12-093 |
| 36-12-240 | AMD | 02-20-094 | 36-13-100 | REP-P | 02-16-060 | 44-10-150 | AMD-P | 02-10-060 |

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| 44- 10-150 | AMD | 02-12-093 | 98- 08-120 | REP | 02-19-018 | 98- 08-590 | REP | 02-19-018 |
| 44- 10-160 | AMD-P | 02-10-060 | 98- 08-130 | REP-P | 02-14-058 | 98- 14-050 | AMD-P | 02-14-058 |
| 44- 10-160 | AMD | 02-12-093 | 98- 08-130 | REP | 02-19-018 | 98- 14-050 | AMD | 02-19-018 |
| 44- 10-170 | AMD-P | 02-10-060 | 98- 08-140 | REP-P | 02-14-058 | 98- 14-060 | AMD-P | 02-14-058 |
| 44- 10-170 | AMD | 02-12-093 | 98- 08-140 | REP | 02-19-018 | 98- 14-060 | AMD | 02-19-018 |
| 44- 10-200 | AMD-P | 02-10-060 | 98- 08-150 | REP-P | 02-14-058 | 98- 14-070 | AMD-P | 02-14-058 |
| 44- 10-200 | AMD | 02-12-093 | 98- 08-150 | REP | 02-19-018 | 98- 14-070 | AMD | 02-19-018 |
| 44- 10-210 | AMD-P | 02-10-060 | 98- 08-170 | REP-P | 02-14-058 | 98- 14-080 | AMD-P | 02-14-058 |
| 44- 10-210 | AMD | 02-12-093 | 98- 08-170 | REP | 02-19-018 | 98- 14-080 | AMD | 02-19-018 |
| 44- 10-221 | AMD-P | 02-10-060 | 98- 08-190 | REP-P | 02-14-058 | 98- 15-010 | NEW-P | 02-14-058 |
| 44- 10-221 | AMD | 02-12-093 | 98- 08-190 | REP | 02-19-018 | 98- 15-010 | NEW | 02-19-018 |
| 44- 10-222 | AMD-P | 02-10-060 | 98- 08-200 | REP-P | 02-14-058 | 98- 15-020 | NEW-P | 02-14-058 |
| 44- 10-222 | AMD | 02-12-093 | 98- 08-200 | REP | 02-19-018 | 98- 15-020 | NEW | 02-19-018 |
| 44- 10-300 | AMD-P | 02-10-060 | 98- 08-210 | REP-P | 02-14-058 | 98- 40-010 | REP-P | 02-14-058 |
| 44- 10-300 | AMD | 02-12-093 | 98- 08-210 | REP | 02-19-018 | 98- 40-010 | REP | 02-19-018 |
| 44- 10-310 | AMD-P | 02-10-060 | 98- 08-220 | REP-P | 02-14-058 | 98- 40-020 | REP-P | 02-14-058 |
| 44- 10-310 | AMD | 02-12-093 | 98- 08-220 | REP | 02-19-018 | 98- 40-020 | REP | 02-19-018 |
| 51- 11 | PREP | 02-14-029 | 98- 08-370 | REP-P | 02-14-058 | 98- 40-030 | REP-P | 02-14-058 |
| 51- 11-0108 | AMD-P | 02-21-113 | 98- 08-370 | REP | 02-19-018 | 98- 40-030 | REP | 02-19-018 |
| 51- 11-0201 | AMD-P | 02-21-113 | 98- 08-380 | REP-P | 02-14-058 | 98- 40-040 | REP-P | 02-14-058 |
| 51- 11-0503 | AMD-P | 02-21-113 | 98- 08-380 | REP | 02-19-018 | 98- 40-040 | REP | 02-19-018 |
| 51- 11-0530 | AMD-E | 02-14-032 | 98- 08-390 | REP-P | 02-14-058 | 98- 40-050 | REP-P | 02-14-058 |
| 51- 11-0530 | AMD-E | 02-21-117 | 98- 08-390 | REP | 02-19-018 | 98- 40-050 | REP | 02-19-018 |
| 51- 11-0533 | AMD-E | 02-14-032 | 98- 08-400 | REP-P | 02-14-058 | 98- 40-060 | REP-P | 02-14-058 |
| 51- 11-0533 | AMD-E | 02-21-117 | 98- 08-400 | REP | 02-19-018 | 98- 40-060 | REP | 02-19-018 |
| 51- 11-0601 | AMD-P | 02-21-113 | 98- 08-410 | REP-P | 02-14-058 | 98- 40-070 | REP-P | 02-14-058 |
| 51- 11-0602 | AMD-P | 02-21-113 | 98- 08-410 | REP | 02-19-018 | 98- 40-070 | REP | 02-19-018 |
| 51- 11-0625 | AMD-E | 02-14-032 | 98- 08-420 | REP-P | 02-14-058 | 98- 40-080 | REP-P | 02-14-058 |
| 51- 11-0625 | AMD-P | 02-21-113 | 98- 08-420 | REP | 02-19-018 | 98- 40-080 | REP | 02-19-018 |
| 51- 11-0625 | AMD-E | 02-21-117 | 98- 08-430 | REP-P | 02-14-058 | 98- 80-010 | NEW-P | 02-14-058 |
| 51- 11-0800 | AMD-P | 02-21-113 | 98- 08-430 | REP | 02-19-018 | 98- 80-010 | NEW | 02-19-018 |
| 51- 40-0403 | AMD-P | 02-20-042 | 98- 08-440 | REP-P | 02-14-058 | 98- 80-020 | NEW-P | 02-14-058 |
| 51- 40-1004 | PREP | 02-15-103 | 98- 08-440 | REP | 02-19-018 | 98- 80-020 | NEW | 02-19-018 |
| 51- 40-1004 | AMD-P | 02-20-042 | 98- 08-450 | REP-P | 02-14-058 | 98- 80-030 | NEW-P | 02-14-058 |
| 51- 40-905 | PREP | 02-15-103 | 98- 08-450 | REP | 02-19-018 | 98- 80-030 | NEW | 02-19-018 |
| 51- 40-905 | NEW-P | 02-20-042 | 98- 08-460 | REP-P | 02-14-058 | 98- 80-040 | NEW-P | 02-14-058 |
| 51- 56-1500 | NEW-W | 02-05-032 | 98- 08-460 | REP | 02-19-018 | 98- 80-040 | NEW | 02-19-018 |
| 82- 50-021 | AMD-X | 02-09-025 | 98- 08-470 | REP-P | 02-14-058 | 98- 80-050 | NEW-P | 02-14-058 |
| 82- 50-021 | AMD | 02-13-087 | 98- 08-470 | REP | 02-19-018 | 98- 80-050 | NEW | 02-19-018 |
| 98- 08-001 | NEW-P | 02-14-058 | 98- 08-480 | REP-P | 02-14-058 | 98- 80-060 | NEW-P | 02-14-058 |
| 98- 08-001 | NEW | 02-19-018 | 98- 08-480 | REP | 02-19-018 | 98- 80-060 | NEW | 02-19-018 |
| 98- 08-010 | REP-P | 02-14-058 | 98- 08-490 | REP-P | 02-14-058 | 98- 80-070 | NEW-P | 02-14-058 |
| 98- 08-010 | REP | 02-19-018 | 98- 08-490 | REP | 02-19-018 | 98- 80-070 | NEW | 02-19-018 |
| 98- 08-030 | REP-P | 02-14-058 | 98- 08-500 | REP-P | 02-14-058 | 106-116-103 | AMD-P | 02-15-116 |
| 98- 08-030 | REP | 02-19-018 | 98- 08-500 | REP | 02-19-018 | 106-116-103 | AMD | 02-18-077 |
| 98- 08-040 | REP-P | 02-14-058 | 98- 08-510 | REP-P | 02-14-058 | 106-116-201 | AMD-P | 02-15-116 |
| 98- 08-040 | REP | 02-19-018 | 98- 08-510 | REP | 02-19-018 | 106-116-201 | AMD | 02-18-077 |
| 98- 08-050 | REP-P | 02-14-058 | 98- 08-520 | REP-P | 02-14-058 | 106-116-208 | AMD-P | 02-15-116 |
| 98- 08-050 | REP | 02-19-018 | 98- 08-520 | REP | 02-19-018 | 106-116-208 | AMD | 02-18-077 |
| 98- 08-060 | REP-P | 02-14-058 | 98- 08-530 | REP-P | 02-14-058 | 106-116-304 | AMD-P | 02-15-116 |
| 98- 08-060 | REP | 02-19-018 | 98- 08-530 | REP | 02-19-018 | 106-116-304 | AMD | 02-18-077 |
| 98- 08-070 | REP-P | 02-14-058 | 98- 08-540 | REP-P | 02-14-058 | 106-116-305 | AMD-P | 02-15-116 |
| 98- 08-070 | REP | 02-19-018 | 98- 08-540 | REP | 02-19-018 | 106-116-305 | AMD | 02-18-077 |
| 98- 08-080 | REP-P | 02-14-058 | 98- 08-550 | REP-P | 02-14-058 | 106-116-308 | AMD-P | 02-15-116 |
| 98- 08-080 | REP | 02-19-018 | 98- 08-550 | REP | 02-19-018 | 106-116-308 | AMD | 02-18-077 |
| 98- 08-090 | REP-P | 02-14-058 | 98- 08-560 | REP-P | 02-14-058 | 106-116-514 | AMD-P | 02-15-116 |
| 98- 08-090 | REP | 02-19-018 | 98- 08-560 | REP | 02-19-018 | 106-116-514 | AMD | 02-18-077 |
| 98- 08-100 | REP-P | 02-14-058 | 98- 08-570 | REP-P | 02-14-058 | 106-116-601 | AMD-P | 02-15-116 |
| 98- 08-100 | REP | 02-19-018 | 98- 08-570 | REP | 02-19-018 | 106-116-601 | AMD | 02-18-077 |
| 98- 08-110 | REP-P | 02-14-058 | 98- 08-580 | REP-P | 02-14-058 | 106-116-603 | AMD-P | 02-15-116 |
| 98- 08-110 | REP | 02-19-018 | 98- 08-580 | REP | 02-19-018 | 106-116-603 | AMD | 02-18-077 |
| 98- 08-120 | REP-P | 02-14-058 | 98- 08-590 | REP-P | 02-14-058 | 106-116-701 | AMD-P | 02-15-116 |

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| 106-116-701 | AMD | 02-18-077 | 132G-104-020 | AMD | 02-11-090 | 132H-160-190 | AMD | 02-14-008 |
| 106-116-856 | AMD-P | 02-15-116 | 132G-104-030 | REP-P | 02-06-127 | 132H-410-010 | NEW-P | 02-03-107 |
| 106-116-856 | AMD | 02-18-077 | 132G-104-030 | REP | 02-11-090 | 132H-410-010 | NEW | 02-10-070 |
| 106-116-859 | AMD-P | 02-15-116 | 132H-106-030 | AMD-P | 02-05-052 | 132H-410-020 | NEW-P | 02-03-107 |
| 106-116-859 | AMD | 02-18-077 | 132H-106-030 | AMD | 02-10-067 | 132H-410-020 | NEW | 02-10-070 |
| 106-276-100 | AMD-X | 02-12-018 | 132H-120-030 | AMD-P | 02-03-106 | 132H-410-030 | NEW-P | 02-03-107 |
| 106-276-100 | AMD | 02-18-064 | 132H-120-030 | AMD | 02-10-069 | 132H-410-030 | NEW | 02-10-070 |
| 118- 65-020 | AMD-P | 02-09-072 | 132H-120-050 | AMD-P | 02-03-106 | 132H-410-040 | NEW-P | 02-03-107 |
| 118- 65-020 | AMD | 02-12-053 | 132H-120-050 | AMD | 02-10-069 | 132H-410-040 | NEW | 02-10-070 |
| 118- 65-030 | AMD-P | 02-09-072 | 132H-120-200 | AMD-P | 02-03-106 | 132H-410-050 | NEW-P | 02-03-107 |
| 118- 65-030 | AMD | 02-12-053 | 132H-120-200 | AMD | 02-10-069 | 132H-410-050 | NEW | 02-10-070 |
| 118- 65-040 | AMD-P | 02-09-072 | 132H-120-220 | AMD-P | 02-03-106 | 132H-410-060 | NEW-P | 02-03-107 |
| 118- 65-040 | AMD | 02-12-053 | 132H-120-220 | AMD | 02-10-069 | 132H-410-060 | NEW | 02-10-070 |
| 118- 65-050 | AMD-P | 02-09-072 | 132H-120-300 | AMD-P | 02-03-106 | 132H-410-070 | NEW-P | 02-03-107 |
| 118- 65-050 | AMD | 02-12-053 | 132H-120-300 | AMD | 02-10-069 | 132H-410-070 | NEW | 02-10-070 |
| 118- 65-060 | AMD-P | 02-09-072 | 132H-120-350 | AMD-P | 02-03-106 | 132H-410-080 | NEW-P | 02-03-107 |
| 118- 65-060 | AMD | 02-12-053 | 132H-120-350 | AMD | 02-10-069 | 132H-410-080 | NEW | 02-10-070 |
| 118- 65-070 | AMD-P | 02-09-072 | 132H-120-410 | AMD-P | 02-03-106 | 132H-410-090 | NEW-P | 02-03-107 |
| 118- 65-070 | AMD | 02-12-053 | 132H-120-410 | AMD | 02-10-069 | 132H-410-090 | NEW | 02-10-070 |
| 118- 65-081 | AMD-P | 02-09-072 | 132H-120-420 | AMD-P | 02-03-106 | 132H-410-100 | NEW-P | 02-03-107 |
| 118- 65-081 | AMD | 02-12-053 | 132H-120-420 | AMD | 02-10-069 | 132H-410-100 | NEW | 02-10-070 |
| 118- 65-090 | AMD-P | 02-09-072 | 132H-120-440 | AMD-P | 02-03-106 | 132H-410-110 | NEW-P | 02-03-107 |
| 118- 65-090 | AMD | 02-12-053 | 132H-120-440 | AMD | 02-10-069 | 132H-410-110 | NEW | 02-10-070 |
| 130- 14-010 | AMD-P | 02-03-131 | 132H-120-450 | AMD-P | 02-03-106 | 132H-450-010 | NEW-P | 02-05-053 |
| 130- 14-010 | AMD | 02-06-043 | 132H-120-450 | AMD | 02-10-069 | 132H-450-010 | NEW | 02-10-068 |
| 130- 14-030 | AMD-P | 02-03-131 | 132H-122-020 | AMD-P | 02-09-038 | 132H-450-010 | AMD-X | 02-18-084 |
| 130- 14-030 | AMD | 02-06-043 | 132H-122-020 | AMD | 02-14-008 | 132N-144-010 | REP | 02-04-068 |
| 130- 14-050 | AMD-P | 02-03-131 | 132H-133-040 | AMD-X | 02-18-112 | 132N-144-020 | REP | 02-04-068 |
| 130- 14-050 | AMD | 02-06-043 | 132H-133-050 | AMD-X | 02-18-112 | 132N-150-010 | NEW | 02-04-068 |
| 130- 14-060 | AMD-P | 02-03-131 | 132H-140 | PREP | 02-05-051 | 132N-150-020 | NEW | 02-04-068 |
| 130- 14-060 | AMD | 02-06-043 | 132H-140-020 | AMD-P | 02-09-071 | 132N-150-030 | NEW | 02-04-068 |
| 131 | PREP | 02-12-012 | 132H-140-020 | AMD | 02-14-007 | 132N-150-040 | NEW | 02-04-068 |
| 131- 12-041 | AMD-E | 02-15-035 | 132H-140-030 | AMD-P | 02-09-071 | 132N-150-050 | NEW | 02-04-068 |
| 131- 12-041 | AMD-P | 02-15-133 | 132H-140-030 | AMD | 02-14-007 | 132N-150-060 | NEW | 02-04-068 |
| 131- 12-041 | AMD | 02-20-013 | 132H-140-040 | AMD-P | 02-09-071 | 132N-150-070 | NEW | 02-04-068 |
| 132D-120-010 | PREP | 02-18-049 | 132H-140-040 | AMD | 02-14-007 | 132N-150-080 | NEW | 02-04-068 |
| 132D-120-010 | AMD-P | 02-21-081 | 132H-140-050 | AMD-P | 02-09-071 | 132N-150-090 | NEW | 02-04-068 |
| 132D-120-020 | AMD-P | 02-21-081 | 132H-140-050 | AMD | 02-14-007 | 132N-150-100 | NEW | 02-04-068 |
| 132D-120-030 | AMD-P | 02-21-081 | 132H-140-060 | REP-P | 02-09-071 | 132N-150-110 | NEW | 02-04-068 |
| 132D-120-040 | AMD-P | 02-21-081 | 132H-140-060 | REP | 02-14-007 | 132N-150-120 | NEW | 02-04-068 |
| 132D-120-050 | AMD-P | 02-21-081 | 132H-140-060 | REP | 02-14-007 | 132N-150-130 | NEW | 02-04-068 |
| 132D-120-055 | REP-P | 02-21-081 | 132H-140-065 | NEW-P | 02-09-071 | 132N-150-140 | NEW | 02-04-068 |
| 132D-120-060 | AMD-P | 02-21-081 | 132H-140-065 | NEW | 02-14-007 | 132N-150-150 | NEW | 02-04-068 |
| 132D-120-070 | AMD-P | 02-21-081 | 132H-140-070 | AMD-P | 02-09-071 | 132N-150-160 | NEW | 02-04-068 |
| 132D-120-080 | AMD-P | 02-21-081 | 132H-140-070 | AMD | 02-14-007 | 132N-150-170 | NEW | 02-04-068 |
| 132D-120-090 | AMD-P | 02-21-081 | 132H-140-080 | REP-P | 02-09-071 | 132N-150-180 | NEW | 02-04-068 |
| 132D-120-100 | AMD-P | 02-21-081 | 132H-140-080 | REP | 02-14-007 | 132N-150-190 | NEW | 02-04-068 |
| 132D-120-110 | AMD-P | 02-21-081 | 132H-140-085 | NEW-P | 02-09-071 | 132N-150-200 | NEW | 02-04-068 |
| 132D-120-120 | AMD-P | 02-21-081 | 132H-140-085 | NEW | 02-14-007 | 132N-150-210 | NEW | 02-04-068 |
| 132D-120-130 | REP-P | 02-21-081 | 132H-140-090 | REP-P | 02-09-071 | 132N-150-220 | NEW | 02-04-068 |
| 132D-120-140 | REP-P | 02-21-081 | 132H-140-090 | REP | 02-14-007 | 132N-150-230 | NEW | 02-04-068 |
| 132D-120-150 | REP-P | 02-21-081 | 132H-140-100 | REP-P | 02-09-071 | 132N-150-240 | NEW | 02-04-068 |
| 132D-120-160 | REP-P | 02-21-081 | 132H-140-100 | REP | 02-14-007 | 132N-150-250 | NEW | 02-04-068 |
| 132D-120-170 | REP-P | 02-21-081 | 132H-140-100 | REP | 02-14-007 | 132N-150-260 | NEW | 02-04-068 |
| 132D-120-180 | REP-P | 02-21-081 | 132H-140-110 | AMD-P | 02-09-071 | 132N-150-270 | NEW | 02-04-068 |
| 132D-120-190 | REP-P | 02-21-081 | 132H-140-110 | AMD | 02-14-007 | 132N-150-280 | NEW | 02-04-068 |
| 132D-120-200 | REP-P | 02-21-081 | 132H-140-120 | NEW-P | 02-09-071 | 132U- 52 | PREP | 02-06-104 |
| 132D-120-210 | REP-P | 02-21-081 | 132H-140-120 | NEW | 02-14-007 | 132U- 52-010 | AMD-P | 02-19-057 |
| 132D-120-220 | REP-P | 02-21-081 | 132H-140-900 | REP-P | 02-09-071 | 132U- 52-010 | AMD-P | 02-20-067 |
| 132G-104-010 | AMD-P | 02-06-127 | 132H-140-900 | REP | 02-14-007 | 132U- 120 | PREP | 02-06-103 |
| 132G-104-010 | AMD | 02-11-090 | 132H-152-135 | PREP | 02-03-104 | 132U-120-010 | AMD-P | 02-19-056 |
| 132G-104-020 | AMD-P | 02-06-127 | 132H-152-135 | AMD-P | 02-08-082 | 132U-120-010 | AMD-P | 02-19-056 |
| | | | 132H-152-135 | AMD | 02-14-006 | | AMD-C | 02-20-066 |
| | | | 132H-160-190 | AMD-P | 02-09-038 | | | |

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| 132U-120-015 | NEW-P | 02-19-056 | 132U-120-310 | REP-P | 02-19-056 | 132Z-116-210 | NEW-E | 02-12-056 |
| 132U-120-015 | NEW-C | 02-20-066 | 132U-120-310 | REP-C | 02-20-066 | 132Z-116-220 | NEW-P | 02-03-089 |
| 132U-120-020 | AMD-P | 02-19-056 | 132U-120-320 | AMD-P | 02-19-056 | 132Z-116-220 | NEW-E | 02-04-061 |
| 132U-120-020 | AMD-C | 02-20-066 | 132U-120-320 | AMD-C | 02-20-066 | 132Z-116-220 | NEW | 02-11-048 |
| 132U-120-030 | AMD-P | 02-19-056 | 132U-120-330 | AMD-P | 02-19-056 | 132Z-116-220 | NEW-E | 02-12-056 |
| 132U-120-030 | AMD-C | 02-20-066 | 132U-120-330 | AMD-C | 02-20-066 | 132Z-116-230 | NEW-P | 02-03-089 |
| 132U-120-040 | AMD-P | 02-19-056 | 132X- 60-065 | PREP | 02-20-107 | 132Z-116-230 | NEW-E | 02-04-061 |
| 132U-120-040 | AMD-C | 02-20-066 | 132Z-116-005 | NEW-P | 02-03-089 | 132Z-116-230 | NEW | 02-11-048 |
| 132U-120-050 | AMD-P | 02-19-056 | 132Z-116-005 | NEW-E | 02-04-061 | 132Z-116-230 | NEW-E | 02-12-056 |
| 132U-120-050 | AMD-C | 02-20-066 | 132Z-116-005 | NEW | 02-11-048 | 132Z-116-240 | NEW-P | 02-03-089 |
| 132U-120-060 | AMD-P | 02-19-056 | 132Z-116-005 | NEW-E | 02-12-056 | 132Z-116-240 | NEW-E | 02-04-061 |
| 132U-120-060 | AMD-C | 02-20-066 | 132Z-116-010 | NEW-P | 02-03-089 | 132Z-116-240 | NEW | 02-11-048 |
| 132U-120-065 | NEW-P | 02-19-056 | 132Z-116-010 | NEW-E | 02-04-061 | 132Z-116-240 | NEW-E | 02-12-056 |
| 132U-120-065 | NEW-C | 02-20-066 | 132Z-116-010 | NEW | 02-11-048 | 132Z-116-250 | NEW-P | 02-03-089 |
| 132U-120-070 | REP-P | 02-19-056 | 132Z-116-010 | NEW-E | 02-12-056 | 132Z-116-250 | NEW-E | 02-04-061 |
| 132U-120-070 | REP-C | 02-20-066 | 132Z-116-020 | NEW-P | 02-03-089 | 132Z-116-250 | NEW | 02-11-048 |
| 132U-120-075 | NEW-P | 02-19-056 | 132Z-116-020 | NEW-E | 02-04-061 | 132Z-116-250 | NEW-E | 02-12-056 |
| 132U-120-075 | NEW-C | 02-20-066 | 132Z-116-020 | NEW | 02-11-048 | 132Z-116-260 | NEW-P | 02-03-089 |
| 132U-120-080 | AMD-P | 02-19-056 | 132Z-116-020 | NEW-E | 02-12-056 | 132Z-116-260 | NEW-E | 02-04-061 |
| 132U-120-080 | AMD-C | 02-20-066 | 132Z-116-030 | NEW-P | 02-03-089 | 132Z-116-260 | NEW | 02-11-048 |
| 132U-120-090 | REP-P | 02-19-056 | 132Z-116-030 | NEW-E | 02-04-061 | 132Z-116-260 | NEW-E | 02-12-056 |
| 132U-120-090 | REP-C | 02-20-066 | 132Z-116-030 | NEW | 02-11-048 | 132Z-116-270 | NEW-P | 02-03-089 |
| 132U-120-095 | NEW-P | 02-19-056 | 132Z-116-030 | NEW-E | 02-12-056 | 132Z-116-270 | NEW-E | 02-04-061 |
| 132U-120-095 | NEW-C | 02-20-066 | 132Z-116-040 | NEW-P | 02-03-089 | 132Z-116-270 | NEW | 02-11-048 |
| 132U-120-100 | AMD-P | 02-19-056 | 132Z-116-040 | NEW-E | 02-04-061 | 132Z-116-270 | NEW-E | 02-12-056 |
| 132U-120-100 | AMD-C | 02-20-066 | 132Z-116-040 | NEW | 02-11-048 | 132Z-116-280 | NEW-P | 02-03-089 |
| 132U-120-110 | AMD-P | 02-19-056 | 132Z-116-040 | NEW-E | 02-12-056 | 132Z-116-280 | NEW-E | 02-04-061 |
| 132U-120-110 | AMD-C | 02-20-066 | 132Z-116-050 | NEW-P | 02-03-089 | 132Z-116-280 | NEW | 02-11-048 |
| 132U-120-120 | AMD-P | 02-19-056 | 132Z-116-050 | NEW-E | 02-04-061 | 132Z-116-280 | NEW-E | 02-12-056 |
| 132U-120-120 | AMD-C | 02-20-066 | 132Z-116-050 | NEW | 02-11-048 | 132Z-116-300 | NEW-P | 02-03-089 |
| 132U-120-130 | REP-P | 02-19-056 | 132Z-116-050 | NEW-E | 02-12-056 | 132Z-116-300 | NEW-E | 02-04-061 |
| 132U-120-130 | REP-C | 02-20-066 | 132Z-116-060 | NEW-P | 02-03-089 | 132Z-116-300 | NEW | 02-11-048 |
| 132U-120-140 | AMD-P | 02-19-056 | 132Z-116-060 | NEW-E | 02-04-061 | 132Z-116-300 | NEW-E | 02-12-056 |
| 132U-120-140 | AMD-C | 02-20-066 | 132Z-116-060 | NEW | 02-11-048 | 132Z-116-310 | NEW-P | 02-03-089 |
| 132U-120-150 | AMD-P | 02-19-056 | 132Z-116-060 | NEW-E | 02-12-056 | 132Z-116-310 | NEW-E | 02-04-061 |
| 132U-120-150 | AMD-C | 02-20-066 | 132Z-116-070 | NEW-P | 02-03-089 | 132Z-116-310 | NEW | 02-11-048 |
| 132U-120-190 | REP-P | 02-19-056 | 132Z-116-070 | NEW-E | 02-04-061 | 132Z-116-310 | NEW-E | 02-12-056 |
| 132U-120-190 | REP-C | 02-20-066 | 132Z-116-070 | NEW | 02-11-048 | 132Z-116-320 | NEW-P | 02-03-089 |
| 132U-120-200 | REP-P | 02-19-056 | 132Z-116-070 | NEW-E | 02-12-056 | 132Z-116-320 | NEW-E | 02-04-061 |
| 132U-120-200 | REP-C | 02-20-066 | 132Z-116-080 | NEW-P | 02-03-089 | 132Z-116-320 | NEW | 02-11-048 |
| 132U-120-210 | REP-P | 02-19-056 | 132Z-116-080 | NEW-E | 02-04-061 | 132Z-116-320 | NEW-E | 02-12-056 |
| 132U-120-210 | REP-C | 02-20-066 | 132Z-116-080 | NEW | 02-11-048 | 132Z-116-400 | NEW-P | 02-03-089 |
| 132U-120-220 | REP-P | 02-19-056 | 132Z-116-080 | NEW-E | 02-12-056 | 132Z-116-400 | NEW-E | 02-04-061 |
| 132U-120-220 | REP-C | 02-20-066 | 132Z-116-090 | NEW-P | 02-03-089 | 132Z-116-400 | NEW | 02-11-048 |
| 132U-120-230 | REP-P | 02-19-056 | 132Z-116-090 | NEW-E | 02-04-061 | 132Z-116-400 | NEW-E | 02-12-056 |
| 132U-120-230 | REP-C | 02-20-066 | 132Z-116-090 | NEW | 02-11-048 | 132Z-116-410 | NEW-P | 02-03-089 |
| 132U-120-240 | REP-P | 02-19-056 | 132Z-116-090 | NEW-E | 02-12-056 | 132Z-116-410 | NEW-E | 02-04-061 |
| 132U-120-240 | REP-C | 02-20-066 | 132Z-116-100 | NEW-P | 02-03-089 | 132Z-116-410 | NEW | 02-11-048 |
| 132U-120-250 | REP-P | 02-19-056 | 132Z-116-100 | NEW-E | 02-04-061 | 132Z-116-410 | NEW-E | 02-12-056 |
| 132U-120-250 | REP-C | 02-20-066 | 132Z-116-100 | NEW | 02-11-048 | 136- 04-020 | AMD-P | 02-11-120 |
| 132U-120-260 | AMD-P | 02-19-056 | 132Z-116-100 | NEW-E | 02-12-056 | 136- 04-020 | AMD | 02-18-016 |
| 132U-120-260 | AMD-C | 02-20-066 | 132Z-116-110 | NEW-P | 02-03-089 | 136- 10-010 | REP-P | 02-11-122 |
| 132U-120-270 | AMD-P | 02-19-056 | 132Z-116-110 | NEW-E | 02-04-061 | 136- 10-010 | REP | 02-18-017 |
| 132U-120-270 | AMD-C | 02-20-066 | 132Z-116-110 | NEW | 02-11-048 | 136- 10-020 | REP-P | 02-11-122 |
| 132U-120-280 | REP-P | 02-19-056 | 132Z-116-110 | NEW-E | 02-12-056 | 136- 10-020 | REP | 02-18-017 |
| 132U-120-280 | REP-C | 02-20-066 | 132Z-116-200 | NEW-P | 02-03-089 | 136- 10-030 | REP-P | 02-11-122 |
| 132U-120-285 | NEW-P | 02-19-056 | 132Z-116-200 | NEW-E | 02-04-061 | 136- 10-030 | REP | 02-18-017 |
| 132U-120-285 | NEW-C | 02-20-066 | 132Z-116-200 | NEW | 02-11-048 | 136- 10-035 | REP-P | 02-11-122 |
| 132U-120-290 | REP-P | 02-19-056 | 132Z-116-200 | NEW-E | 02-12-056 | 136- 10-035 | REP | 02-18-017 |
| 132U-120-290 | REP-C | 02-20-066 | 132Z-116-210 | NEW-P | 02-03-089 | 136- 10-040 | REP-P | 02-11-122 |
| 132U-120-300 | REP-P | 02-19-056 | 132Z-116-210 | NEW-E | 02-04-061 | 136- 10-040 | REP | 02-18-017 |
| 132U-120-300 | REP-C | 02-20-066 | 132Z-116-210 | NEW | 02-11-048 | 136- 10-050 | REP-P | 02-11-122 |

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| 136- 10-060 | REP-P | 02-11-122 | 139- 06-010 | NEW-P | 02-18-066 | 173- 50-100 | AMD-P | 02-11-151 |
| 136- 10-060 | REP | 02-18-017 | 139- 06-020 | NEW-P | 02-18-066 | 173- 50-100 | AMD | 02-20-090 |
| 136- 12-010 | AMD-P | 02-11-121 | 139- 06-030 | NEW-P | 02-18-066 | 173- 50-110 | AMD-P | 02-11-151 |
| 136- 12-010 | AMD | 02-18-018 | 139- 06-040 | NEW-P | 02-18-066 | 173- 50-110 | AMD | 02-20-090 |
| 136- 12-020 | AMD-P | 02-11-121 | 139- 06-050 | NEW-P | 02-18-066 | 173- 50-120 | AMD-P | 02-11-151 |
| 136- 12-020 | AMD | 02-18-018 | 139- 06-060 | NEW-P | 02-18-066 | 173- 50-120 | AMD | 02-20-090 |
| 136- 12-045 | NEW-P | 02-11-121 | 139- 06-070 | NEW-P | 02-18-066 | 173- 50-130 | AMD-P | 02-11-151 |
| 136- 12-045 | NEW | 02-18-018 | 139- 06-080 | NEW-P | 02-18-066 | 173- 50-130 | AMD | 02-20-090 |
| 136- 12-060 | AMD-P | 02-11-121 | 139- 06-090 | NEW-P | 02-18-066 | 173- 50-140 | AMD-P | 02-11-151 |
| 136- 12-060 | AMD | 02-18-018 | 139- 06-100 | NEW-P | 02-18-066 | 173- 50-140 | AMD | 02-20-090 |
| 136- 12-070 | AMD-P | 02-11-121 | 139- 06-110 | NEW-P | 02-18-066 | 173- 50-150 | AMD-P | 02-11-151 |
| 136- 12-070 | AMD | 02-18-018 | 139- 06-120 | NEW-P | 02-18-066 | 173- 50-150 | AMD | 02-20-090 |
| 136- 12-080 | AMD-P | 02-11-121 | 139- 06-130 | NEW-P | 02-18-066 | 173- 50-160 | AMD-P | 02-11-151 |
| 136- 12-080 | AMD | 02-18-018 | 139- 06-140 | NEW-P | 02-18-066 | 173- 50-160 | AMD | 02-20-090 |
| 136- 18-085 | NEW-P | 02-11-119 | 139- 06-150 | NEW-P | 02-18-066 | 173- 50-170 | AMD-P | 02-11-151 |
| 136- 18-085 | NEW | 02-18-019 | 139- 06-160 | NEW-P | 02-18-066 | 173- 50-170 | AMD | 02-20-090 |
| 136- 50-010 | NEW-P | 02-11-118 | 139- 10-221 | PREP | 02-18-067 | 173- 50-180 | AMD-P | 02-11-151 |
| 136- 50-010 | NEW | 02-18-020 | 139- 10-221 | AMD-P | 02-21-089 | 173- 50-180 | AMD | 02-20-090 |
| 136- 50-020 | NEW-P | 02-11-118 | 139- 30-015 | PREP | 02-18-071 | 173- 50-190 | AMD-P | 02-11-151 |
| 136- 50-020 | NEW | 02-18-020 | 139- 30-015 | AMD-P | 02-21-088 | 173- 50-190 | AMD | 02-20-090 |
| 136- 50-030 | NEW-P | 02-11-118 | 139- 30-025 | PREP | 02-18-072 | 173- 50-200 | AMD-P | 02-11-151 |
| 136- 50-030 | NEW | 02-18-020 | 139- 30-025 | AMD-P | 02-21-088 | 173- 50-200 | AMD | 02-20-090 |
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| 136- 50-035 | NEW | 02-18-020 | 139- 35-010 | PREP | 02-18-068 | 173- 50-210 | AMD | 02-20-090 |
| 136- 50-050 | NEW-P | 02-11-118 | 139- 35-010 | AMD-P | 02-21-088 | 173- 50-220 | AMD-P | 02-11-151 |
| 136- 50-050 | NEW | 02-18-020 | 139- 35-015 | AMD-P | 02-08-016 | 173- 50-220 | AMD | 02-20-090 |
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| 136- 50-051 | NEW | 02-18-020 | 139- 35-015 | PREP | 02-18-069 | 173-153-020 | AMD-P | 02-17-062 |
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| 136- 50-052 | NEW | 02-18-020 | 139- 35-025 | AMD-P | 02-08-016 | 173-153-040 | AMD-P | 02-17-062 |
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| 136- 50-053 | NEW | 02-18-020 | 139- 35-025 | PREP | 02-18-070 | 173-153-043 | NEW-P | 02-17-062 |
| 136- 50-054 | NEW-P | 02-11-118 | 139- 35-025 | AMD-P | 02-21-088 | 173-153-045 | NEW-P | 02-17-062 |
| 136- 50-054 | NEW | 02-18-020 | 148-100-001 | AMD-P | 02-17-002 | 173-153-050 | AMD-P | 02-17-062 |
| 136- 50-055 | NEW-P | 02-11-118 | 148-100-010 | NEW-P | 02-17-002 | 173-153-060 | AMD-P | 02-17-062 |
| 136- 50-055 | NEW | 02-18-020 | 148-100-020 | NEW-P | 02-17-002 | 173-153-070 | AMD-P | 02-17-062 |
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| 136- 50-070 | NEW | 02-18-020 | 148-100-040 | NEW-P | 02-17-002 | 173-153-090 | AMD-P | 02-17-062 |
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| 136-130-030 | AMD | 02-11-008 | 148-100-200 | NEW-P | 02-17-002 | 173-153-110 | AMD-P | 02-17-062 |
| 136-130-070 | AMD-P | 02-06-105 | 173- 50-010 | AMD-P | 02-11-151 | 173-153-120 | AMD-P | 02-17-062 |
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| 137- 28-160 | AMD | 02-12-023 | 173- 50-030 | AMD-P | 02-11-151 | 173-153-160 | AMD-P | 02-17-062 |
| 137- 28-220 | AMD-P | 02-09-002 | 173- 50-030 | AMD | 02-20-090 | 173-153-170 | AMD-P | 02-17-062 |
| 137- 28-220 | AMD | 02-12-023 | 173- 50-040 | AMD-P | 02-11-151 | 173-153-180 | AMD-P | 02-17-062 |
| 137- 28-240 | AMD-P | 02-09-002 | 173- 50-040 | AMD | 02-20-090 | 173-153-190 | AMD-P | 02-17-062 |
| 137- 28-240 | AMD | 02-12-023 | 173- 50-050 | AMD-P | 02-11-151 | 173-153-200 | AMD-P | 02-17-062 |
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| 137- 28-260 | AMD | 02-12-023 | 173- 50-060 | AMD-P | 02-11-151 | 173-157-010 | NEW-P | 02-15-181 |
| 137- 28-310 | AMD-P | 02-09-002 | 173- 50-060 | AMD | 02-20-090 | 173-157-020 | NEW-P | 02-15-181 |
| 137- 28-310 | AMD | 02-12-023 | 173- 50-063 | NEW-P | 02-11-151 | 173-157-030 | NEW-P | 02-15-181 |
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| 137- 28-350 | AMD | 02-12-023 | 173- 50-067 | NEW-P | 02-11-151 | 173-157-050 | NEW-P | 02-15-181 |
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| 139- 05-820 | PREP | 02-21-087 | 173- 50-080 | AMD-P | 02-11-151 | 173-157-130 | NEW-P | 02-15-181 |
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| 173-157-170 | NEW-P | 02-15-181 | 173-222-100 | REP-W | 02-07-098 | 173-303-400 | AMD-P | 02-11-101 |
| 173-157-180 | NEW-P | 02-15-181 | 173-222-100 | REP-X | 02-07-099 | 173-303-400 | AMD-S | 02-19-099 |
| 173-157-200 | NEW-P | 02-15-181 | 173-222-100 | REP | 02-11-149 | 173-303-500 | AMD-P | 02-11-101 |
| 173-157-210 | NEW-P | 02-15-181 | 173-222-110 | REP-X | 02-07-038 | 173-303-500 | AMD-S | 02-19-099 |
| 173-157-220 | NEW-P | 02-15-181 | 173-222-110 | REP-W | 02-07-098 | 173-303-505 | AMD-P | 02-11-101 |
| 173-157-230 | NEW-P | 02-15-181 | 173-222-110 | REP-X | 02-07-099 | 173-303-505 | AMD-S | 02-19-099 |
| 173-158-030 | AMD-P | 02-06-040 | 173-222-110 | REP | 02-11-149 | 173-303-506 | AMD-P | 02-11-101 |
| 173-158-030 | AMD | 02-15-093 | 173-224-015 | REP-X | 02-07-038 | 173-303-506 | AMD-S | 02-19-099 |
| 173-158-070 | AMD-P | 02-06-040 | 173-224-015 | REP-W | 02-07-098 | 173-303-510 | AMD-P | 02-11-101 |
| 173-158-070 | AMD | 02-15-093 | 173-224-020 | REP-X | 02-07-038 | 173-303-510 | AMD-S | 02-19-099 |
| 173-158-075 | NEW-P | 02-06-040 | 173-224-020 | REP-W | 02-07-098 | 173-303-520 | AMD-P | 02-11-101 |
| 173-158-075 | NEW | 02-15-093 | 173-224-030 | AMD-P | 02-06-091 | 173-303-520 | AMD-S | 02-19-099 |
| 173-158-076 | NEW-P | 02-06-040 | 173-224-030 | REP-X | 02-07-038 | 173-303-522 | AMD-P | 02-11-101 |
| 173-158-076 | NEW | 02-15-093 | 173-224-030 | REP-W | 02-07-098 | 173-303-522 | AMD-S | 02-19-099 |
| 173-170 | PREP | 02-18-095 | 173-224-030 | AMD | 02-12-059 | 173-303-525 | AMD-P | 02-11-101 |
| 173-173-030 | NEW-W | 02-05-034 | 173-224-040 | AMD-P | 02-06-091 | 173-303-525 | AMD-S | 02-19-099 |
| 173-173-070 | NEW-W | 02-05-034 | 173-224-040 | REP-X | 02-07-038 | 173-303-578 | AMD-P | 02-11-101 |
| 173-201A | PREP-W | 02-19-097 | 173-224-040 | REP-W | 02-07-098 | 173-303-578 | AMD-S | 02-19-099 |
| 173-201A | PREP | 02-19-098 | 173-224-040 | AMD | 02-12-059 | 173-303-620 | AMD-S | 02-19-099 |
| 173-216-125 | AMD | 02-05-055 | 173-224-050 | AMD-P | 02-06-091 | 173-303-645 | AMD-P | 02-11-101 |
| 173-220-210 | AMD | 02-05-055 | 173-224-050 | REP-X | 02-07-038 | 173-303-645 | AMD-S | 02-19-099 |
| 173-222-010 | REP-X | 02-07-038 | 173-224-050 | REP-W | 02-07-098 | 173-303-646 | AMD-P | 02-11-101 |
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| 173-222-010 | REP-X | 02-07-099 | 173-224-060 | REP-X | 02-07-038 | 173-303-690 | AMD-P | 02-11-101 |
| 173-222-010 | REP | 02-11-149 | 173-224-060 | REP-W | 02-07-098 | 173-303-690 | AMD-S | 02-19-099 |
| 173-222-015 | REP-X | 02-07-038 | 173-224-080 | REP-X | 02-07-038 | 173-303-691 | AMD-P | 02-11-101 |
| 173-222-015 | REP-W | 02-07-098 | 173-224-080 | REP-W | 02-07-098 | 173-303-691 | AMD-S | 02-19-099 |
| 173-222-015 | REP-X | 02-07-099 | 173-224-090 | REP-X | 02-07-038 | 173-303-692 | AMD-P | 02-11-101 |
| 173-222-015 | REP | 02-11-149 | 173-224-090 | REP-W | 02-07-098 | 173-303-692 | AMD-S | 02-19-099 |
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| 173-222-020 | REP-W | 02-07-098 | 173-224-100 | REP-W | 02-07-098 | 173-303-806 | AMD-S | 02-19-099 |
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| 173-222-030 | REP-W | 02-07-098 | 173-224-120 | REP-W | 02-07-098 | 173-312-010 | AMD | 02-05-070 |
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| 173-222-040 | REP-W | 02-07-098 | 173-303-045 | AMD-S | 02-19-099 | 173-312-060 | AMD | 02-05-070 |
| 173-222-040 | REP-X | 02-07-099 | 173-303-070 | AMD-P | 02-11-101 | 173-312-070 | AMD | 02-05-070 |
| 173-222-040 | REP | 02-11-149 | 173-303-070 | AMD-S | 02-19-099 | 173-312-080 | AMD | 02-05-070 |
| 173-222-050 | REP-X | 02-07-038 | 173-303-071 | AMD-E | 02-04-030 | 173-312-090 | AMD | 02-05-070 |
| 173-222-050 | REP-W | 02-07-098 | 173-303-071 | AMD-P | 02-11-101 | 173-312-100 | AMD | 02-05-070 |
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| 173-222-050 | REP | 02-11-149 | 173-303-071 | AMD-E | 02-19-079 | 173-350-020 | NEW-P | 02-14-061 |
| 173-222-060 | REP-X | 02-07-038 | 173-303-100 | AMD-S | 02-19-099 | 173-350-025 | NEW-P | 02-14-061 |
| 173-222-060 | REP-W | 02-07-098 | 173-303-100 | AMD-P | 02-11-101 | 173-350-030 | NEW-P | 02-14-061 |
| 173-222-060 | REP-X | 02-07-099 | 173-303-100 | AMD-S | 02-19-099 | 173-350-040 | NEW-P | 02-14-061 |
| 173-222-060 | REP | 02-11-149 | 173-303-110 | AMD-P | 02-11-101 | 173-350-100 | NEW-P | 02-14-061 |
| 173-222-070 | REP-X | 02-07-038 | 173-303-110 | AMD-S | 02-19-099 | 173-350-200 | NEW-P | 02-14-061 |
| 173-222-070 | REP-W | 02-07-098 | 173-303-140 | AMD-P | 02-11-101 | 173-350-210 | NEW-P | 02-14-061 |
| 173-222-070 | REP-X | 02-07-099 | 173-303-140 | AMD-S | 02-19-099 | 173-350-220 | NEW-P | 02-14-061 |
| 173-222-070 | REP | 02-11-149 | 173-303-170 | AMD-P | 02-11-101 | 173-350-230 | NEW-P | 02-14-061 |
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| 173-222-080 | REP-X | 02-07-099 | 173-303-200 | AMD-S | 02-19-099 | 173-350-310 | NEW-P | 02-14-061 |
| 173-222-080 | REP | 02-11-149 | 173-303-283 | AMD-P | 02-11-101 | 173-350-320 | NEW-P | 02-14-061 |
| 173-222-090 | REP-X | 02-07-038 | 173-303-283 | AMD-S | 02-19-099 | 173-350-330 | NEW-P | 02-14-061 |
| 173-222-090 | REP-W | 02-07-098 | 173-303-380 | AMD-P | 02-11-101 | 173-350-350 | NEW-P | 02-14-061 |
| 173-222-090 | REP-X | 02-07-099 | 173-303-380 | AMD-S | 02-19-099 | 173-350-360 | NEW-P | 02-14-061 |
| 173-222-090 | REP | 02-11-149 | 173-303-390 | AMD-P | 02-11-101 | 173-350-400 | NEW-P | 02-14-061 |

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| 173-350-410 | NEW-P | 02-14-061 | 173-700-221 | NEW-W | 02-12-058 | 173-700-413 | NEW-W | 02-12-058 |
| 173-350-490 | NEW-P | 02-14-061 | 173-700-222 | NEW-W | 02-12-058 | 173-700-414 | NEW-W | 02-12-058 |
| 173-350-500 | NEW-P | 02-14-061 | 173-700-223 | NEW-W | 02-12-058 | 173-700-415 | NEW-W | 02-12-058 |
| 173-350-600 | NEW-P | 02-14-061 | 173-700-224 | NEW-W | 02-12-058 | 173-700-416 | NEW-W | 02-12-058 |
| 173-350-700 | NEW-P | 02-14-061 | 173-700-230 | NEW-W | 02-12-058 | 173-700-420 | NEW-W | 02-12-058 |
| 173-350-710 | NEW-P | 02-14-061 | 173-700-231 | NEW-W | 02-12-058 | 173-700-421 | NEW-W | 02-12-058 |
| 173-350-715 | NEW-P | 02-14-061 | 173-700-232 | NEW-W | 02-12-058 | 173-700-422 | NEW-W | 02-12-058 |
| 173-350-900 | NEW-P | 02-14-061 | 173-700-233 | NEW-W | 02-12-058 | 173-700-423 | NEW-W | 02-12-058 |
| 173-350-990 | NEW-P | 02-14-061 | 173-700-234 | NEW-W | 02-12-058 | 173-700-500 | NEW-W | 02-12-058 |
| 173-400-075 | AMD-X | 02-10-107 | 173-700-235 | NEW-W | 02-12-058 | 173-700-501 | NEW-W | 02-12-058 |
| 173-400-075 | AMD | 02-15-068 | 173-700-240 | NEW-W | 02-12-058 | 173-700-502 | NEW-W | 02-12-058 |
| 173-401 | PREP | 02-05-011 | 173-700-241 | NEW-W | 02-12-058 | 173-700-503 | NEW-W | 02-12-058 |
| 173-401-200 | AMD-P | 02-10-031 | 173-700-250 | NEW-W | 02-12-058 | 173-700-504 | NEW-W | 02-12-058 |
| 173-401-200 | AMD | 02-19-078 | 173-700-251 | NEW-W | 02-12-058 | 173-700-505 | NEW-W | 02-12-058 |
| 173-401-300 | AMD-P | 02-10-031 | 173-700-252 | NEW-W | 02-12-058 | 173-700-600 | NEW-W | 02-12-058 |
| 173-401-300 | AMD | 02-19-078 | 173-700-253 | NEW-W | 02-12-058 | 173-700-610 | NEW-W | 02-12-058 |
| 173-401-500 | AMD-P | 02-10-031 | 173-700-254 | NEW-W | 02-12-058 | 173-700-611 | NEW-W | 02-12-058 |
| 173-401-500 | AMD | 02-19-078 | 173-700-255 | NEW-W | 02-12-058 | 173-700-612 | NEW-W | 02-12-058 |
| 173-401-530 | AMD-P | 02-10-031 | 173-700-256 | NEW-W | 02-12-058 | 173-700-620 | NEW-W | 02-12-058 |
| 173-401-530 | AMD | 02-19-078 | 173-700-257 | NEW-W | 02-12-058 | 173-700-630 | NEW-W | 02-12-058 |
| 173-401-615 | AMD-P | 02-10-031 | 173-700-258 | NEW-W | 02-12-058 | 173-700-700 | NEW-W | 02-12-058 |
| 173-401-615 | AMD | 02-19-078 | 173-700-300 | NEW-W | 02-12-058 | 173-700-710 | NEW-W | 02-12-058 |
| 173-401-710 | AMD-P | 02-10-031 | 173-700-310 | NEW-W | 02-12-058 | 173-700-720 | NEW-W | 02-12-058 |
| 173-401-710 | AMD | 02-19-078 | 173-700-311 | NEW-W | 02-12-058 | 173-700-730 | NEW-W | 02-12-058 |
| 173-401-722 | AMD-P | 02-10-031 | 173-700-320 | NEW-W | 02-12-058 | 173-700-731 | NEW-W | 02-12-058 |
| 173-401-722 | AMD | 02-19-078 | 173-700-330 | NEW-W | 02-12-058 | 173-700-732 | NEW-W | 02-12-058 |
| 173-422 | PREP | 02-05-071 | 173-700-340 | NEW-W | 02-12-058 | 173-700-740 | NEW-W | 02-12-058 |
| 173-422-020 | AMD-P | 02-09-066 | 173-700-350 | NEW-W | 02-12-058 | 173-700-750 | NEW-W | 02-12-058 |
| 173-422-020 | AMD | 02-12-072 | 173-700-351 | NEW-W | 02-12-058 | 173-700-800 | NEW-W | 02-12-058 |
| 173-422-030 | AMD-P | 02-09-066 | 173-700-352 | NEW-W | 02-12-058 | 180- 08 | PREP | 02-08-041 |
| 173-422-030 | AMD | 02-12-072 | 173-700-353 | NEW-W | 02-12-058 | 180- 08 | AMD-P | 02-14-115 |
| 173-422-031 | AMD-P | 02-09-066 | 173-700-354 | NEW-W | 02-12-058 | 180- 08 | AMD | 02-18-054 |
| 173-422-031 | AMD | 02-12-072 | 173-700-355 | NEW-W | 02-12-058 | 180- 08-001 | NEW-P | 02-14-115 |
| 173-422-060 | AMD-P | 02-09-066 | 173-700-356 | NEW-W | 02-12-058 | 180- 08-001 | NEW | 02-18-054 |
| 173-422-060 | AMD | 02-12-072 | 173-700-357 | NEW-W | 02-12-058 | 180- 08-002 | NEW-P | 02-14-115 |
| 173-422-065 | AMD-P | 02-09-066 | 173-700-358 | NEW-W | 02-12-058 | 180- 08-002 | NEW | 02-18-054 |
| 173-422-065 | AMD | 02-12-072 | 173-700-359 | NEW-W | 02-12-058 | 180- 08-003 | REP-P | 02-14-115 |
| 173-422-070 | AMD-P | 02-09-066 | 173-700-360 | NEW-W | 02-12-058 | 180- 08-003 | REP | 02-18-054 |
| 173-422-070 | AMD | 02-12-072 | 173-700-361 | NEW-W | 02-12-058 | 180- 08-004 | NEW-P | 02-14-115 |
| 173-422-075 | AMD-P | 02-09-066 | 173-700-370 | NEW-W | 02-12-058 | 180- 08-004 | NEW | 02-18-054 |
| 173-422-075 | AMD | 02-12-072 | 173-700-371 | NEW-W | 02-12-058 | 180- 08-005 | REP-P | 02-14-115 |
| 173-422-190 | AMD-P | 02-09-066 | 173-700-372 | NEW-W | 02-12-058 | 180- 08-005 | REP | 02-18-054 |
| 173-422-190 | AMD | 02-12-072 | 173-700-373 | NEW-W | 02-12-058 | 180- 08-006 | NEW-P | 02-14-115 |
| 173-422-195 | AMD-P | 02-09-066 | 173-700-374 | NEW-W | 02-12-058 | 180- 08-006 | NEW | 02-18-054 |
| 173-422-195 | AMD | 02-12-072 | 173-700-375 | NEW-W | 02-12-058 | 180- 08-008 | NEW-P | 02-14-115 |
| 173-434 | PREP | 02-07-097 | 173-700-376 | NEW-W | 02-12-058 | 180- 08-008 | NEW | 02-18-054 |
| 173-531A | PREP-W | 02-21-111 | 173-700-380 | NEW-W | 02-12-058 | 180- 10 | PREP | 02-08-041 |
| 173-531A | PREP | 02-21-112 | 173-700-390 | NEW-W | 02-12-058 | 180- 10-001 | REP-P | 02-14-115 |
| 173-563 | PREP-W | 02-21-111 | 173-700-391 | NEW-W | 02-12-058 | 180- 10-003 | REP-P | 02-14-115 |
| 173-563 | PREP | 02-21-112 | 173-700-392 | NEW-W | 02-12-058 | 180- 10-005 | REP-P | 02-14-115 |
| 173-700-010 | NEW-W | 02-12-058 | 173-700-393 | NEW-W | 02-12-058 | 180- 10-007 | REP-P | 02-14-115 |
| 173-700-020 | NEW-W | 02-12-058 | 173-700-394 | NEW-W | 02-12-058 | 180- 10-010 | REP-P | 02-14-115 |
| 173-700-030 | NEW-W | 02-12-058 | 173-700-395 | NEW-W | 02-12-058 | 180- 10-015 | REP-P | 02-14-115 |
| 173-700-040 | NEW-W | 02-12-058 | 173-700-400 | NEW-W | 02-12-058 | 180- 10-020 | REP-P | 02-14-115 |
| 173-700-100 | NEW-W | 02-12-058 | 173-700-401 | NEW-W | 02-12-058 | 180- 10-025 | REP-P | 02-14-115 |
| 173-700-200 | NEW-W | 02-12-058 | 173-700-402 | NEW-W | 02-12-058 | 180- 10-030 | REP-P | 02-14-115 |
| 173-700-201 | NEW-W | 02-12-058 | 173-700-403 | NEW-W | 02-12-058 | 180- 10-035 | REP-P | 02-14-115 |
| 173-700-202 | NEW-W | 02-12-058 | 173-700-404 | NEW-W | 02-12-058 | 180- 10-040 | REP-P | 02-14-115 |
| 173-700-203 | NEW-W | 02-12-058 | 173-700-405 | NEW-W | 02-12-058 | 180- 10-045 | REP-P | 02-14-115 |
| 173-700-204 | NEW-W | 02-12-058 | 173-700-410 | NEW-W | 02-12-058 | 180- 16 | PREP | 02-08-039 |
| 173-700-205 | NEW-W | 02-12-058 | 173-700-411 | NEW-W | 02-12-058 | 180- 16 | PREP | 02-08-044 |
| 173-700-220 | NEW-W | 02-12-058 | 173-700-412 | NEW-W | 02-12-058 | 180- 16-002 | AMD-E | 02-08-038 |

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| 180-16-002 | AMD-E | 02-14-114 | 180-20-125 | REP-P | 02-14-116 | 180-23-100 | REP-P | 02-14-118 |
| 180-16-002 | AMD-P | 02-14-117 | 180-20-125 | REP | 02-18-055 | 180-23-100 | REP | 02-18-052 |
| 180-16-002 | AMD | 02-18-056 | 180-20-130 | REP-P | 02-14-116 | 180-23-105 | REP-P | 02-14-118 |
| 180-16-006 | REP-E | 02-08-038 | 180-20-130 | REP | 02-18-055 | 180-23-105 | REP | 02-18-052 |
| 180-16-006 | REP-E | 02-14-114 | 180-20-135 | AMD-P | 02-14-116 | 180-23-110 | REP-P | 02-14-118 |
| 180-16-006 | REP-P | 02-14-117 | 180-20-135 | AMD | 02-18-055 | 180-23-110 | REP | 02-18-052 |
| 180-16-006 | REP | 02-18-056 | 180-22 | PREP | 02-08-045 | 180-23-115 | REP-P | 02-14-118 |
| 180-16-162 | AMD-P | 02-14-126 | 180-22-100 | AMD-P | 02-14-118 | 180-23-115 | REP | 02-18-052 |
| 180-16-162 | AMD | 02-18-053 | 180-22-100 | AMD | 02-18-052 | 180-23-120 | REP-P | 02-14-118 |
| 180-16-191 | AMD-P | 02-14-126 | 180-22-105 | REP-P | 02-14-118 | 180-23-120 | REP | 02-18-052 |
| 180-16-191 | AMD | 02-18-053 | 180-22-105 | REP | 02-18-052 | 180-24 | PREP | 02-06-052 |
| 180-16-195 | AMD-E | 02-08-038 | 180-22-140 | AMD-P | 02-14-118 | 180-24-400 | AMD-E | 02-08-035 |
| 180-16-195 | AMD-E | 02-14-114 | 180-22-140 | AMD | 02-18-052 | 180-24-400 | AMD-P | 02-10-053 |
| 180-16-195 | AMD-P | 02-14-117 | 180-22-150 | AMD-P | 02-14-118 | 180-24-400 | AMD | 02-14-113 |
| 180-16-195 | AMD | 02-18-056 | 180-22-150 | AMD | 02-18-052 | 180-24-405 | REP-E | 02-08-035 |
| 180-16-215 | AMD-P | 02-14-126 | 180-22-201 | NEW-P | 02-14-118 | 180-24-405 | REP-P | 02-10-053 |
| 180-16-215 | AMD | 02-18-053 | 180-22-201 | NEW | 02-18-052 | 180-24-405 | REP | 02-14-113 |
| 180-16-220 | AMD-E | 02-08-038 | 180-22-205 | NEW-P | 02-14-118 | 180-24-410 | AMD-E | 02-08-035 |
| 180-16-220 | AMD-E | 02-14-114 | 180-22-205 | NEW | 02-18-052 | 180-24-410 | AMD-P | 02-10-053 |
| 180-16-220 | AMD-P | 02-14-117 | 180-22-210 | NEW-P | 02-14-118 | 180-24-410 | AMD | 02-14-113 |
| 180-16-220 | AMD | 02-18-056 | 180-22-210 | NEW | 02-18-052 | 180-24-415 | AMD-E | 02-08-035 |
| 180-16-227 | NEW-E | 02-08-038 | 180-22-215 | NEW-P | 02-14-118 | 180-24-415 | AMD-P | 02-10-053 |
| 180-16-227 | NEW-E | 02-14-114 | 180-22-215 | NEW | 02-18-052 | 180-24-415 | AMD | 02-14-113 |
| 180-16-227 | NEW-P | 02-14-117 | 180-22-220 | NEW-P | 02-14-118 | 180-25 | PREP | 02-06-053 |
| 180-16-227 | NEW | 02-18-056 | 180-22-220 | NEW | 02-18-052 | 180-26 | PREP | 02-06-054 |
| 180-18 | PREP | 02-08-039 | 180-22-225 | NEW-P | 02-14-118 | 180-27 | PREP | 02-06-055 |
| 180-18-010 | AMD-E | 02-08-038 | 180-22-225 | NEW | 02-18-052 | 180-29 | PREP | 02-06-056 |
| 180-18-010 | AMD-E | 02-14-114 | 180-23 | PREP | 02-08-045 | 180-31 | PREP | 02-06-057 |
| 180-18-010 | AMD-P | 02-14-117 | 180-23-037 | REP-P | 02-14-118 | 180-32 | PREP | 02-06-058 |
| 180-18-010 | AMD | 02-18-056 | 180-23-037 | REP | 02-18-052 | 180-33 | PREP | 02-06-059 |
| 180-18-020 | REP-E | 02-08-038 | 180-23-040 | REP-P | 02-14-118 | 180-34 | PREP | 02-08-046 |
| 180-18-020 | REP-E | 02-14-114 | 180-23-040 | REP | 02-18-052 | 180-34-005 | REP-P | 02-14-119 |
| 180-18-020 | REP-P | 02-14-117 | 180-23-043 | REP-P | 02-14-118 | 180-34-010 | REP-P | 02-14-119 |
| 180-18-020 | REP | 02-18-056 | 180-23-043 | REP | 02-18-052 | 180-36 | PREP | 02-06-060 |
| 180-20 | PREP | 02-10-049 | 180-23-047 | REP-P | 02-14-118 | 180-37-005 | PREP | 02-10-051 |
| 180-20 | PREP | 02-10-084 | 180-23-047 | REP | 02-18-052 | 180-37-005 | NEW-P | 02-14-120 |
| 180-20-005 | AMD-P | 02-14-116 | 180-23-050 | REP-P | 02-14-118 | 180-37-005 | NEW | 02-18-060 |
| 180-20-005 | AMD | 02-18-055 | 180-23-050 | REP | 02-18-052 | 180-37-010 | PREP | 02-10-051 |
| 180-20-007 | NEW-P | 02-14-116 | 180-23-055 | REP-P | 02-14-118 | 180-37-010 | NEW-P | 02-14-120 |
| 180-20-007 | NEW | 02-18-055 | 180-23-055 | REP | 02-18-052 | 180-37-010 | NEW | 02-18-060 |
| 180-20-009 | NEW-P | 02-14-116 | 180-23-058 | REP-P | 02-14-118 | 180-38 | PREP | 02-08-043 |
| 180-20-009 | NEW | 02-18-055 | 180-23-058 | REP | 02-18-052 | 180-38 | AMD-P | 02-14-140 |
| 180-20-030 | REP-P | 02-14-116 | 180-23-060 | REP-P | 02-14-118 | 180-38 | AMD-E | 02-18-051 |
| 180-20-030 | REP | 02-18-055 | 180-23-060 | REP | 02-18-052 | 180-38-005 | AMD-P | 02-14-140 |
| 180-20-031 | AMD-P | 02-14-116 | 180-23-065 | REP-P | 02-14-118 | 180-38-005 | AMD-E | 02-18-051 |
| 180-20-031 | AMD | 02-18-055 | 180-23-065 | REP | 02-18-052 | 180-38-010 | REP-P | 02-14-140 |
| 180-20-034 | REP-P | 02-14-116 | 180-23-070 | REP-P | 02-14-118 | 180-38-010 | REP-E | 02-18-051 |
| 180-20-034 | REP | 02-18-055 | 180-23-070 | REP | 02-18-052 | 180-38-020 | AMD-P | 02-14-140 |
| 180-20-090 | REP-P | 02-14-116 | 180-23-075 | REP-P | 02-14-118 | 180-38-020 | AMD-E | 02-18-051 |
| 180-20-090 | REP | 02-18-055 | 180-23-075 | REP | 02-18-052 | 180-38-025 | REP-P | 02-14-140 |
| 180-20-095 | REP-P | 02-14-116 | 180-23-077 | REP-P | 02-14-118 | 180-38-025 | REP-E | 02-18-051 |
| 180-20-095 | REP | 02-18-055 | 180-23-077 | REP | 02-18-052 | 180-38-030 | REP-P | 02-14-140 |
| 180-20-101 | AMD-P | 02-14-116 | 180-23-078 | REP-P | 02-14-118 | 180-38-030 | REP-E | 02-18-051 |
| 180-20-101 | AMD | 02-18-055 | 180-23-078 | REP | 02-18-052 | 180-38-035 | REP-P | 02-14-140 |
| 180-20-111 | AMD-P | 02-14-116 | 180-23-080 | REP-P | 02-14-118 | 180-38-035 | REP-E | 02-18-051 |
| 180-20-111 | AMD | 02-18-055 | 180-23-080 | REP | 02-18-052 | 180-38-040 | REP-P | 02-14-140 |
| 180-20-115 | REP-P | 02-14-116 | 180-23-085 | REP-P | 02-14-118 | 180-38-040 | REP-E | 02-18-051 |
| 180-20-115 | REP | 02-18-055 | 180-23-085 | REP | 02-18-052 | 180-38-045 | AMD-P | 02-14-140 |
| 180-20-120 | AMD-P | 02-14-116 | 180-23-090 | REP-P | 02-14-118 | 180-38-045 | AMD-E | 02-18-051 |
| 180-20-120 | AMD | 02-18-055 | 180-23-090 | REP | 02-18-052 | 180-38-050 | AMD-P | 02-14-140 |
| 180-20-123 | REP-P | 02-14-116 | 180-23-095 | REP-P | 02-14-118 | 180-38-050 | AMD-E | 02-18-051 |
| 180-20-123 | REP | 02-18-055 | 180-23-095 | REP | 02-18-052 | 180-38-055 | REP-P | 02-14-140 |

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| 180-38-055 | REP-E | 02-18-051 | 180-53-050 | REP | 02-18-056 | 180-55-080 | REP-E | 02-14-114 |
| 180-38-060 | REP-P | 02-14-140 | 180-53-055 | REP-E | 02-08-038 | 180-55-080 | REP-P | 02-14-117 |
| 180-38-060 | REP-E | 02-18-051 | 180-53-055 | REP-E | 02-14-114 | 180-55-080 | REP | 02-18-056 |
| 180-38-065 | AMD-P | 02-14-140 | 180-53-055 | REP-P | 02-14-117 | 180-55-085 | REP-E | 02-08-038 |
| 180-38-065 | REP-E | 02-18-051 | 180-53-055 | REP | 02-18-056 | 180-55-085 | REP-E | 02-14-114 |
| 180-38-070 | REP-P | 02-14-140 | 180-53-060 | REP-E | 02-08-038 | 180-55-085 | REP-P | 02-14-117 |
| 180-38-070 | REP-E | 02-18-051 | 180-53-060 | REP-E | 02-14-114 | 180-55-085 | REP | 02-18-056 |
| 180-38-080 | NEW-E | 02-18-051 | 180-53-060 | REP-P | 02-14-117 | 180-55-090 | REP-E | 02-08-038 |
| 180-39 | PREP | 02-06-061 | 180-53-060 | REP | 02-18-056 | 180-55-090 | REP-E | 02-14-114 |
| 180-40 | PREP | 02-06-062 | 180-53-070 | REP-E | 02-08-038 | 180-55-090 | REP-P | 02-14-117 |
| 180-41 | PREP | 02-06-063 | 180-53-070 | REP-E | 02-14-114 | 180-55-090 | REP | 02-18-056 |
| 180-43 | PREP | 02-08-042 | 180-53-070 | REP-P | 02-14-117 | 180-55-095 | REP-E | 02-08-038 |
| 180-43-005 | AMD-P | 02-14-123 | 180-53-070 | REP | 02-18-056 | 180-55-095 | REP-E | 02-14-114 |
| 180-43-005 | AMD | 02-18-062 | 180-55 | PREP | 02-08-039 | 180-55-095 | REP-P | 02-14-117 |
| 180-43-010 | AMD-P | 02-14-123 | 180-55-005 | AMD-E | 02-08-038 | 180-55-095 | REP | 02-18-056 |
| 180-43-010 | AMD | 02-18-062 | 180-55-005 | AMD-E | 02-14-114 | 180-55-100 | REP-E | 02-08-038 |
| 180-43-015 | AMD-P | 02-14-123 | 180-55-005 | AMD-P | 02-14-117 | 180-55-100 | REP-E | 02-14-114 |
| 180-43-015 | AMD | 02-18-062 | 180-55-005 | AMD | 02-18-056 | 180-55-100 | REP-P | 02-14-117 |
| 180-44 | PREP | 02-06-064 | 180-55-010 | REP-E | 02-08-038 | 180-55-100 | REP | 02-18-056 |
| 180-46 | PREP | 02-06-065 | 180-55-010 | REP-E | 02-14-114 | 180-55-105 | REP-E | 02-08-038 |
| 180-50 | PREP | 02-06-066 | 180-55-010 | REP-P | 02-14-117 | 180-55-105 | REP-E | 02-14-114 |
| 180-50-135 | PREP | 02-15-026 | 180-55-010 | REP | 02-18-056 | 180-55-105 | REP-P | 02-14-117 |
| 180-52-070 | NEW-P | 02-08-092 | 180-55-015 | AMD-E | 02-08-038 | 180-55-105 | REP | 02-18-056 |
| 180-52-070 | NEW-P | 02-10-089 | 180-55-015 | AMD-E | 02-14-114 | 180-55-110 | REP-E | 02-08-038 |
| 180-52-070 | NEW | 02-14-125 | 180-55-015 | AMD-P | 02-14-117 | 180-55-110 | REP-E | 02-14-114 |
| 180-52-070 | NEW-W | 02-21-054 | 180-55-015 | AMD | 02-18-056 | 180-55-110 | REP-P | 02-14-117 |
| 180-53 | PREP | 02-08-039 | 180-55-020 | AMD-E | 02-08-038 | 180-55-110 | REP | 02-18-056 |
| 180-53-005 | REP-E | 02-08-038 | 180-55-020 | AMD-E | 02-14-114 | 180-55-115 | REP-E | 02-08-038 |
| 180-53-005 | REP-E | 02-14-114 | 180-55-020 | AMD-P | 02-14-117 | 180-55-115 | REP-E | 02-14-114 |
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| 180-53-010 | REP-P | 02-14-117 | 180-55-025 | REP | 02-18-056 | 180-55-120 | REP-P | 02-14-117 |
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| 180-53-020 | REP | 02-18-056 | 180-55-032 | NEW-E | 02-08-038 | 180-55-125 | REP | 02-18-056 |
| 180-53-025 | REP-E | 02-08-038 | 180-55-032 | NEW-E | 02-14-114 | 180-55-130 | REP-E | 02-08-038 |
| 180-53-025 | REP-E | 02-14-114 | 180-55-032 | NEW-P | 02-14-117 | 180-55-130 | REP-E | 02-14-114 |
| 180-53-025 | REP-P | 02-14-117 | 180-55-034 | NEW-E | 02-08-038 | 180-55-130 | REP-P | 02-14-117 |
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| 180-53-030 | REP-E | 02-14-114 | 180-55-034 | NEW | 02-18-056 | 180-55-135 | REP-E | 02-14-114 |
| 180-53-030 | REP-P | 02-14-117 | 180-55-035 | REP-E | 02-08-038 | 180-55-135 | REP-P | 02-14-117 |
| 180-53-030 | REP | 02-18-056 | 180-55-035 | REP-E | 02-14-114 | 180-55-135 | REP | 02-18-056 |
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| 180-53-035 | REP-E | 02-14-114 | 180-55-035 | REP | 02-18-056 | 180-55-150 | NEW-E | 02-14-114 |
| 180-53-035 | REP-P | 02-14-117 | 180-55-050 | REP-E | 02-08-038 | 180-55-150 | NEW-P | 02-14-117 |
| 180-53-035 | REP | 02-18-056 | 180-55-050 | REP-E | 02-14-114 | 180-55-150 | NEW | 02-18-056 |
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| 180-53-050 | REP-E | 02-14-114 | 180-55-075 | REP | 02-18-056 | 180-77-020 | AMD | 02-04-018 |
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| 180- 90 | PREP | 02-06-078 | 180- 97-003 | AMD | 02-18-061 | 182- 25-041 | NEW-E | 02-18-090 |
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| 180- 90-105 | AMD-W | 02-14-110 | 180- 97-005 | REP | 02-18-061 | 182- 25-085 | AMD-P | 02-15-180 |
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| 180- 90-110 | REP-E | 02-08-037 | 180- 97-010 | AMD-P | 02-14-121 | 182- 25-090 | AMD-P | 02-15-180 |
| 180- 90-110 | REP-P | 02-10-088 | 180- 97-010 | AMD | 02-18-061 | 182- 25-090 | AMD | 02-19-054 |
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| 180- 90-112 | AMD-W | 02-14-110 | 180- 97-020 | REP-P | 02-14-121 | 192- 16-033 | PREP | 02-07-064 |
| 180- 90-112 | AMD-P | 02-14-124 | 180- 97-020 | REP | 02-18-061 | 192- 16-033 | REP-E | 02-07-065 |
| 180- 90-115 | REP-E | 02-08-037 | 180- 97-040 | AMD-E | 02-08-034 | 192- 16-036 | REP-E | 02-03-074 |
| 180- 90-115 | REP-P | 02-10-088 | 180- 97-040 | AMD-P | 02-14-121 | 192- 16-036 | PREP | 02-07-064 |
| 180- 90-115 | REP-W | 02-14-110 | 180- 97-040 | AMD | 02-18-061 | 192- 16-036 | REP-P | 02-07-065 |
| 180- 90-115 | REP-P | 02-14-124 | 180- 97-050 | REP-E | 02-08-034 | 192- 16-040 | REP-E | 02-03-074 |
| 180- 90-119 | REP-E | 02-08-037 | 180- 97-050 | REP-P | 02-14-121 | 192- 16-040 | PREP | 02-07-064 |
| 180- 90-119 | REP-P | 02-10-088 | 180- 97-050 | REP | 02-18-061 | 192- 16-040 | REP-P | 02-07-065 |
| 180- 90-119 | REP-W | 02-14-110 | 180- 97-060 | AMD-E | 02-08-034 | 192- 16-042 | REP-E | 02-03-074 |
| 180- 90-119 | REP-P | 02-14-124 | 180- 97-060 | AMD-P | 02-14-121 | 192- 16-042 | PREP | 02-07-064 |
| 180- 90-120 | REP-E | 02-08-037 | 180- 97-060 | AMD | 02-18-061 | 192- 16-042 | REP-P | 02-07-065 |
| 180- 90-120 | REP-P | 02-10-088 | 180- 97-070 | REP-E | 02-08-034 | 192- 16-045 | REP-E | 02-03-074 |
| 180- 90-120 | REP-W | 02-14-110 | 180- 97-070 | REP-P | 02-14-121 | 192- 16-045 | PREP | 02-07-064 |
| 180- 90-120 | REP-P | 02-14-124 | 180- 97-070 | REP | 02-18-061 | 192- 16-045 | REP-P | 02-07-065 |
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| 180- 90-123 | REP-P | 02-10-088 | 180- 97-080 | AMD-P | 02-14-121 | 192- 16-047 | PREP | 02-07-064 |
| 180- 90-123 | REP-W | 02-14-110 | 180- 97-080 | AMD | 02-18-061 | 192- 16-047 | REP-P | 02-07-065 |
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| 180- 90-125 | REP-P | 02-10-088 | 180- 97-090 | REP | 02-18-061 | 192-150-055 | NEW | 02-14-035 |
| 180- 90-125 | REP-W | 02-14-110 | 180- 97-100 | REP-E | 02-08-034 | 192-150-060 | NEW | 02-08-072 |
| 180- 90-125 | REP-P | 02-14-124 | 180- 97-100 | REP-P | 02-14-121 | 192-170 | PREP | 02-20-095 |
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| 180- 90-137 | REP-E | 02-08-037 | 182- 12-132 | AMD-P | 02-15-177 | 192-210-020 | NEW | 02-19-009 |
| 180- 90-137 | REP-P | 02-10-088 | 182- 12-132 | AMD | 02-18-087 | 192-240-010 | NEW-E | 02-03-074 |
| 180- 90-137 | REP-W | 02-14-110 | 182- 12-220 | AMD-P | 02-15-178 | 192-240-015 | NEW-E | 02-03-074 |
| 180- 90-137 | REP-P | 02-14-124 | 182- 12-220 | AMD | 02-18-088 | 192-240-020 | NEW-E | 02-03-074 |
| 180- 90-141 | AMD-E | 02-08-037 | 182- 12-230 | NEW-P | 02-05-078 | 192-240-025 | NEW-E | 02-03-074 |
| 180- 90-141 | AMD-P | 02-10-088 | 182- 12-230 | NEW | 02-08-047 | 192-240-030 | NEW-E | 02-03-074 |
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| 180- 90-160 | AMD-P | 02-10-088 | 182- 20-250 | NEW | 02-18-089 | 192-240-040 | NEW-E | 02-07-065 |
| 180- 90-160 | AMD-W | 02-14-110 | 182- 25-010 | PREP | 02-18-086 | 192-240-045 | NEW-E | 02-07-065 |
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| 196-26-030 | REP-P | 02-08-075 | 208-472-020 | AMD | 02-04-094 | 212-12-260 | NEW-P | 02-17-102 |
| 196-26-030 | REP | 02-13-080 | 208-472-025 | AMD | 02-04-094 | 212-12-270 | NEW-E | 02-03-060 |
| 196-26A-010 | NEW-P | 02-08-075 | 208-472-030 | NEW | 02-04-094 | 212-12-270 | NEW-P | 02-17-102 |
| 196-26A-010 | NEW | 02-13-080 | 208-472-035 | NEW | 02-04-094 | 212-12-280 | NEW-E | 02-03-060 |
| 196-26A-020 | NEW-P | 02-08-075 | 208-472-041 | REP | 02-04-094 | 212-12-280 | NEW-P | 02-17-102 |
| 196-26A-020 | NEW | 02-13-080 | 208-472-045 | REP | 02-04-094 | 212-12-290 | NEW-E | 02-03-060 |
| 196-26A-025 | NEW-P | 02-08-075 | 208-472-050 | REP | 02-04-094 | 212-12-290 | NEW-P | 02-17-102 |
| 196-26A-025 | NEW | 02-13-080 | 208-472-060 | REP | 02-04-094 | 212-12-300 | NEW-E | 02-03-060 |
| 196-26A-030 | NEW-P | 02-08-075 | 208-472-065 | REP | 02-04-094 | 212-12-300 | NEW-P | 02-17-102 |
| 196-26A-030 | NEW | 02-13-080 | 208-472-070 | REP | 02-04-094 | 212-12-310 | NEW-E | 02-03-060 |
| 196-26A-035 | NEW-P | 02-08-075 | 208-472-075 | REP | 02-04-094 | 212-12-310 | NEW-P | 02-17-102 |
| 196-26A-035 | NEW | 02-13-080 | 208-472-080 | REP | 02-04-094 | 212-12-320 | NEW-E | 02-03-060 |
| 196-26A-040 | NEW-P | 02-08-075 | 208-620-160 | AMD-P | 02-12-004 | 212-12-320 | NEW-P | 02-17-102 |
| 196-26A-040 | NEW | 02-13-080 | 208-620-160 | AMD | 02-21-101 | 212-12-330 | NEW-E | 02-03-060 |
| 196-26A-045 | NEW-P | 02-08-075 | 208-660-125 | AMD-P | 02-12-003 | 212-12-330 | NEW-P | 02-17-102 |
| 196-26A-045 | NEW | 02-13-080 | 208-660-125 | AMD | 02-21-100 | 212-12-340 | NEW-E | 02-03-060 |
| 196-26A-050 | NEW-P | 02-08-075 | 212-12-001 | PREP | 02-07-018 | 212-12-340 | NEW-P | 02-17-102 |
| 196-26A-050 | NEW | 02-13-080 | 212-12-001 | AMD-P | 02-11-038 | 212-12-350 | NEW-E | 02-03-060 |
| 196-26A-055 | NEW-P | 02-08-075 | 212-12-001 | AMD | 02-16-023 | 212-12-350 | NEW-P | 02-17-102 |
| 196-26A-055 | NEW | 02-13-080 | 212-12-005 | PREP | 02-07-018 | 212-12-360 | NEW-E | 02-03-060 |
| 196-26A-060 | NEW-P | 02-08-075 | 212-12-005 | AMD-P | 02-11-038 | 212-12-360 | NEW-P | 02-17-102 |
| 196-26A-060 | NEW | 02-13-080 | 212-12-005 | AMD | 02-16-023 | 212-12-370 | NEW-E | 02-03-060 |
| 196-26A-070 | NEW-P | 02-08-075 | 212-12-010 | PREP | 02-07-018 | 212-12-370 | NEW-P | 02-17-102 |
| 196-26A-070 | NEW | 02-13-080 | 212-12-010 | AMD-P | 02-11-038 | 212-12-380 | NEW-E | 02-03-060 |
| 196-27-010 | REP-P | 02-15-139 | 212-12-010 | AMD | 02-16-023 | 212-12-380 | NEW-P | 02-17-102 |
| 196-27-020 | REP-P | 02-15-139 | 212-12-011 | PREP | 02-07-018 | 212-12-390 | NEW-E | 02-03-060 |
| 196-27A-010 | NEW-P | 02-15-139 | 212-12-011 | AMD-P | 02-11-038 | 212-12-390 | NEW-P | 02-17-102 |
| 196-27A-020 | NEW-P | 02-15-139 | 212-12-011 | AMD | 02-16-023 | 212-12-400 | NEW-E | 02-03-060 |
| 196-27A-030 | NEW-P | 02-15-139 | 212-12-015 | PREP | 02-07-018 | 212-12-400 | NEW-P | 02-17-102 |
| 197-11 | PREP | 02-20-080 | 212-12-015 | AMD-P | 02-11-038 | 212-12-410 | NEW-E | 02-03-060 |
| 197-11 | PREP-W | 02-21-030 | 212-12-015 | AMD | 02-16-023 | 212-12-410 | NEW-P | 02-17-102 |
| 204-24-030 | AMD-P | 02-15-072 | 212-12-020 | PREP | 02-07-018 | 212-12-420 | NEW-E | 02-03-060 |
| 204-24-030 | AMD | 02-19-055 | 212-12-020 | AMD-P | 02-11-038 | 212-12-420 | NEW-P | 02-17-102 |
| 204-24-050 | AMD-P | 02-15-072 | 212-12-020 | AMD | 02-16-023 | 220-12-005 | NEW-P | 02-13-107 |
| 204-24-050 | AMD | 02-19-055 | 212-12-025 | PREP | 02-07-018 | 220-12-005 | NEW | 02-19-007 |
| 204-36-030 | AMD | 02-07-055 | 212-12-025 | AMD-P | 02-11-038 | 220-12-020 | AMD-P | 02-21-094 |
| 204-36-040 | AMD | 02-07-055 | 212-12-025 | AMD | 02-16-023 | 220-12-090 | NEW-P | 02-13-107 |
| 204-36-060 | AMD | 02-07-055 | 212-12-030 | PREP | 02-07-018 | 220-12-090 | NEW | 02-19-007 |
| 204-91A-010 | AMD | 02-07-056 | 212-12-030 | AMD-P | 02-11-038 | 220-12-09000A | NEW-E | 02-15-001 |
| 204-91A-030 | AMD | 02-07-056 | 212-12-030 | AMD | 02-16-023 | 220-16-028 | AMD | 02-08-048 |
| 204-91A-060 | AMD | 02-07-056 | 212-12-035 | PREP | 02-07-018 | 220-16-410 | AMD-W | 02-05-035 |
| 204-91A-090 | AMD | 02-07-056 | 212-12-035 | AMD-P | 02-11-038 | 220-16-480 | AMD | 02-08-027 |
| 204-91A-120 | AMD | 02-07-056 | 212-12-035 | AMD | 02-16-023 | 220-16-760 | NEW | 02-08-048 |
| 204-91A-130 | AMD | 02-07-056 | 212-12-040 | PREP | 02-07-018 | 220-16-760 | AMD-P | 02-13-088 |
| 204-91A-140 | AMD | 02-07-056 | 212-12-040 | AMD-P | 02-11-038 | 220-16-760 | NEW-W | 02-15-088 |
| 204-91A-170 | AMD | 02-07-056 | 212-12-040 | AMD | 02-16-023 | 220-16-760 | AMD | 02-17-017 |
| 204-91A-180 | AMD | 02-07-056 | 212-12-044 | PREP | 02-07-018 | 220-16-770 | NEW-W | 02-15-088 |
| 204-95 | PREP | 02-11-037 | 212-12-044 | AMD-P | 02-11-038 | 220-16-780 | NEW | 02-08-048 |
| 204-95-030 | AMD-P | 02-16-046 | 212-12-044 | AMD | 02-16-023 | 220-16-780 | AMD-P | 02-13-088 |
| 204-95-030 | AMD | 02-21-001 | 212-12-200 | NEW-E | 02-03-060 | 220-16-780 | NEW-W | 02-15-088 |
| 204-95-080 | AMD-P | 02-16-046 | 212-12-200 | NEW-P | 02-17-102 | 220-16-780 | AMD | 02-17-017 |
| 204-95-080 | AMD | 02-21-001 | 212-12-210 | NEW-E | 02-03-060 | 220-16-78000A | NEW-E | 02-10-118 |
| 208-424-010 | NEW-P | 02-11-010 | 212-12-210 | NEW-P | 02-17-102 | 220-16-790 | NEW | 02-08-048 |
| 208-424-010 | NEW | 02-14-038 | 212-12-220 | NEW-E | 02-03-060 | 220-16-790 | AMD-P | 02-13-088 |
| 208-424-020 | NEW-P | 02-11-010 | 212-12-220 | NEW-P | 02-17-102 | 220-16-790 | NEW-W | 02-15-088 |
| 208-424-020 | NEW | 02-14-038 | 212-12-230 | NEW-E | 02-03-060 | 220-16-790 | AMD | 02-17-017 |
| 208-424-030 | NEW-P | 02-11-010 | 212-12-230 | NEW-P | 02-17-102 | 220-16-79000A | NEW-E | 02-10-118 |
| 208-424-030 | NEW | 02-14-038 | 212-12-240 | NEW-E | 02-03-060 | 220-16-800 | NEW-W | 02-15-088 |
| 208-472 | AMD | 02-04-094 | 212-12-240 | NEW-P | 02-17-102 | 220-20-001 | NEW-P | 02-13-085 |
| 208-472-010 | AMD | 02-04-094 | 212-12-250 | NEW-E | 02-03-060 | 220-20-001 | NEW | 02-16-069 |
| 208-472-012 | REP | 02-04-094 | 212-12-250 | NEW-P | 02-17-102 | 220-20-010 | AMD | 02-08-048 |
| 208-472-015 | AMD | 02-04-094 | 212-12-260 | NEW-E | 02-03-060 | 220-20-015 | AMD-X | 02-15-025 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 220-20-016 | PREP | 02-06-107 | 220-32-05700P | REP-E | 02-11-146 | 220-44-05000I | NEW-E | 02-04-060 |
| 220-20-016 | AMD-X | 02-11-073 | 220-32-05700Q | NEW-E | 02-20-033 | 220-44-05000J | REP-E | 02-07-093 |
| 220-20-016 | AMD-C | 02-16-002 | 220-32-05700Q | REP-E | 02-20-033 | 220-44-05000J | NEW-E | 02-07-093 |
| 220-20-020 | AMD-X | 02-15-025 | 220-33-01000I | NEW-E | 02-04-077 | 220-44-05000J | REP-E | 02-11-042 |
| 220-20-025 | AMD | 02-08-048 | 220-33-01000I | REP-E | 02-04-077 | 220-44-05000K | NEW-E | 02-11-042 |
| 220-20-025 | AMD-X | 02-15-025 | 220-33-01000J | NEW-E | 02-05-056 | 220-44-05000K | REP-E | 02-15-036 |
| 220-20-075 | NEW | 02-05-046 | 220-33-01000J | REP-E | 02-05-056 | 220-44-05000L | NEW-E | 02-15-036 |
| 220-20-080 | NEW-P | 02-13-134 | 220-33-01000J | REP-E | 02-07-010 | 220-44-05000L | REP-E | 02-16-019 |
| 220-20-080 | NEW-S | 02-21-115 | 220-33-01000K | NEW-E | 02-07-010 | 220-44-05000M | NEW-E | 02-16-019 |
| 220-20-08000A | NEW-E | 02-14-089 | 220-33-01000K | REP-E | 02-07-010 | 220-44-05000M | REP-E | 02-18-081 |
| 220-20-100 | NEW | 02-08-048 | 220-33-01000K | REP-E | 02-07-094 | 220-44-05000N | NEW-E | 02-18-081 |
| 220-20-100 | NEW-W | 02-15-088 | 220-33-01000L | NEW-E | 02-07-094 | 220-44-05000N | REP-E | 02-20-009 |
| 220-22-40000D | NEW-E | 02-19-040 | 220-33-01000L | REP-E | 02-07-094 | 220-44-05000P | NEW-E | 02-20-009 |
| 220-24-04000B | NEW-E | 02-10-078 | 220-33-01000L | REP-E | 02-08-014 | 220-47-301 | AMD-X | 02-11-073 |
| 220-24-04000B | REP-E | 02-10-078 | 220-33-01000M | NEW-E | 02-08-014 | 220-47-301 | AMD-W | 02-16-003 |
| 220-24-04000B | REP-E | 02-10-120 | 220-33-01000M | REP-E | 02-08-025 | 220-47-311 | AMD-X | 02-11-073 |
| 220-24-04000C | NEW-E | 02-10-120 | 220-33-01000M | NEW-E | 02-08-025 | 220-47-311 | AMD | 02-16-004 |
| 220-24-04000C | REP-E | 02-10-120 | 220-33-01000N | REP-E | 02-08-025 | 220-47-31100C | NEW-E | 02-21-009 |
| 220-24-04000C | REP-E | 02-13-003 | 220-33-01000P | NEW-E | 02-16-063 | 220-47-31100C | REP-E | 02-21-009 |
| 220-24-04000D | NEW-E | 02-14-090 | 220-33-01000P | REP-E | 02-16-063 | 220-47-31100C | REP-E | 02-21-085 |
| 220-24-04000D | REP-E | 02-14-090 | 220-33-01000Q | NEW-E | 02-17-021 | 220-47-31100D | NEW-E | 02-21-085 |
| 220-24-04000E | NEW-E | 02-15-041 | 220-33-01000Q | REP-E | 02-17-021 | 220-47-31100D | REP-E | 02-21-085 |
| 220-24-04000E | REP-E | 02-15-041 | 220-33-01000R | NEW-E | 02-17-063 | 220-47-401 | AMD-X | 02-11-073 |
| 220-24-04000F | NEW-E | 02-16-013 | 220-33-01000R | REP-E | 02-17-063 | 220-47-401 | AMD | 02-16-004 |
| 220-24-04000F | REP-E | 02-16-013 | 220-33-01000R | REP-E | 02-19-073 | 220-47-40100D | NEW-E | 02-19-039 |
| 220-24-04000G | NEW-E | 02-17-010 | 220-33-01000S | NEW-E | 02-19-073 | 220-47-40100D | REP-E | 02-19-039 |
| 220-24-04000G | REP-E | 02-17-010 | 220-33-01000S | REP-E | 02-19-073 | 220-47-411 | AMD-X | 02-11-073 |
| 220-24-04000H | NEW-E | 02-18-010 | 220-33-01000S | REP-E | 02-20-010 | 220-47-411 | AMD | 02-16-004 |
| 220-24-04000H | REP-E | 02-18-010 | 220-33-01000T | NEW-E | 02-20-010 | 220-47-41100C | NEW-E | 02-21-010 |
| 220-32-05100K | REP-E | 02-04-073 | 220-33-01000T | REP-E | 02-20-010 | 220-47-41100C | REP-E | 02-21-010 |
| 220-32-05100L | NEW-E | 02-04-073 | 220-33-01000T | REP-E | 02-20-038 | 220-47-42700B | NEW-E | 02-17-042 |
| 220-32-05100L | REP-E | 02-04-073 | 220-33-01000U | NEW-E | 02-20-038 | 220-47-428 | AMD-X | 02-11-073 |
| 220-32-05100L | REP-E | 02-07-011 | 220-33-01000U | REP-E | 02-20-038 | 220-47-428 | AMD | 02-16-004 |
| 220-32-05100M | NEW-E | 02-07-011 | 220-33-01000V | NEW-E | 02-20-064 | 220-47-430 | AMD-X | 02-11-073 |
| 220-32-05100M | REP-E | 02-07-011 | 220-33-01000V | REP-E | 02-20-064 | 220-47-430 | AMD | 02-16-004 |
| 220-32-05100M | REP-E | 02-07-044 | 220-33-01000W | NEW-E | 02-21-033 | 220-47-901 | NEW-E | 02-16-056 |
| 220-32-05100N | NEW-E | 02-07-044 | 220-33-01000W | REP-E | 02-21-033 | 220-47-902 | NEW-E | 02-18-007 |
| 220-32-05100N | REP-E | 02-07-044 | 220-33-03000S | NEW-E | 02-11-014 | 220-47-902 | REP-E | 02-18-007 |
| 220-32-05100P | NEW-E | 02-10-042 | 220-33-03000S | REP-E | 02-11-014 | 220-48-005 | AMD | 02-08-026 |
| 220-32-05100P | REP-E | 02-10-042 | 220-33-04000N | REP-E | 02-04-072 | 220-48-015 | AMD-W | 02-15-086 |
| 220-32-05100Q | NEW-E | 02-11-003 | 220-33-04000P | NEW-E | 02-04-072 | 220-48-01500P | NEW-E | 02-17-012 |
| 220-32-05100Q | REP-E | 02-11-003 | 220-33-04000P | REP-E | 02-04-072 | 220-48-029 | AMD-P | 02-13-108 |
| 220-32-05100R | NEW-E | 02-11-049 | 220-33-04000P | REP-E | 02-04-102 | 220-48-029 | AMD-W | 02-15-086 |
| 220-32-05100R | REP-E | 02-11-049 | 220-33-04000Q | NEW-E | 02-04-102 | 220-48-02900A | NEW-E | 02-21-093 |
| 220-32-05100S | NEW-E | 02-11-085 | 220-33-04000Q | REP-E | 02-04-102 | 220-48-032 | AMD-P | 02-13-108 |
| 220-32-05100S | REP-E | 02-11-085 | 220-33-04000Q | REP-E | 02-06-036 | 220-48-03200A | NEW-E | 02-21-093 |
| 220-32-05100S | REP-E | 02-11-146 | 220-33-04000R | NEW-E | 02-06-036 | 220-48-05100Q | NEW-E | 02-19-051 |
| 220-32-05100T | NEW-E | 02-14-138 | 220-33-04000R | REP-E | 02-06-036 | 220-48-06200A | NEW-E | 02-21-093 |
| 220-32-05100T | REP-E | 02-14-138 | 220-36-02300B | NEW-E | 02-16-050 | 220-49-013 | AMD | 02-08-026 |
| 220-32-05100U | NEW-E | 02-17-064 | 220-36-02300B | REP-E | 02-16-103 | 220-49-02000M | NEW-E | 02-21-093 |
| 220-32-05100U | REP-E | 02-18-079 | 220-36-02300C | NEW-E | 02-16-103 | 220-49-056 | AMD | 02-08-026 |
| 220-32-05100V | NEW-E | 02-18-079 | 220-36-02300C | REP-E | 02-19-038 | 220-49-05600A | NEW-E | 02-21-093 |
| 220-32-05100V | REP-E | 02-19-074 | 220-36-02300D | NEW-E | 02-19-038 | 220-52-03000R | NEW-E | 02-11-043 |
| 220-32-05100W | NEW-E | 02-19-074 | 220-40-02100W | NEW-E | 02-15-040 | 220-52-03000R | REP-E | 02-11-043 |
| 220-32-05100W | REP-E | 02-19-074 | 220-40-02100W | REP-E | 02-15-040 | 220-52-04000F | REP-E | 02-03-068 |
| 220-32-05100X | NEW-E | 02-20-008 | 220-40-027 | AMD-X | 02-11-072 | 220-52-04000G | NEW-E | 02-15-124 |
| 220-32-05100X | REP-E | 02-20-008 | 220-40-027 | AMD | 02-16-021 | 220-52-04000G | REP-E | 02-15-124 |
| 220-32-05100Y | NEW-E | 02-21-047 | 220-40-02700A | NEW-E | 02-20-065 | 220-52-04000H | NEW-E | 02-19-040 |
| 220-32-05100Y | REP-E | 02-21-047 | 220-40-02700A | REP-E | 02-20-065 | 220-52-04000H | REP-E | 02-21-068 |
| 220-32-05500E | NEW-E | 02-11-146 | 220-40-02700Z | NEW-E | 02-20-018 | 220-52-04600A | REP-E | 02-03-024 |
| 220-32-05500E | REP-E | 02-11-146 | 220-40-02700Z | REP-E | 02-20-018 | 220-52-04600B | NEW-E | 02-03-024 |
| 220-32-05700P | NEW-E | 02-11-146 | 220-44-05000H | REP-E | 02-04-060 | 220-52-04600B | REP-E | 02-03-050 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 220- 52-04600C | NEW-E | 02-03-050 | 220- 52-07300S | REP-E | 02-03-090 | 220- 56-25500B | NEW-E | 02-15-024 |
| 220- 52-04600C | REP-E | 02-04-093 | 220- 52-07300T | NEW-E | 02-03-090 | 220- 56-25500B | REP-E | 02-15-105 |
| 220- 52-04600D | NEW-E | 02-04-093 | 220- 52-07300T | REP-E | 02-04-035 | 220- 56-25500C | REP-E | 02-15-109 |
| 220- 52-04600D | REP-E | 02-07-037 | 220- 52-07300U | NEW-E | 02-04-035 | 220- 56-25500D | NEW-E | 02-15-109 |
| 220- 52-04600E | NEW-E | 02-07-037 | 220- 52-07300U | REP-E | 02-04-078 | 220- 56-25500X | NEW-E | 02-09-045 |
| 220- 52-04600E | REP-E | 02-07-075 | 220- 52-07300V | NEW-E | 02-04-078 | 220- 56-25500X | REP-E | 02-12-014 |
| 220- 52-04600F | NEW-E | 02-07-075 | 220- 52-07300V | REP-E | 02-07-046 | 220- 56-25500Y | NEW-E | 02-12-014 |
| 220- 52-04600F | REP-E | 02-08-070 | 220- 52-07300W | NEW-E | 02-07-092 | 220- 56-25500Y | REP-E | 02-13-044 |
| 220- 52-04600G | NEW-E | 02-08-070 | 220- 52-07300W | REP-E | 02-07-092 | 220- 56-25500Z | NEW-E | 02-13-044 |
| 220- 52-04600G | REP-E | 02-08-070 | 220- 52-07300X | NEW-E | 02-21-032 | 220- 56-25500Z | REP-E | 02-14-139 |
| 220- 52-04600H | NEW-E | 02-19-040 | 220- 52-07500D | NEW-E | 02-09-021 | 220- 56-265 | AMD | 02-08-048 |
| 220- 52-04700J | NEW-E | 02-19-040 | 220- 52-07500D | REP-E | 02-10-004 | 220- 56-265 | AMD-P | 02-21-094 |
| 220- 52-050 | AMD-W | 02-11-026 | 220- 52-07500E | NEW-E | 02-10-004 | 220- 56-270 | AMD | 02-08-048 |
| 220- 52-05000E | NEW-E | 02-15-013 | 220- 55-001 | AMD-P | 02-13-084 | 220- 56-27000L | REP-E | 02-06-036 |
| 220- 52-05100A | NEW-E | 02-10-004 | 220- 55-001 | AMD | 02-16-070 | 220- 56-27000M | NEW-E | 02-06-036 |
| 220- 52-05100A | REP-E | 02-10-043 | 220- 55-00100A | NEW-E | 02-10-106 | 220- 56-27000M | REP-E | 02-06-036 |
| 220- 52-05100B | NEW-E | 02-10-043 | 220- 55-100 | AMD-P | 02-13-084 | 220- 56-282 | AMD | 02-08-048 |
| 220- 52-05100B | REP-E | 02-13-023 | 220- 55-100 | AMD | 02-16-070 | 220- 56-28200D | NEW-E | 02-06-017 |
| 220- 52-05100C | NEW-E | 02-13-023 | 220- 55-200 | NEW-P | 02-12-130 | 220- 56-28200D | REP-E | 02-06-017 |
| 220- 52-05100C | REP-E | 02-14-068 | 220- 55-200 | NEW | 02-15-038 | 220- 56-28200E | NEW-E | 02-10-119 |
| 220- 52-05100D | NEW-E | 02-14-068 | 220- 55-20000A | REP-P | 02-12-130 | 220- 56-28200F | NEW-E | 02-15-014 |
| 220- 52-05100D | REP-E | 02-15-031 | 220- 55-20000A | REP | 02-15-038 | 220- 56-28200F | REP-E | 02-15-095 |
| 220- 52-05100E | NEW-E | 02-15-031 | 220- 55-20000B | NEW-E | 02-13-045 | 220- 56-285 | AMD | 02-08-048 |
| 220- 52-05100E | REP-E | 02-15-104 | 220- 56-100 | AMD | 02-08-048 | 220- 56-28500B | NEW-E | 02-05-010 |
| 220- 52-05100F | NEW-E | 02-15-104 | 220- 56-105 | AMD | 02-08-048 | 220- 56-28500B | REP-E | 02-10-063 |
| 220- 52-05100F | REP-E | 02-16-011 | 220- 56-105 | AMD-P | 02-21-094 | 220- 56-28500C | NEW-E | 02-11-006 |
| 220- 52-05100G | NEW-E | 02-16-011 | 220- 56-115 | AMD | 02-09-001 | 220- 56-28500C | REP-E | 02-11-006 |
| 220- 52-05100G | REP-E | 02-16-049 | 220- 56-116 | AMD | 02-08-048 | 220- 56-28500C | REP-E | 02-11-039 |
| 220- 52-05100H | NEW-E | 02-16-049 | 220- 56-124 | AMD-X | 02-10-127 | 220- 56-28500D | NEW-E | 02-11-039 |
| 220- 52-05100H | REP-E | 02-17-020 | 220- 56-124 | AMD | 02-15-097 | 220- 56-307 | REP | 02-08-048 |
| 220- 52-05100I | NEW-E | 02-17-020 | 220- 56-128 | AMD | 02-08-048 | 220- 56-310 | AMD | 02-08-048 |
| 220- 52-05100I | REP-E | 02-17-037 | 220- 56-129 | NEW-P | 02-21-094 | 220- 56-31000U | NEW-E | 02-09-003 |
| 220- 52-05100J | NEW-E | 02-17-037 | 220- 56-15600A | NEW-E | 02-10-108 | 220- 56-31000U | REP-E | 02-09-003 |
| 220- 52-05100J | REP-E | 02-18-021 | 220- 56-175 | AMD-P | 02-21-059 | 220- 56-315 | AMD | 02-08-048 |
| 220- 52-05100K | NEW-E | 02-18-021 | 220- 56-193 | NEW-P | 02-10-124 | 220- 56-315 | AMD-P | 02-15-106 |
| 220- 52-05100K | REP-E | 02-18-059 | 220- 56-193 | NEW | 02-13-026 | 220- 56-315 | AMD | 02-19-014 |
| 220- 52-05100L | NEW-E | 02-18-059 | 220- 56-194 | NEW-P | 02-10-124 | 220- 56-31500A | NEW-E | 02-09-003 |
| 220- 52-05100L | REP-E | 02-19-002 | 220- 56-194 | NEW | 02-13-026 | 220- 56-31500A | REP-E | 02-09-003 |
| 220- 52-05100M | NEW-E | 02-19-002 | 220- 56-195 | AMD-X | 02-10-127 | 220- 56-31500B | NEW-E | 02-11-020 |
| 220- 52-05100M | REP-E | 02-19-111 | 220- 56-195 | AMD | 02-15-097 | 220- 56-31500C | NEW-E | 02-19-037 |
| 220- 52-05100N | NEW-E | 02-19-111 | 220- 56-19500I | NEW-E | 02-11-086 | 220- 56-320 | AMD-P | 02-21-094 |
| 220- 52-05100N | REP-E | 02-21-058 | 220- 56-19500I | REP-E | 02-11-086 | 220- 56-325 | AMD-P | 02-21-094 |
| 220- 52-05100Y | NEW-E | 02-09-021 | 220- 56-19500J | NEW-E | 02-17-038 | 220- 56-32500A | NEW-E | 02-15-125 |
| 220- 52-05100Y | REP-E | 02-09-067 | 220- 56-19500J | REP-E | 02-17-038 | 220- 56-32500A | REP-E | 02-16-044 |
| 220- 52-05100Z | NEW-E | 02-09-067 | 220- 56-210 | AMD | 02-08-048 | 220- 56-32500B | NEW-E | 02-16-044 |
| 220- 52-05100Z | REP-E | 02-10-004 | 220- 56-230 | AMD-P | 02-21-094 | 220- 56-32500B | REP-E | 02-21-058 |
| 220- 52-071 | AMD-P | 02-13-090 | 220- 56-235 | AMD | 02-09-001 | 220- 56-32500T | NEW-E | 02-08-028 |
| 220- 52-071 | AMD | 02-17-016 | 220- 56-235 | AMD-P | 02-21-094 | 220- 56-32500T | REP-E | 02-09-003 |
| 220- 52-07100W | NEW-E | 02-15-002 | 220- 56-23500L | NEW-E | 02-03-002 | 220- 56-32500U | NEW-E | 02-10-028 |
| 220- 52-07100W | REP-E | 02-16-012 | 220- 56-23500L | REP-E | 02-07-004 | 220- 56-32500U | REP-E | 02-11-013 |
| 220- 52-07100X | NEW-E | 02-16-012 | 220- 56-23500M | NEW-E | 02-07-004 | 220- 56-32500V | NEW-E | 02-11-013 |
| 220- 52-07100X | REP-E | 02-17-066 | 220- 56-23500M | REP-E | 02-15-003 | 220- 56-32500V | REP-E | 02-11-041 |
| 220- 52-07100Y | NEW-E | 02-17-066 | 220- 56-23500N | NEW-E | 02-15-003 | 220- 56-32500W | NEW-E | 02-11-041 |
| 220- 52-07100Y | REP-E | 02-18-022 | 220- 56-23500P | NEW-E | 02-21-092 | 220- 56-32500W | REP-E | 02-11-134 |
| 220- 52-07100Z | NEW-E | 02-18-022 | 220- 56-250 | AMD-P | 02-21-094 | 220- 56-32500X | NEW-E | 02-11-134 |
| 220- 52-07100Z | REP-E | 02-20-047 | 220- 56-25000C | NEW-E | 02-15-105 | 220- 56-32500X | REP-E | 02-12-054 |
| 220- 52-073 | AMD-P | 02-13-090 | 220- 56-25000D | NEW-E | 02-07-025 | 220- 56-32500Y | NEW-E | 02-12-054 |
| 220- 52-073 | AMD | 02-17-016 | 220- 56-25000D | REP-E | 02-07-025 | 220- 56-32500Y | REP-E | 02-14-004 |
| 220- 52-07300Q | REP-E | 02-03-025 | 220- 56-255 | AMD-W | 02-15-087 | 220- 56-32500Z | NEW-E | 02-14-004 |
| 220- 52-07300R | NEW-E | 02-03-025 | 220- 56-255 | AMD-P | 02-21-094 | 220- 56-32500Z | REP-E | 02-15-125 |
| 220- 52-07300R | REP-E | 02-03-067 | 220- 56-25500A | NEW-E | 02-14-139 | 220- 56-33000D | NEW-E | 02-03-051 |
| 220- 52-07300S | NEW-E | 02-03-067 | 220- 56-25500A | REP-E | 02-15-024 | 220- 56-33000D | REP-E | 02-05-001 |

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| 220- 56-33000E | NEW-E | 02-05-001 | 220- 69-24000A | REP-E | 02-10-043 | 230- 02-145 | REP-P | 02-07-081 |
| 220- 56-33000E | REP-E | 02-07-037 | 220- 69-24000B | NEW-E | 02-10-043 | 230- 02-145 | REP | 02-11-084 |
| 220- 56-33000F | NEW-E | 02-07-037 | 220- 69-24000B | REP-E | 02-13-023 | 230- 02-205 | AMD-S | 02-03-077 |
| 220- 56-33000F | REP-E | 02-07-075 | 220- 69-24000C | NEW-E | 02-13-023 | 230- 02-205 | AMD-W | 02-16-083 |
| 220- 56-33000G | NEW-E | 02-07-075 | 220- 69-24000C | REP-E | 02-14-068 | 230- 04-064 | AMD-P | 02-06-037 |
| 220- 56-33000G | REP-E | 02-08-070 | 220- 69-24000D | NEW-E | 02-14-068 | 230- 04-064 | AMD | 02-10-002 |
| 220- 56-33000H | NEW-E | 02-08-070 | 220- 69-24000E | NEW-E | 02-19-040 | 230- 04-180 | AMD-P | 02-13-112 |
| 220- 56-33000H | REP-E | 02-11-050 | 220- 69-241 | AMD-P | 02-13-134 | 230- 04-180 | AMD | 02-17-034 |
| 220- 56-33000H | REP-E | 02-11-094 | 220- 69-241 | AMD-S | 02-21-115 | 230- 04-202 | AMD-W | 02-02-090 |
| 220- 56-33000I | NEW-E | 02-11-050 | 220- 74-020 | AMD-P | 02-06-109 | 230- 04-202 | AMD-P | 02-13-111 |
| 220- 56-33000I | REP-E | 02-11-094 | 220- 74-020 | AMD | 02-10-023 | 230- 04-202 | AMD-W | 02-16-024 |
| 220- 56-33000J | NEW-E | 02-11-094 | 220- 76-100 | NEW-P | 02-21-114 | 230- 04-202 | AMD-P | 02-17-032 |
| 220- 56-33000J | REP-E | 02-11-132 | 220- 76-110 | NEW-P | 02-21-114 | 230- 04-203 | AMD-P | 02-13-111 |
| 220- 56-33000K | NEW-E | 02-11-132 | 220- 76-120 | NEW-P | 02-21-114 | 230- 04-203 | AMD-W | 02-16-024 |
| 220- 56-33000K | REP-E | 02-13-002 | 220- 76-130 | NEW-P | 02-21-114 | 230- 04-203 | AMD-P | 02-17-032 |
| 220- 56-33000L | NEW-E | 02-13-002 | 220- 76-140 | NEW-P | 02-21-114 | 230- 04-204 | AMD-P | 02-17-032 |
| 220- 56-33000L | REP-E | 02-14-025 | 220- 76-150 | NEW-P | 02-21-114 | 230- 04-315 | REP-P | 02-13-111 |
| 220- 56-33000M | NEW-E | 02-14-025 | 220- 77-020 | AMD | 02-06-018 | 230- 04-315 | REP | 02-18-043 |
| 220- 56-33000M | REP-E | 02-15-039 | 220- 77-040 | AMD | 02-06-018 | 230- 08-017 | AMD-P | 02-17-032 |
| 220- 56-33000N | NEW-E | 02-15-039 | 220- 77-09000A | NEW-E | 02-04-069 | 230- 08-255 | AMD-P | 02-06-037 |
| 220- 56-33000N | REP-E | 02-18-004 | 220- 77-09000A | REP-E | 02-04-089 | 230- 08-255 | AMD | 02-10-002 |
| 220- 56-33000P | NEW-E | 02-18-004 | 220- 77-09000B | NEW-E | 02-04-089 | 230- 12-045 | NEW-P | 02-07-081 |
| 220- 56-33000P | REP-E | 02-19-003 | 220- 77-095 | AMD-P | 02-13-136 | 230- 12-045 | NEW | 02-11-084 |
| 220- 56-33000Q | NEW-E | 02-19-003 | 220- 77-095 | AMD | 02-17-015 | 230- 12-050 | AMD-P | 02-07-081 |
| 220- 56-335 | AMD | 02-08-048 | 220- 77-100 | NEW-W | 02-11-027 | 230- 12-050 | AMD | 02-11-084 |
| 220- 56-350 | AMD | 02-08-048 | 220- 77-105 | NEW-W | 02-11-027 | 230- 12-090 | AMD-P | 02-13-111 |
| 220- 56-350 | AMD-P | 02-13-091 | 220- 88C-04000 | NEW-E | 02-13-051 | 230- 12-090 | AMD | 02-17-035 |
| 220- 56-350 | AMD | 02-17-019 | 220- 88C-04000 | REP-E | 02-19-072 | 230- 12-330 | AMD-P | 02-06-038 |
| 220- 56-350 | AMD-P | 02-21-094 | 220- 88C-04000 | NEW-E | 02-19-071 | 230- 12-330 | AMD | 02-10-003 |
| 220- 56-35000J | REP-E | 02-06-035 | 220- 88C-04000 | REP-E | 02-19-072 | 230- 12-340 | AMD-P | 02-06-038 |
| 220- 56-35000K | NEW-E | 02-06-035 | 220- 88C-04000 | NEW-E | 02-19-072 | 230- 12-340 | AMD | 02-10-003 |
| 220- 56-35000K | REP-E | 02-10-029 | 220- 88C-04000 | REP-E | 02-20-019 | 230- 20-002 | NEW-P | 02-13-111 |
| 220- 56-35000L | NEW-E | 02-10-029 | 220- 95-100 | AMD-P | 02-13-086 | 230- 20-002 | NEW | 02-17-035 |
| 220- 56-35000L | REP-E | 02-13-011 | 220- 95-100 | AMD | 02-17-014 | 230- 20-005 | NEW-P | 02-13-111 |
| 220- 56-35000M | NEW-E | 02-13-011 | 220- 95-110 | AMD-P | 02-13-086 | 230- 20-005 | NEW | 02-17-035 |
| 220- 56-35000M | REP-E | 02-20-011 | 220- 95-110 | AMD | 02-17-014 | 230- 20-070 | AMD-P | 02-13-111 |
| 220- 56-355 | AMD | 02-08-048 | 220-130-040 | AMD-W | 02-02-089 | 230- 20-070 | AMD | 02-17-035 |
| 220- 56-355 | AMD-P | 02-13-091 | 222- 10-040 | AMD-P | 02-05-087 | 230- 20-104 | AMD-P | 02-13-111 |
| 220- 56-355 | AMD | 02-17-019 | 222- 10-040 | AMD | 02-11-075 | 230- 20-104 | AMD | 02-17-035 |
| 220- 56-35500B | NEW-E | 02-07-076 | 222- 10-041 | AMD-P | 02-05-087 | 230- 20-111 | REP-P | 02-07-081 |
| 220- 56-35500C | NEW-E | 02-15-120 | 222- 10-041 | AMD | 02-11-075 | 230- 20-111 | REP | 02-11-084 |
| 220- 56-36000L | NEW-E | 02-03-053 | 222- 16-050 | AMD-E | 02-05-086 | 230- 20-125 | REP-P | 02-07-081 |
| 220- 56-36000L | REP-E | 02-03-053 | 222- 16-050 | PREP | 02-07-023 | 230- 20-125 | REP | 02-11-084 |
| 220- 56-36000L | REP-E | 02-04-039 | 222- 16-050 | AMD-P | 02-11-138 | 230- 20-170 | AMD-P | 02-13-111 |
| 220- 56-36000M | NEW-E | 02-04-039 | 222- 16-050 | AMD-E | 02-15-083 | 230- 20-170 | AMD | 02-17-035 |
| 220- 56-36000M | REP-E | 02-04-039 | 222- 16-050 | AMD | 02-17-099 | 230- 20-230 | REP-P | 02-07-081 |
| 220- 56-36000N | NEW-E | 02-07-012 | 222- 21 | PREP | 02-17-098 | 230- 20-230 | REP | 02-11-084 |
| 220- 56-36000N | REP-E | 02-07-012 | 222- 21-010 | AMD | 02-05-084 | 230- 20-244 | AMD | 02-06-006 |
| 220- 56-36000P | NEW-E | 02-10-012 | 222- 21-020 | AMD | 02-05-084 | 230- 20-246 | AMD | 02-06-006 |
| 220- 56-36000P | REP-E | 02-10-012 | 222- 21-045 | AMD | 02-05-084 | 230- 20-249 | AMD | 02-06-006 |
| 220- 56-36000Q | NEW-E | 02-11-012 | 222- 21-050 | AMD | 02-05-084 | 230- 30-033 | AMD | 02-06-007 |
| 220- 56-36000Q | REP-E | 02-11-012 | 222- 21-061 | NEW | 02-05-084 | 230- 30-045 | AMD | 02-06-007 |
| 220- 56-380 | AMD | 02-08-048 | 226- 01-040 | AMD-X | 02-03-038 | 230- 30-072 | AMD | 02-06-007 |
| 220- 56-380 | AMD-P | 02-21-094 | 226- 01-040 | AMD | 02-08-076 | 230- 30-106 | AMD-P | 02-06-038 |
| 220- 56-38000C | REP-E | 02-06-035 | 226- 01-050 | AMD-X | 02-03-038 | 230- 30-106 | AMD | 02-10-003 |
| 220- 56-38000D | NEW-E | 02-06-035 | 226- 01-050 | AMD | 02-08-076 | 230- 40-120 | AMD-W | 02-14-103 |
| 220- 56-38000D | REP-E | 02-10-029 | 226- 12-080 | AMD-X | 02-03-038 | 230- 40-610 | AMD-P | 02-12-076 |
| 220- 56-38000E | NEW-E | 02-10-029 | 226- 12-080 | AMD | 02-08-076 | 230- 40-610 | AMD | 02-17-033 |
| 220- 69 | PREP | 02-10-105 | 226- 16-160 | AMD-X | 02-03-038 | 230- 40-800 | AMD-P | 02-07-081 |
| 220- 69-240 | AMD-P | 02-13-134 | 226- 16-160 | AMD | 02-08-076 | 230- 40-800 | AMD | 02-11-084 |
| 220- 69-240 | AMD-S | 02-21-115 | 226- 20-010 | AMD-X | 02-03-038 | 230- 40-897 | REP-P | 02-07-081 |
| 220- 69-24000A | NEW-E | 02-10-004 | 226- 20-010 | AMD | 02-08-076 | 230- 40-897 | REP | 02-11-084 |

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| 230- 50-010 | AMD-P | 02-13-111 | 232- 28-282 | NEW | 02-15-019 | 232- 28-61900K | REP-E | 02-11-039 |
| 230- 50-010 | AMD | 02-17-035 | 232- 28-282 | AMD-P | 02-21-130 | 232- 28-61900K | NEW-E | 02-19-005 |
| 232- 12-011 | AMD-P | 02-06-122 | 232- 28-291 | AMD-P | 02-21-131 | 232- 28-61900K | REP-E | 02-19-005 |
| 232- 12-011 | AMD | 02-08-048 | 232- 28-299 | AMD-P | 02-10-128 | 232- 28-61900L | NEW-E | 02-03-015 |
| 232- 12-011 | AMD | 02-11-069 | 232- 28-299 | AMD | 02-15-018 | 232- 28-61900L | REP-E | 02-03-015 |
| 232- 12-014 | AMD-P | 02-06-122 | 232- 28-425 | REP-P | 02-13-137 | 232- 28-61900L | NEW-E | 02-11-040 |
| 232- 12-014 | AMD | 02-11-069 | 232- 28-425 | REP | 02-18-005 | 232- 28-61900L | NEW-E | 02-19-075 |
| 232- 12-016 | NEW-P | 02-13-107 | 232- 28-42500C | NEW-E | 02-03-052 | 232- 28-61900M | NEW-E | 02-03-066 |
| 232- 12-016 | NEW | 02-19-007 | 232- 28-42500C | REP-E | 02-03-052 | 232- 28-61900M | REP-E | 02-10-063 |
| 232- 12-01600A | NEW-E | 02-15-001 | 232- 28-426 | NEW-P | 02-13-137 | 232- 28-61900M | NEW-E | 02-11-068 |
| 232- 12-017 | AMD-P | 02-13-107 | 232- 28-426 | NEW | 02-18-005 | 232- 28-61900M | REP-E | 02-11-068 |
| 232- 12-017 | AMD | 02-19-007 | 232- 28-42600A | NEW-E | 02-21-046 | 232- 28-61900M | NEW-E | 02-20-012 |
| 232- 12-019 | AMD | 02-08-048 | 232- 28-42600A | REP-E | 02-21-046 | 232- 28-61900N | NEW-E | 02-04-019 |
| 232- 12-073 | NEW-P | 02-13-089 | 232- 28-619 | AMD | 02-08-048 | 232- 28-61900N | REP-E | 02-04-019 |
| 232- 12-104 | AMD-P | 02-21-131 | 232- 28-619 | AMD-X | 02-10-127 | 232- 28-61900N | NEW-E | 02-11-071 |
| 232- 12-106 | AMD-P | 02-21-131 | 232- 28-619 | AMD-P | 02-13-088 | 232- 28-61900N | REP-E | 02-11-071 |
| 232- 12-114 | AMD-P | 02-21-131 | 232- 28-619 | AMD | 02-15-097 | 232- 28-61900N | NEW-E | 02-20-048 |
| 232- 12-117 | AMD-P | 02-21-131 | 232- 28-619 | AMD-P | 02-15-106 | 232- 28-61900N | REP-E | 02-20-048 |
| 232- 12-147 | REP | 02-08-048 | 232- 28-619 | AMD | 02-20-082 | 232- 28-61900P | NEW-E | 02-04-103 |
| 232- 12-151 | REP | 02-08-048 | 232- 28-619 | AMD-P | 02-21-094 | 232- 28-61900P | REP-E | 02-12-013 |
| 232- 12-168 | AMD | 02-08-048 | 232- 28-61900A | NEW-E | 02-08-022 | 232- 28-61900P | NEW-E | 02-21-023 |
| 232- 12-16800B | NEW-E | 02-07-095 | 232- 28-61900A | REP-E | 02-11-001 | 232- 28-61900P | REP-E | 02-21-023 |
| 232- 12-16800B | REP-E | 02-07-095 | 232- 28-61900A | NEW-E | 02-15-159 | 232- 28-61900Q | NEW-E | 02-05-007 |
| 232- 12-181 | AMD-P | 02-17-118 | 232- 28-61900A | REP-E | 02-15-159 | 232- 28-61900Q | REP-E | 02-11-040 |
| 232- 12-243 | AMD-P | 02-13-133 | 232- 28-61900B | NEW-E | 02-08-004 | 232- 28-61900Q | NEW-E | 02-11-086 |
| 232- 12-243 | AMD | 02-17-013 | 232- 28-61900B | REP-E | 02-08-004 | 232- 28-61900Q | REP-E | 02-11-086 |
| 232- 12-245 | NEW-W | 02-11-025 | 232- 28-61900B | NEW-E | 02-16-001 | 232- 28-61900Q | REP-E | 02-12-013 |
| 232- 12-253 | NEW | 02-05-021 | 232- 28-61900B | REP-E | 02-16-001 | 232- 28-61900Q | NEW-E | 02-21-043 |
| 232- 12-253 | AMD-P | 02-10-125 | 232- 28-61900C | NEW-E | 02-09-023 | 232- 28-61900R | NEW-E | 02-05-008 |
| 232- 12-253 | AMD | 02-16-043 | 232- 28-61900C | REP-E | 02-09-023 | 232- 28-61900R | REP-E | 02-05-008 |
| 232- 12-267 | AMD-P | 02-10-128 | 232- 28-61900C | NEW-E | 02-16-022 | 232- 28-61900R | NEW-E | 02-11-114 |
| 232- 12-267 | AMD | 02-15-018 | 232- 28-61900C | REP-E | 02-17-041 | 232- 28-61900R | REP-E | 02-11-114 |
| 232- 12-272 | NEW | 02-08-048 | 232- 28-61900D | REP-E | 02-05-075 | 232- 28-61900R | NEW-E | 02-21-045 |
| 232- 12-619 | AMD | 02-08-048 | 232- 28-61900D | NEW-E | 02-09-009 | 232- 28-61900S | NEW-E | 02-05-010 |
| 232- 12-619 | AMD-P | 02-21-059 | 232- 28-61900D | REP-E | 02-10-063 | 232- 28-61900S | REP-E | 02-09-009 |
| 232- 12-619 | AMD-P | 02-21-094 | 232- 28-61900D | NEW-E | 02-17-036 | 232- 28-61900S | NEW-E | 02-12-013 |
| 232- 12-828 | AMD-P | 02-13-135 | 232- 28-61900D | REP-E | 02-19-075 | 232- 28-61900S | REP-E | 02-13-052 |
| 232- 28-02220 | AMD-P | 02-06-124 | 232- 28-61900E | NEW-E | 02-10-024 | 232- 28-61900S | NEW-E | 02-21-078 |
| 232- 28-02220 | AMD | 02-11-069 | 232- 28-61900E | REP-E | 02-10-024 | 232- 28-61900S | REP-E | 02-21-078 |
| 232- 28-02240 | AMD-P | 02-06-124 | 232- 28-61900E | NEW-E | 02-17-041 | 232- 28-61900T | NEW-E | 02-05-075 |
| 232- 28-02240 | AMD | 02-11-069 | 232- 28-61900E | REP-E | 02-20-012 | 232- 28-61900T | REP-E | 02-07-096 |
| 232- 28-248 | AMD-P | 02-06-124 | 232- 28-61900F | NEW-E | 02-10-077 | 232- 28-61900T | NEW-E | 02-12-019 |
| 232- 28-248 | AMD | 02-11-069 | 232- 28-61900F | NEW-E | 02-18-008 | 232- 28-61900T | REP-E | 02-12-019 |
| 232- 28-266 | AMD-P | 02-06-121 | 232- 28-61900F | REP-E | 02-18-011 | 232- 28-61900T | NEW-E | 02-21-079 |
| 232- 28-266 | AMD-W | 02-19-087 | 232- 28-61900F | REP-E | 02-21-045 | 232- 28-61900U | REP-E | 02-03-022 |
| 232- 28-271 | AMD-P | 02-21-131 | 232- 28-61900G | NEW-E | 02-10-062 | 232- 28-61900U | NEW-E | 02-06-100 |
| 232- 28-273 | AMD-P | 02-06-121 | 232- 28-61900G | NEW-E | 02-18-011 | 232- 28-61900U | REP-E | 02-06-100 |
| 232- 28-273 | AMD | 02-11-069 | 232- 28-61900H | REP-E | 02-03-014 | 232- 28-61900U | NEW-E | 02-13-052 |
| 232- 28-275 | AMD-P | 02-21-131 | 232- 28-61900H | NEW-E | 02-10-063 | 232- 28-61900U | REP-E | 02-14-046 |
| 232- 28-276 | AMD-P | 02-10-128 | 232- 28-61900H | REP-E | 02-11-006 | 232- 28-61900U | NEW-E | 02-21-086 |
| 232- 28-276 | AMD | 02-15-018 | 232- 28-61900H | NEW-E | 02-18-058 | 232- 28-61900U | REP-E | 02-21-086 |
| 232- 28-277 | AMD-P | 02-06-125 | 232- 28-61900H | REP-E | 02-18-058 | 232- 28-61900V | NEW-E | 02-06-099 |
| 232- 28-277 | REP-P | 02-10-128 | 232- 28-61900I | NEW-E | 02-03-022 | 232- 28-61900V | REP-E | 02-06-099 |
| 232- 28-277 | AMD | 02-11-069 | 232- 28-61900I | REP-E | 02-03-022 | 232- 28-61900V | NEW-E | 02-14-046 |
| 232- 28-277 | REP | 02-15-019 | 232- 28-61900I | NEW-E | 02-11-001 | 232- 28-61900V | REP-E | 02-15-032 |
| 232- 28-278 | AMD-P | 02-06-126 | 232- 28-61900I | NEW-E | 02-18-057 | 232- 28-61900W | NEW-E | 02-07-061 |
| 232- 28-278 | AMD | 02-11-069 | 232- 28-61900J | NEW-E | 02-03-023 | 232- 28-61900W | REP-E | 02-07-061 |
| 232- 28-279 | AMD-P | 02-06-123 | 232- 28-61900J | NEW-E | 02-11-006 | 232- 28-61900W | NEW-E | 02-15-030 |
| 232- 28-279 | AMD | 02-11-069 | 232- 28-61900J | REP-E | 02-11-039 | 232- 28-61900W | REP-E | 02-18-008 |
| 232- 28-279 | AMD-P | 02-13-138 | 232- 28-61900J | NEW-E | 02-18-073 | 232- 28-61900X | NEW-E | 02-07-019 |
| 232- 28-279 | AMD | 02-18-005 | 232- 28-61900K | NEW-E | 02-03-014 | 232- 28-61900X | REP-E | 02-07-019 |
| 232- 28-282 | NEW-P | 02-10-128 | 232- 28-61900K | NEW-E | 02-11-039 | 232- 28-61900X | NEW-E | 02-15-032 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 232-28-61900X | REP-E | 02-17-036 | 246-100-208 | AMD | 02-12-106 | 246-224-0050 | NEW | 02-14-050 |
| 232-28-61900Y | NEW-E | 02-07-066 | 246-101-505 | AMD-P | 02-16-102 | 246-224-0060 | NEW-P | 02-07-021 |
| 232-28-61900Y | REP-E | 02-07-066 | 246-145-001 | NEW | 02-11-109 | 246-224-0060 | NEW | 02-14-050 |
| 232-28-61900Y | NEW-E | 02-15-037 | 246-145-010 | NEW | 02-11-109 | 246-224-0070 | NEW-P | 02-07-021 |
| 232-28-61900Y | REP-E | 02-15-037 | 246-145-020 | NEW | 02-11-109 | 246-224-0070 | NEW | 02-14-050 |
| 232-28-61900Z | NEW-E | 02-07-096 | 246-145-030 | NEW | 02-11-109 | 246-224-0080 | NEW-P | 02-07-021 |
| 232-28-61900Z | REP-E | 02-07-096 | 246-145-040 | NEW | 02-11-109 | 246-224-0080 | NEW | 02-14-050 |
| 232-28-61900Z | NEW-E | 02-15-095 | 246-205-010 | AMD-P | 02-21-127 | 246-224-0090 | NEW-P | 02-07-021 |
| 232-28-61900Z | REP-E | 02-16-022 | 246-205-020 | REP-P | 02-21-127 | 246-224-0090 | NEW | 02-14-050 |
| 232-28-620 | AMD-X | 02-10-127 | 246-205-021 | NEW-P | 02-21-127 | 246-224-010 | REP-P | 02-07-021 |
| 232-28-620 | AMD | 02-15-097 | 246-205-030 | REP-P | 02-21-127 | 246-224-010 | REP | 02-14-050 |
| 232-28-62000D | NEW-E | 02-11-086 | 246-205-031 | NEW-P | 02-21-127 | 246-224-0100 | NEW-P | 02-07-021 |
| 232-28-62000D | REP-E | 02-11-086 | 246-205-040 | REP-P | 02-21-127 | 246-224-0100 | NEW | 02-14-050 |
| 232-28-62000D | REP-E | 02-15-121 | 246-205-041 | NEW-P | 02-21-127 | 246-224-0110 | NEW-P | 02-07-021 |
| 232-28-62000E | NEW-E | 02-15-121 | 246-205-050 | REP-P | 02-21-127 | 246-224-0110 | NEW | 02-14-050 |
| 232-28-62000E | REP-E | 02-17-011 | 246-205-051 | NEW-P | 02-21-127 | 246-224-0120 | NEW-P | 02-07-021 |
| 232-28-62000F | NEW-E | 02-17-011 | 246-205-060 | REP-P | 02-21-127 | 246-224-0120 | NEW | 02-14-050 |
| 232-28-62000F | REP-E | 02-17-065 | 246-205-061 | NEW-P | 02-21-127 | 246-224-020 | REP-P | 02-07-021 |
| 232-28-62000G | NEW-E | 02-17-065 | 246-205-070 | REP-P | 02-21-127 | 246-224-020 | REP | 02-14-050 |
| 232-28-62000G | REP-E | 02-18-009 | 246-205-071 | NEW-P | 02-21-127 | 246-224-050 | REP-P | 02-07-021 |
| 232-28-62000H | NEW-E | 02-18-009 | 246-205-080 | REP-P | 02-21-127 | 246-224-050 | REP | 02-14-050 |
| 232-28-62000H | REP-E | 02-18-080 | 246-205-081 | NEW-P | 02-21-127 | 246-224-060 | REP-P | 02-07-021 |
| 232-28-62000I | NEW-E | 02-18-080 | 246-205-090 | REP-P | 02-21-127 | 246-224-060 | REP | 02-14-050 |
| 232-28-62000I | REP-E | 02-19-006 | 246-205-091 | NEW-P | 02-21-127 | 246-224-070 | REP-P | 02-07-021 |
| 232-28-62000J | NEW-E | 02-19-006 | 246-205-100 | REP-P | 02-21-127 | 246-224-070 | REP | 02-14-050 |
| 232-28-621 | AMD | 02-08-048 | 246-205-101 | NEW-P | 02-21-127 | 246-224-090 | REP-P | 02-07-021 |
| 232-28-621 | AMD-X | 02-10-127 | 246-205-110 | REP-P | 02-21-127 | 246-224-090 | REP | 02-14-050 |
| 232-28-621 | AMD | 02-15-097 | 246-205-111 | NEW-P | 02-21-127 | 246-224-100 | REP-P | 02-07-021 |
| 232-28-621 | AMD-P | 02-21-094 | 246-205-120 | REP-P | 02-21-127 | 246-224-100 | REP | 02-14-050 |
| 232-28-62100G | NEW-E | 02-11-086 | 246-205-121 | NEW-P | 02-21-127 | 246-229-0001 | NEW-P | 02-07-021 |
| 232-28-62100G | REP-E | 02-11-086 | 246-205-131 | NEW-P | 02-21-127 | 246-229-0001 | NEW | 02-14-050 |
| 232-28-62100G | REP-E | 02-14-069 | 246-205-510 | NEW-P | 02-21-127 | 246-229-001 | REP-P | 02-07-021 |
| 232-28-62100H | NEW-E | 02-14-069 | 246-205-520 | AMD-P | 02-21-127 | 246-229-001 | REP | 02-14-050 |
| 232-28-62100H | REP-E | 02-15-033 | 246-205-530 | AMD-P | 02-21-127 | 246-229-0010 | NEW-P | 02-07-021 |
| 232-28-62100I | NEW-E | 02-15-033 | 246-205-531 | NEW-P | 02-21-127 | 246-229-0010 | NEW | 02-14-050 |
| 232-28-62100I | REP-E | 02-15-096 | 246-205-540 | AMD-P | 02-21-127 | 246-229-0020 | NEW-P | 02-07-021 |
| 232-28-62100J | NEW-E | 02-15-096 | 246-205-541 | NEW-P | 02-21-127 | 246-229-0020 | NEW | 02-14-050 |
| 236-48 | PREP | 02-16-025 | 246-205-550 | AMD-P | 02-21-127 | 246-229-0030 | NEW-P | 02-07-021 |
| 236-48-002 | PREP | 02-16-025 | 246-205-560 | AMD-P | 02-21-127 | 246-229-0030 | NEW | 02-14-050 |
| 236-48-003 | PREP | 02-16-025 | 246-205-570 | AMD-P | 02-21-127 | 246-229-0040 | NEW-P | 02-07-021 |
| 236-48-123 | PREP | 02-19-048 | 246-205-580 | AMD-P | 02-21-127 | 246-229-0040 | NEW | 02-14-050 |
| 236-49 | PREP | 02-16-026 | 246-205-590 | NEW-P | 02-21-127 | 246-229-0050 | NEW-P | 02-07-021 |
| 236-56 | PREP | 02-19-049 | 246-215-150 | AMD-P | 02-04-091 | 246-229-0050 | NEW | 02-14-050 |
| 236-70 | PREP | 02-13-127 | 246-215-150 | AMD | 02-09-028 | 246-229-0060 | NEW-P | 02-07-021 |
| 246-12-040 | AMD-X | 02-09-042 | 246-217-010 | PREP | 02-20-075 | 246-229-0060 | NEW | 02-14-050 |
| 246-50 | PREP-W | 02-09-027 | 246-217-015 | PREP | 02-20-075 | 246-229-0070 | NEW-P | 02-07-021 |
| 246-100-011 | AMD-P | 02-16-102 | 246-217-025 | AMD-P | 02-18-031 | 246-229-0070 | NEW | 02-14-050 |
| 246-100-036 | AMD-P | 02-16-102 | 246-224 | AMD-P | 02-07-021 | 246-229-0080 | NEW-P | 02-07-021 |
| 246-100-040 | NEW-P | 02-16-102 | 246-224 | AMD | 02-14-050 | 246-229-0080 | NEW | 02-14-050 |
| 246-100-045 | NEW-P | 02-16-102 | 246-224-0001 | NEW-P | 02-07-021 | 246-229-0090 | NEW-P | 02-07-021 |
| 246-100-050 | NEW-P | 02-16-102 | 246-224-0001 | NEW | 02-14-050 | 246-229-0090 | NEW | 02-14-050 |
| 246-100-055 | NEW-P | 02-16-102 | 246-224-001 | REP-P | 02-07-021 | 246-229-0100 | NEW-P | 02-07-021 |
| 246-100-060 | NEW-P | 02-16-102 | 246-224-001 | REP | 02-14-050 | 246-229-0100 | NEW | 02-14-050 |
| 246-100-065 | NEW-P | 02-16-102 | 246-224-0010 | NEW-P | 02-07-021 | 246-229-020 | REP-P | 02-07-021 |
| 246-100-070 | NEW-P | 02-16-102 | 246-224-0010 | NEW | 02-14-050 | 246-229-020 | REP | 02-14-050 |
| 246-100-166 | PREP | 02-10-066 | 246-224-0020 | NEW-P | 02-07-021 | 246-229-030 | REP-P | 02-07-021 |
| 246-100-166 | AMD-E | 02-14-075 | 246-224-0020 | NEW | 02-14-050 | 246-229-030 | REP | 02-14-050 |
| 246-100-206 | AMD-P | 02-08-018 | 246-224-0030 | NEW-P | 02-07-021 | 246-229-050 | REP-P | 02-07-021 |
| 246-100-206 | AMD | 02-12-106 | 246-224-0030 | NEW | 02-14-050 | 246-229-050 | REP | 02-14-050 |
| 246-100-207 | AMD-P | 02-08-018 | 246-224-0040 | NEW-P | 02-07-021 | 246-229-060 | REP-P | 02-07-021 |
| 246-100-207 | AMD | 02-12-106 | 246-224-0040 | NEW | 02-14-050 | 246-229-060 | REP | 02-14-050 |
| 246-100-208 | AMD-P | 02-08-018 | 246-224-0050 | NEW-P | 02-07-021 | 246-229-070 | REP-P | 02-07-021 |

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| 246-229-070 | REP | 02-14-050 | 246-327-125 | REP-P | 02-12-103 | 246-335-015 | NEW-P | 02-12-103 |
| 246-229-080 | REP-P | 02-07-021 | 246-327-125 | REP | 02-18-026 | 246-335-015 | NEW | 02-18-026 |
| 246-229-080 | REP | 02-14-050 | 246-327-135 | REP-P | 02-12-103 | 246-335-020 | NEW-P | 02-12-103 |
| 246-229-090 | REP-P | 02-07-021 | 246-327-135 | REP | 02-18-026 | 246-335-020 | NEW | 02-18-026 |
| 246-229-090 | REP | 02-14-050 | 246-327-145 | REP-P | 02-12-103 | 246-335-025 | NEW-P | 02-12-103 |
| 246-229-100 | REP-P | 02-07-021 | 246-327-145 | REP | 02-18-026 | 246-335-025 | NEW | 02-18-026 |
| 246-229-100 | REP | 02-14-050 | 246-327-165 | REP-P | 02-12-103 | 246-335-030 | NEW-P | 02-12-103 |
| 246-229-110 | REP-P | 02-07-021 | 246-327-165 | REP | 02-18-026 | 246-335-030 | NEW | 02-18-026 |
| 246-229-110 | REP | 02-14-050 | 246-327-185 | REP-P | 02-12-103 | 246-335-035 | NEW-P | 02-12-103 |
| 246-252-030 | AMD-X | 02-11-021 | 246-327-185 | REP | 02-18-026 | 246-335-035 | NEW | 02-18-026 |
| 246-252-030 | AMD | 02-17-005 | 246-327-990 | REP-P | 02-12-103 | 246-335-040 | NEW-P | 02-12-103 |
| 246-254-053 | AMD-P | 02-04-034 | 246-327-990 | REP | 02-18-026 | 246-335-040 | NEW | 02-18-026 |
| 246-254-053 | AMD | 02-07-085 | 246-328-200 | REP-X | 02-14-054 | 246-335-045 | NEW-P | 02-12-103 |
| 246-254-070 | AMD | 02-04-025 | 246-328-200 | REP | 02-20-078 | 246-335-045 | NEW | 02-18-026 |
| 246-254-080 | AMD | 02-04-025 | 246-328-990 | REP-X | 02-14-054 | 246-335-050 | NEW-P | 02-12-103 |
| 246-254-090 | AMD | 02-04-025 | 246-328-990 | REP | 02-20-078 | 246-335-050 | NEW | 02-18-026 |
| 246-254-100 | AMD | 02-04-025 | 246-329-990 | AMD-P | 02-10-131 | 246-335-055 | NEW-P | 02-12-103 |
| 246-254-120 | AMD | 02-04-025 | 246-329-990 | AMD | 02-13-061 | 246-335-055 | NEW | 02-18-026 |
| 246-272 | PREP | 02-03-137 | 246-331-010 | REP-P | 02-12-103 | 246-335-060 | NEW-P | 02-12-103 |
| 246-282-990 | AMD-P | 02-12-102 | 246-331-010 | REP | 02-18-026 | 246-335-060 | NEW | 02-18-026 |
| 246-282-990 | AMD | 02-15-094 | 246-331-025 | REP-P | 02-12-103 | 246-335-065 | NEW-P | 02-12-103 |
| 246-290 | PREP | 02-19-061 | 246-331-025 | REP | 02-18-026 | 246-335-065 | NEW | 02-18-026 |
| 246-291 | PREP | 02-19-060 | 246-331-030 | REP-P | 02-12-103 | 246-335-070 | NEW-P | 02-12-103 |
| 246-310 | PREP | 02-14-047 | 246-331-030 | REP | 02-18-026 | 246-335-070 | NEW | 02-18-026 |
| 246-310-990 | AMD-P | 02-10-064 | 246-331-035 | REP-P | 02-12-103 | 246-335-075 | NEW-P | 02-12-103 |
| 246-310-990 | AMD | 02-14-051 | 246-331-035 | REP | 02-18-026 | 246-335-075 | NEW | 02-18-026 |
| 246-320 | PREP | 02-11-076 | 246-331-065 | REP-P | 02-12-103 | 246-335-080 | NEW-P | 02-12-103 |
| 246-320 | PREP-W | 02-17-056 | 246-331-065 | REP | 02-18-026 | 246-335-080 | NEW | 02-18-026 |
| 246-320-990 | AMD-P | 02-10-131 | 246-331-077 | REP-P | 02-12-103 | 246-335-085 | NEW-P | 02-12-103 |
| 246-320-990 | AMD | 02-13-061 | 246-331-077 | REP | 02-18-026 | 246-335-085 | NEW | 02-18-026 |
| 246-322-990 | AMD-P | 02-10-131 | 246-331-085 | REP-P | 02-12-103 | 246-335-090 | NEW-P | 02-12-103 |
| 246-322-990 | AMD | 02-13-061 | 246-331-085 | REP | 02-18-026 | 246-335-090 | NEW | 02-18-026 |
| 246-323-990 | AMD-P | 02-13-058 | 246-331-095 | REP-P | 02-12-103 | 246-335-095 | NEW-P | 02-12-103 |
| 246-323-990 | AMD | 02-16-068 | 246-331-095 | REP | 02-18-026 | 246-335-095 | NEW | 02-18-026 |
| 246-324-990 | AMD-P | 02-10-131 | 246-331-100 | REP-P | 02-12-103 | 246-335-100 | NEW-P | 02-12-103 |
| 246-324-990 | AMD | 02-13-061 | 246-331-100 | REP | 02-18-026 | 246-335-100 | NEW | 02-18-026 |
| 246-325-990 | AMD-P | 02-13-059 | 246-331-105 | REP-P | 02-12-103 | 246-335-105 | NEW-P | 02-12-103 |
| 246-325-990 | AMD | 02-20-040 | 246-331-105 | REP | 02-18-026 | 246-335-105 | NEW | 02-18-026 |
| 246-326-990 | AMD-P | 02-13-059 | 246-331-115 | REP-P | 02-12-103 | 246-335-110 | NEW-P | 02-12-103 |
| 246-326-990 | AMD | 02-20-040 | 246-331-115 | REP | 02-18-026 | 246-335-110 | NEW | 02-18-026 |
| 246-327-010 | REP-P | 02-12-103 | 246-331-125 | REP-P | 02-12-103 | 246-335-115 | NEW-P | 02-12-103 |
| 246-327-010 | REP | 02-18-026 | 246-331-125 | REP | 02-18-026 | 246-335-115 | NEW | 02-18-026 |
| 246-327-025 | REP-P | 02-12-103 | 246-331-135 | REP-P | 02-12-103 | 246-335-120 | NEW-P | 02-12-103 |
| 246-327-025 | REP | 02-18-026 | 246-331-135 | REP | 02-18-026 | 246-335-120 | NEW | 02-18-026 |
| 246-327-030 | REP-P | 02-12-103 | 246-331-165 | REP-P | 02-12-103 | 246-335-125 | NEW-P | 02-12-103 |
| 246-327-030 | REP | 02-18-026 | 246-331-165 | REP | 02-18-026 | 246-335-125 | NEW | 02-18-026 |
| 246-327-035 | REP-P | 02-12-103 | 246-331-185 | REP-P | 02-12-103 | 246-335-130 | NEW-P | 02-12-103 |
| 246-327-035 | REP | 02-18-026 | 246-331-185 | REP | 02-18-026 | 246-335-130 | NEW | 02-18-026 |
| 246-327-065 | REP-P | 02-12-103 | 246-331-990 | REP-P | 02-12-103 | 246-335-135 | NEW-P | 02-12-103 |
| 246-327-065 | REP | 02-18-026 | 246-331-990 | REP | 02-18-026 | 246-335-135 | NEW | 02-18-026 |
| 246-327-077 | REP-P | 02-12-103 | 246-333-010 | REP-X | 02-10-132 | 246-335-140 | NEW-P | 02-12-103 |
| 246-327-077 | REP | 02-18-026 | 246-333-010 | REP | 02-15-164 | 246-335-140 | NEW | 02-18-026 |
| 246-327-085 | REP-P | 02-12-103 | 246-333-020 | REP-X | 02-10-132 | 246-335-145 | NEW-P | 02-12-103 |
| 246-327-085 | REP | 02-18-026 | 246-333-020 | REP | 02-15-164 | 246-335-145 | NEW | 02-18-026 |
| 246-327-090 | REP-P | 02-12-103 | 246-333-030 | REP-X | 02-10-132 | 246-335-150 | NEW-P | 02-12-103 |
| 246-327-090 | REP | 02-18-026 | 246-333-030 | REP | 02-15-164 | 246-335-150 | NEW | 02-18-026 |
| 246-327-095 | REP-P | 02-12-103 | 246-333-040 | REP-X | 02-10-132 | 246-335-155 | NEW-P | 02-12-103 |
| 246-327-095 | REP | 02-18-026 | 246-333-040 | REP | 02-15-164 | 246-335-155 | NEW | 02-18-026 |
| 246-327-105 | REP-P | 02-12-103 | 246-335-001 | NEW-P | 02-12-103 | 246-335-160 | NEW-P | 02-12-103 |
| 246-327-105 | REP | 02-18-026 | 246-335-001 | NEW | 02-18-026 | 246-335-160 | NEW | 02-18-026 |
| 246-327-115 | REP-P | 02-12-103 | 246-335-010 | NEW-P | 02-12-103 | 246-335-165 | NEW-P | 02-12-103 |
| 246-327-115 | REP | 02-18-026 | 246-335-010 | NEW | 02-18-026 | 246-335-165 | NEW | 02-18-026 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 246-335-170 | NEW-P | 02-12-103 | 246-336-077 | REP-P | 02-12-103 | 246-388-130 | REP | 02-17-001 |
| 246-335-170 | NEW | 02-18-026 | 246-336-077 | REP | 02-18-026 | 246-388-140 | REP-P | 02-13-075 |
| 246-335-175 | NEW-P | 02-12-103 | 246-336-085 | REP-P | 02-12-103 | 246-388-140 | REP | 02-17-001 |
| 246-335-175 | NEW | 02-18-026 | 246-336-085 | REP | 02-18-026 | 246-388-150 | REP-P | 02-13-075 |
| 246-335-180 | NEW-P | 02-12-103 | 246-336-095 | REP-P | 02-12-103 | 246-388-150 | REP | 02-17-001 |
| 246-335-180 | NEW | 02-18-026 | 246-336-095 | REP | 02-18-026 | 246-388-160 | REP-P | 02-13-075 |
| 246-335-185 | NEW-P | 02-12-103 | 246-336-100 | REP-P | 02-12-103 | 246-388-160 | REP | 02-17-001 |
| 246-335-185 | NEW | 02-18-026 | 246-336-100 | REP | 02-18-026 | 246-388-170 | REP-P | 02-13-075 |
| 246-335-190 | NEW-P | 02-12-103 | 246-336-105 | REP-P | 02-12-103 | 246-388-170 | REP | 02-17-001 |
| 246-335-190 | NEW | 02-18-026 | 246-336-105 | REP | 02-18-026 | 246-388-180 | REP-P | 02-13-075 |
| 246-335-195 | NEW-P | 02-12-103 | 246-336-115 | REP-P | 02-12-103 | 246-388-180 | REP | 02-17-001 |
| 246-335-195 | NEW | 02-18-026 | 246-336-115 | REP | 02-18-026 | 246-388-190 | REP-P | 02-13-075 |
| 246-335-200 | NEW-P | 02-12-103 | 246-336-125 | REP-P | 02-12-103 | 246-388-190 | REP | 02-17-001 |
| 246-335-200 | NEW | 02-18-026 | 246-336-125 | REP | 02-18-026 | 246-388-200 | REP-P | 02-13-075 |
| 246-335-205 | NEW-P | 02-12-103 | 246-336-135 | REP-P | 02-12-103 | 246-388-200 | REP | 02-17-001 |
| 246-335-205 | NEW | 02-18-026 | 246-336-135 | REP | 02-18-026 | 246-388-210 | REP-P | 02-13-075 |
| 246-335-210 | NEW-P | 02-12-103 | 246-336-165 | REP-P | 02-12-103 | 246-388-210 | REP | 02-17-001 |
| 246-335-210 | NEW | 02-18-026 | 246-336-165 | REP | 02-18-026 | 246-388-220 | REP-P | 02-13-075 |
| 246-335-220 | NEW-P | 02-12-103 | 246-336-990 | REP-P | 02-12-103 | 246-388-220 | REP | 02-17-001 |
| 246-335-220 | NEW | 02-18-026 | 246-336-990 | REP | 02-18-026 | 246-388-230 | REP-P | 02-13-075 |
| 246-335-225 | NEW-P | 02-12-103 | 246-338-020 | PREP | 02-03-138 | 246-388-230 | REP | 02-17-001 |
| 246-335-225 | NEW | 02-18-026 | 246-338-020 | AMD-P | 02-09-026 | 246-388-240 | REP-P | 02-13-075 |
| 246-335-230 | NEW-P | 02-12-103 | 246-338-020 | AMD | 02-12-105 | 246-388-240 | REP | 02-17-001 |
| 246-335-230 | NEW | 02-18-026 | 246-338-990 | PREP | 02-03-138 | 246-388-250 | REP-P | 02-13-075 |
| 246-335-235 | NEW-P | 02-12-103 | 246-338-990 | AMD-P | 02-09-026 | 246-388-250 | REP | 02-17-001 |
| 246-335-235 | NEW | 02-18-026 | 246-338-990 | AMD | 02-12-105 | 246-388-260 | REP-P | 02-13-075 |
| 246-335-240 | NEW-P | 02-12-103 | 246-360-990 | AMD-P | 02-12-104 | 246-388-260 | REP | 02-17-001 |
| 246-335-240 | NEW | 02-18-026 | 246-360-990 | AMD | 02-18-115 | 246-388-270 | REP-P | 02-13-075 |
| 246-335-245 | NEW-P | 02-12-103 | 246-361-010 | AMD-X | 02-17-054 | 246-388-270 | REP | 02-17-001 |
| 246-335-245 | NEW | 02-18-026 | 246-361-025 | AMD-X | 02-17-054 | 246-388-280 | REP-P | 02-13-075 |
| 246-335-250 | NEW-P | 02-12-103 | 246-380-990 | AMD-P | 02-13-059 | 246-388-280 | REP | 02-17-001 |
| 246-335-250 | NEW | 02-18-026 | 246-380-990 | AMD | 02-20-040 | 246-388-290 | REP-P | 02-13-075 |
| 246-335-255 | NEW-P | 02-12-103 | 246-388 | PREP | 02-08-017 | 246-388-290 | REP | 02-17-001 |
| 246-335-255 | NEW | 02-18-026 | 246-388-001 | REP-P | 02-13-075 | 246-388-300 | REP-P | 02-13-075 |
| 246-335-260 | NEW-P | 02-12-103 | 246-388-001 | REP | 02-17-001 | 246-388-300 | REP | 02-17-001 |
| 246-335-260 | NEW | 02-18-026 | 246-388-010 | REP-P | 02-13-075 | 246-388-310 | REP-P | 02-13-075 |
| 246-335-265 | NEW-P | 02-12-103 | 246-388-010 | REP | 02-17-001 | 246-388-310 | REP | 02-17-001 |
| 246-335-265 | NEW | 02-18-026 | 246-388-020 | REP-P | 02-13-075 | 246-388-320 | REP-P | 02-13-075 |
| 246-335-270 | NEW-P | 02-12-103 | 246-388-020 | REP | 02-17-001 | 246-388-320 | REP | 02-17-001 |
| 246-335-270 | NEW | 02-18-026 | 246-388-030 | REP-P | 02-13-075 | 246-388-330 | REP-P | 02-13-075 |
| 246-335-275 | NEW-P | 02-12-103 | 246-388-030 | REP | 02-17-001 | 246-388-330 | REP | 02-17-001 |
| 246-335-275 | NEW | 02-18-026 | 246-388-040 | REP-P | 02-13-075 | 246-388-340 | REP-P | 02-13-075 |
| 246-335-280 | NEW-P | 02-12-103 | 246-388-040 | REP | 02-17-001 | 246-388-340 | REP | 02-17-001 |
| 246-335-280 | NEW | 02-18-026 | 246-388-050 | REP-P | 02-13-075 | 246-388-350 | REP-P | 02-13-075 |
| 246-335-285 | NEW-P | 02-12-103 | 246-388-050 | REP | 02-17-001 | 246-388-350 | REP | 02-17-001 |
| 246-335-285 | NEW | 02-18-026 | 246-388-060 | REP-P | 02-13-075 | 246-388-360 | REP-P | 02-13-075 |
| 246-335-290 | NEW-P | 02-12-103 | 246-388-060 | REP | 02-17-001 | 246-388-360 | REP | 02-17-001 |
| 246-335-290 | NEW | 02-18-026 | 246-388-070 | REP-P | 02-13-075 | 246-388-370 | REP-P | 02-13-075 |
| 246-335-295 | NEW-P | 02-12-103 | 246-388-070 | REP | 02-17-001 | 246-388-370 | REP | 02-17-001 |
| 246-335-295 | NEW | 02-18-026 | 246-388-072 | REP-P | 02-13-075 | 246-388-380 | REP-P | 02-13-075 |
| 246-335-990 | NEW-P | 02-12-103 | 246-388-072 | REP | 02-17-001 | 246-388-380 | REP | 02-17-001 |
| 246-335-990 | NEW | 02-18-026 | 246-388-080 | REP-P | 02-13-075 | 246-388-390 | REP-P | 02-13-075 |
| 246-336-010 | REP-P | 02-12-103 | 246-388-080 | REP | 02-17-001 | 246-388-390 | REP | 02-17-001 |
| 246-336-010 | REP | 02-18-026 | 246-388-090 | REP-P | 02-13-075 | 246-388-400 | REP-P | 02-13-075 |
| 246-336-025 | REP-P | 02-12-103 | 246-388-090 | REP | 02-17-001 | 246-388-400 | REP | 02-17-001 |
| 246-336-025 | REP | 02-18-026 | 246-388-100 | REP-P | 02-13-075 | 246-388-410 | REP-P | 02-13-075 |
| 246-336-030 | REP-P | 02-12-103 | 246-388-100 | REP | 02-17-001 | 246-388-410 | REP | 02-17-001 |
| 246-336-030 | REP | 02-18-026 | 246-388-110 | REP-P | 02-13-075 | 246-388-420 | REP-P | 02-13-075 |
| 246-336-035 | REP-P | 02-12-103 | 246-388-110 | REP | 02-17-001 | 246-388-420 | REP | 02-17-001 |
| 246-336-035 | REP | 02-18-026 | 246-388-120 | REP-P | 02-13-075 | 246-388-430 | REP-P | 02-13-075 |
| 246-336-065 | REP-P | 02-12-103 | 246-388-120 | REP | 02-17-001 | 246-388-430 | REP | 02-17-001 |
| 246-336-065 | REP | 02-18-026 | 246-388-130 | REP-P | 02-13-075 | 246-388-440 | REP-P | 02-13-075 |

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| 246-388-440 | REP | 02-17-001 | 246-790-070 | AMD | 02-11-107 | 246-814-010 | NEW | 02-21-128 |
| 246-388-450 | REP-P | 02-13-075 | 246-790-080 | AMD-P | 02-07-020 | 246-814-020 | NEW-P | 02-16-101 |
| 246-388-450 | REP | 02-17-001 | 246-790-080 | AMD | 02-11-107 | 246-814-020 | NEW | 02-21-128 |
| 246-388-990 | REP-P | 02-13-075 | 246-790-085 | AMD-P | 02-07-020 | 246-814-030 | NEW-P | 02-16-101 |
| 246-388-990 | REP | 02-17-001 | 246-790-085 | AMD | 02-11-107 | 246-814-030 | NEW | 02-21-128 |
| 246-455 | PREP | 02-18-114 | 246-790-090 | AMD-P | 02-07-020 | 246-814-040 | NEW-P | 02-16-101 |
| 246-491-001 | NEW-P | 02-16-100 | 246-790-090 | AMD | 02-11-107 | 246-814-040 | NEW | 02-21-128 |
| 246-491-001 | NEW | 02-20-092 | 246-790-100 | AMD-P | 02-07-020 | 246-814-990 | NEW-P | 02-16-101 |
| 246-491-010 | NEW-P | 02-16-100 | 246-790-100 | AMD | 02-11-107 | 246-814-990 | NEW | 02-21-128 |
| 246-491-010 | NEW | 02-20-092 | 246-790-120 | AMD-P | 02-07-020 | 246-815-020 | PREP | 02-19-083 |
| 246-491-029 | AMD-P | 02-16-100 | 246-790-120 | AMD | 02-11-107 | 246-815-050 | PREP | 02-19-083 |
| 246-491-029 | AMD | 02-20-092 | 246-790-130 | AMD-P | 02-07-020 | 246-815-100 | PREP | 02-19-083 |
| 246-491-039 | AMD-P | 02-16-100 | 246-790-130 | AMD | 02-11-107 | 246-815-110 | PREP | 02-19-083 |
| 246-491-039 | AMD | 02-20-092 | 246-808-101 | REP-W | 02-11-105 | 246-815-115 | PREP | 02-19-083 |
| 246-491-149 | AMD-P | 02-16-100 | 246-808-320 | REP-W | 02-11-105 | 246-817-110 | PREP | 02-15-160 |
| 246-491-149 | AMD | 02-20-092 | 246-808-330 | REP-W | 02-11-105 | 246-817-120 | PREP | 02-15-160 |
| 246-562-080 | PREP | 02-12-100 | 246-808-340 | REP-W | 02-11-105 | 246-824-010 | AMD-P | 02-13-062 |
| 246-562-080 | AMD-P | 02-15-161 | 246-808-350 | REP-W | 02-11-105 | 246-824-010 | AMD | 02-18-025 |
| 246-562-080 | AMD | 02-19-084 | 246-808-360 | REP-W | 02-11-105 | 246-824-020 | AMD-P | 02-13-062 |
| 246-562-160 | AMD-P | 02-15-161 | 246-808-370 | REP-W | 02-11-105 | 246-824-020 | AMD | 02-18-025 |
| 246-562-160 | AMD | 02-19-084 | 246-808-380 | REP-W | 02-11-105 | 246-824-070 | AMD-P | 02-13-062 |
| 246-650 | PREP | 02-03-136 | 246-808-390 | REP-W | 02-11-105 | 246-824-070 | AMD | 02-18-025 |
| 246-650 | PREP-W | 02-04-024 | 246-808-640 | REP-W | 02-11-105 | 246-824-071 | AMD-P | 02-13-062 |
| 246-760-001 | AMD-P | 02-15-163 | 246-808-700 | REP-W | 02-11-105 | 246-824-071 | AMD | 02-18-025 |
| 246-760-001 | AMD | 02-20-079 | 246-809-600 | NEW | 02-11-108 | 246-826-080 | PREP-W | 02-11-105 |
| 246-760-020 | AMD-P | 02-15-163 | 246-809-610 | NEW | 02-11-108 | 246-826-100 | AMD | 02-06-115 |
| 246-760-020 | AMD | 02-20-079 | 246-809-620 | NEW | 02-11-108 | 246-826-300 | NEW | 02-06-115 |
| 246-760-030 | AMD-P | 02-15-163 | 246-809-630 | NEW | 02-11-108 | 246-826-301 | NEW | 02-06-115 |
| 246-760-030 | AMD | 02-20-079 | 246-809-640 | NEW | 02-11-108 | 246-826-302 | NEW | 02-06-115 |
| 246-760-040 | AMD-P | 02-15-163 | 246-809-650 | NEW | 02-11-108 | 246-826-303 | NEW | 02-06-115 |
| 246-760-040 | AMD | 02-20-079 | 246-810-320 | REP | 02-09-041 | 246-828 | PREP-W | 02-11-105 |
| 246-760-050 | AMD-P | 02-15-163 | 246-810-321 | REP | 02-09-041 | 246-828-080 | PREP-W | 02-11-105 |
| 246-760-050 | AMD | 02-20-079 | 246-810-332 | REP | 02-09-041 | 246-828-090 | PREP-W | 02-11-105 |
| 246-760-060 | AMD-P | 02-15-163 | 246-810-340 | REP | 02-09-041 | 246-828-100 | PREP-W | 02-11-105 |
| 246-760-060 | AMD | 02-20-079 | 246-810-520 | REP | 02-09-041 | 246-828-290 | AMD | 02-14-052 |
| 246-760-070 | AMD-P | 02-15-163 | 246-810-521 | REP | 02-09-041 | 246-828-320 | PREP-W | 02-11-105 |
| 246-760-070 | AMD | 02-20-079 | 246-810-532 | REP | 02-09-041 | 246-834 | PREP | 02-17-052 |
| 246-760-080 | AMD-P | 02-15-163 | 246-810-540 | REP | 02-09-041 | 246-834-250 | PREP | 02-17-053 |
| 246-760-080 | AMD | 02-20-079 | 246-810-600 | REP | 02-11-108 | 246-840-020 | PREP | 02-04-033 |
| 246-760-090 | AMD-P | 02-15-163 | 246-810-610 | REP | 02-11-108 | 246-840-030 | PREP | 02-04-033 |
| 246-760-090 | AMD | 02-20-079 | 246-810-620 | REP | 02-11-108 | 246-840-040 | PREP | 02-04-033 |
| 246-760-100 | AMD-P | 02-15-163 | 246-810-630 | REP | 02-11-108 | 246-840-050 | PREP | 02-04-033 |
| 246-760-100 | AMD | 02-20-079 | 246-810-640 | REP | 02-11-108 | 246-840-060 | PREP | 02-04-033 |
| 246-762-001 | AMD-P | 02-15-162 | 246-810-650 | REP | 02-11-108 | 246-840-070 | PREP | 02-04-033 |
| 246-762-001 | AMD | 02-20-076 | 246-810-660 | REP | 02-11-108 | 246-840-080 | PREP | 02-04-031 |
| 246-762-010 | AMD-P | 02-15-162 | 246-810-720 | REP | 02-09-041 | 246-840-090 | PREP | 02-04-031 |
| 246-762-010 | AMD | 02-20-076 | 246-810-721 | REP | 02-09-041 | 246-840-311 | NEW-P | 02-14-048 |
| 246-762-020 | AMD-P | 02-15-162 | 246-810-732 | REP | 02-09-041 | 246-840-311 | NEW | 02-20-077 |
| 246-762-020 | AMD | 02-20-076 | 246-810-740 | REP | 02-09-041 | 246-840-700 | AMD | 02-06-117 |
| 246-762-030 | AMD-P | 02-15-162 | 246-811 | PREP-W | 02-11-105 | 246-840-705 | AMD | 02-06-117 |
| 246-762-030 | AMD | 02-20-076 | 246-811-081 | NEW | 02-07-083 | 246-840-710 | AMD | 02-06-117 |
| 246-762-040 | AMD-P | 02-15-162 | 246-811-082 | NEW | 02-07-083 | 246-840-715 | REP | 02-06-117 |
| 246-762-040 | AMD | 02-20-076 | 246-811-200 | NEW | 02-07-084 | 246-843-015 | REP-X | 02-06-116 |
| 246-762-050 | AMD-P | 02-15-162 | 246-811-210 | NEW | 02-07-084 | 246-843-015 | REP | 02-17-055 |
| 246-762-050 | AMD | 02-20-076 | 246-811-220 | NEW | 02-07-084 | 246-843-150 | AMD-P | 02-11-106 |
| 246-790-010 | AMD-P | 02-07-020 | 246-811-230 | NEW | 02-07-084 | 246-843-180 | AMD-P | 02-11-106 |
| 246-790-010 | AMD | 02-11-107 | 246-811-240 | NEW | 02-07-084 | 246-843-220 | PREP-W | 02-11-105 |
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| 246-790-050 | AMD | 02-11-107 | 246-811-260 | NEW | 02-07-084 | 246-851 | PREP-W | 02-11-105 |
| 246-790-065 | AMD-P | 02-07-020 | 246-811-270 | NEW | 02-07-084 | 246-851-150 | AMD-C | 02-04-090 |
| 246-790-065 | AMD | 02-11-107 | 246-811-990 | AMD | 02-07-083 | 246-851-150 | AMD | 02-10-065 |
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| 246-851-200 | REP | 02-10-134 | 246-976-770 | AMD-P | 02-09-043 | 251-10-030 | AMD-P | 02-12-119 |
| 246-851-250 | AMD-C | 02-04-090 | 246-976-770 | AMD | 02-12-107 | 251-10-030 | AMD-W | 02-15-042 |
| 246-851-250 | AMD | 02-10-065 | 246-976-780 | AMD-P | 02-09-043 | 251-10-030 | AMD-P | 02-16-034 |
| 246-851-300 | AMD-C | 02-04-090 | 246-976-780 | AMD | 02-12-107 | 251-10-030 | AMD | 02-19-064 |
| 246-851-300 | AMD | 02-10-065 | 246-976-810 | AMD-P | 02-09-043 | 251-12-073 | REP-P | 02-04-079 |
| 246-851-310 | AMD-C | 02-04-090 | 246-976-810 | AMD | 02-12-107 | 251-12-073 | REP | 02-07-048 |
| 246-851-310 | AMD | 02-10-065 | 246-976-820 | AMD-P | 02-09-043 | 251-14-005 | AMD-E | 02-12-052 |
| 246-851-330 | AMD-C | 02-04-090 | 246-976-820 | AMD | 02-12-107 | 251-14-005 | AMD-P | 02-12-111 |
| 246-851-330 | AMD | 02-10-065 | 246-976-886 | NEW-P | 02-09-043 | 251-14-005 | AMD | 02-15-048 |
| 246-851-520 | AMD-C | 02-04-090 | 246-976-886 | NEW | 02-12-107 | 251-14-020 | AMD-E | 02-12-052 |
| 246-851-520 | AMD | 02-10-065 | 246-976-887 | NEW-P | 02-09-043 | 251-14-020 | AMD-P | 02-12-111 |
| 246-873-090 | PREP | 02-12-101 | 246-976-887 | NEW | 02-12-107 | 251-14-020 | AMD | 02-15-048 |
| 246-883-020 | AMD-X | 02-07-086 | 246-976-935 | AMD | 02-04-045 | 251-14-030 | REP-E | 02-12-052 |
| 246-883-020 | AMD-X | 02-14-049 | 246-976-960 | AMD-P | 02-10-133 | 251-14-030 | REP-P | 02-12-111 |
| 246-883-050 | REP-W | 02-11-105 | 246-976-960 | AMD | 02-14-053 | 251-14-030 | REP | 02-15-048 |
| 246-887-160 | PREP-W | 02-11-105 | 246-976-970 | AMD-P | 02-10-133 | 251-14-040 | REP-E | 02-12-052 |
| 246-887-160 | AMD-X | 02-13-060 | 246-976-970 | AMD | 02-14-053 | 251-14-040 | REP-P | 02-12-111 |
| 246-889-020 | AMD-X | 02-11-152 | 250-20-021 | AMD-P | 02-14-134 | 251-14-040 | REP | 02-15-048 |
| 246-889-020 | AMD | 02-18-024 | 250-20-021 | AMD-E | 02-14-136 | 251-14-042 | REP-E | 02-12-052 |
| 246-904-010 | PREP-W | 02-11-105 | 250-40-030 | AMD-E | 02-14-041 | 251-14-042 | REP-P | 02-12-111 |
| 246-918-990 | AMD | 02-05-009 | 250-40-030 | AMD-P | 02-14-060 | 251-14-042 | REP | 02-15-048 |
| 246-919-990 | AMD | 02-05-009 | 250-40-030 | AMD | 02-20-083 | 251-14-050 | REP-E | 02-12-052 |
| 246-924-485 | PREP-W | 02-11-105 | 250-66-030 | AMD | 02-05-006 | 251-14-050 | REP-P | 02-12-111 |
| 246-926-100 | PREP | 02-20-074 | 250-80-010 | AMD-P | 02-14-135 | 251-14-050 | REP | 02-15-048 |
| 246-935 | AMD | 02-10-135 | 250-80-010 | AMD-E | 02-14-137 | 251-14-052 | AMD-E | 02-12-052 |
| 246-935-010 | AMD | 02-10-135 | 250-80-020 | AMD-P | 02-14-135 | 251-14-052 | AMD-P | 02-12-111 |
| 246-935-020 | AMD | 02-10-135 | 250-80-020 | AMD-E | 02-14-137 | 251-14-052 | AMD | 02-15-048 |
| 246-935-030 | AMD | 02-10-135 | 250-80-070 | AMD-P | 02-14-135 | 251-14-054 | AMD-E | 02-12-052 |
| 246-935-090 | AMD | 02-10-135 | 250-80-070 | AMD-E | 02-14-137 | 251-14-054 | AMD-P | 02-12-111 |
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| 246-935-120 | AMD | 02-10-135 | 251-01-129 | NEW-P | 02-20-108 | 251-14-056 | AMD-E | 02-12-052 |
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| 246-937-010 | AMD | 02-11-022 | 251-01-175 | AMD-P | 02-12-115 | 251-14-056 | AMD | 02-15-048 |
| 246-937-020 | AMD | 02-11-022 | 251-01-175 | AMD | 02-15-052 | 251-14-058 | AMD-E | 02-12-052 |
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| 246-937-040 | AMD | 02-11-022 | 251-01-180 | REP-P | 02-12-116 | 251-14-058 | AMD | 02-15-048 |
| 246-937-050 | AMD | 02-11-022 | 251-01-180 | REP | 02-15-049 | 251-14-060 | AMD-E | 02-12-052 |
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| 246-976-031 | AMD | 02-14-053 | 251-04-040 | REP-P | 02-12-113 | 251-14-070 | REP | 02-15-048 |
| 246-976-161 | PREP | 02-11-077 | 251-04-040 | REP | 02-15-050 | 251-14-080 | REP-E | 02-12-052 |
| 246-976-171 | PREP | 02-11-077 | 251-06-090 | AMD-E | 02-12-047 | 251-14-080 | REP-P | 02-12-111 |
| 246-976-500 | AMD-P | 02-09-043 | 251-06-090 | AMD-P | 02-12-114 | 251-14-080 | REP | 02-15-048 |
| 246-976-500 | AMD | 02-12-107 | 251-06-090 | AMD | 02-15-051 | 251-14-082 | REP-E | 02-12-052 |
| 246-976-510 | AMD-P | 02-09-043 | 251-06-091 | NEW-E | 02-12-047 | 251-14-082 | REP-P | 02-12-111 |
| 246-976-510 | AMD | 02-12-107 | 251-06-091 | NEW-P | 02-12-114 | 251-14-082 | REP | 02-15-048 |
| 246-976-550 | AMD-P | 02-09-043 | 251-06-091 | NEW | 02-15-051 | 251-14-083 | REP-E | 02-12-052 |
| 246-976-550 | AMD | 02-12-107 | 251-08-005 | AMD-E | 02-12-049 | 251-14-083 | REP-P | 02-12-111 |
| 246-976-560 | AMD-P | 02-09-043 | 251-08-005 | AMD-P | 02-12-116 | 251-14-083 | REP | 02-15-048 |
| 246-976-560 | AMD | 02-12-107 | 251-08-005 | AMD | 02-15-049 | 251-14-085 | REP-E | 02-12-052 |
| 246-976-600 | AMD-P | 02-09-043 | 251-08-021 | AMD-E | 02-12-049 | 251-14-085 | REP-P | 02-12-111 |
| 246-976-600 | AMD | 02-12-107 | 251-08-021 | AMD-P | 02-12-116 | 251-14-085 | REP | 02-15-048 |
| 246-976-610 | AMD-P | 02-09-043 | 251-08-021 | AMD | 02-15-049 | 251-14-086 | REP-E | 02-12-052 |
| 246-976-610 | AMD | 02-12-107 | 251-08-051 | REP-E | 02-12-049 | 251-14-086 | REP-P | 02-12-111 |
| 246-976-650 | AMD-P | 02-09-043 | 251-08-051 | REP-P | 02-12-116 | 251-14-086 | REP | 02-15-048 |
| 246-976-650 | AMD | 02-12-107 | 251-08-051 | REP | 02-15-049 | 251-14-087 | REP-E | 02-12-052 |
| 246-976-720 | AMD-P | 02-09-043 | 251-08-060 | REP-E | 02-12-049 | 251-14-087 | REP-P | 02-12-111 |
| 246-976-720 | AMD | 02-12-107 | 251-08-060 | REP-P | 02-12-116 | 251-14-087 | REP | 02-15-048 |
| 246-976-730 | AMD-P | 02-09-043 | 251-08-060 | REP | 02-15-049 | 251-14-090 | REP-E | 02-12-052 |

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| 251- 14-090 | REP-P | 02-12-111 | 260- 70-500 | PREP | 02-13-024 | 284- 18A-350 | NEW | 02-21-123 |
| 251- 14-090 | REP | 02-15-048 | 260- 70-640 | PREP | 02-13-024 | 284- 18A-360 | NEW-P | 02-16-092 |
| 251- 14-120 | AMD-E | 02-12-052 | 260- 70-650 | AMD-P | 02-05-030 | 284- 18A-360 | NEW | 02-21-123 |
| 251- 14-120 | AMD-P | 02-12-111 | 260- 70-650 | AMD | 02-10-102 | 284- 18A-370 | NEW-P | 02-16-092 |
| 251- 14-120 | AMD | 02-15-048 | 260- 70-650 | PREP | 02-13-024 | 284- 18A-370 | NEW | 02-21-123 |
| 251- 17-150 | AMD-E | 02-12-046 | 260- 70-660 | PREP | 02-05-027 | 284- 18A-380 | NEW-P | 02-16-092 |
| 251- 17-150 | AMD-P | 02-12-115 | 260- 70-700 | PREP | 02-13-024 | 284- 18A-380 | NEW | 02-21-123 |
| 251- 17-150 | AMD | 02-15-052 | 263- 12-045 | AMD-P | 02-19-088 | 284- 18A-390 | NEW-P | 02-16-092 |
| 251- 17-200 | AMD-P | 02-04-080 | 263- 12-050 | AMD-P | 02-19-088 | 284- 18A-390 | NEW | 02-21-123 |
| 251- 17-200 | AMD | 02-07-050 | 263- 12-059 | AMD-P | 02-19-088 | 284- 18A-400 | NEW-P | 02-16-092 |
| 251- 18-190 | AMD-P | 02-12-119 | 263- 12-060 | AMD-P | 02-19-088 | 284- 18A-400 | NEW | 02-21-123 |
| 251- 18-190 | AMD-W | 02-15-042 | 263- 12-065 | AMD-P | 02-19-088 | 284- 18A-410 | NEW-P | 02-16-092 |
| 251- 18-190 | AMD-P | 02-16-034 | 263- 12-093 | AMD-P | 02-19-088 | 284- 18A-410 | NEW | 02-21-123 |
| 251- 18-190 | AMD | 02-19-064 | 263- 12-115 | AMD-P | 02-19-088 | 284- 18A-420 | NEW-P | 02-16-092 |
| 251- 19-060 | AMD-E | 02-12-047 | 263- 12-117 | NEW-P | 02-19-088 | 284- 18A-420 | NEW | 02-21-123 |
| 251- 19-060 | AMD-P | 02-12-114 | 263- 12-150 | AMD-P | 02-19-088 | 284- 18A-430 | NEW-P | 02-16-092 |
| 251- 19-060 | AMD | 02-15-051 | 263- 12-156 | NEW-P | 02-19-088 | 284- 18A-430 | NEW | 02-21-123 |
| 251- 19-120 | AMD-P | 02-04-081 | 284- 04-120 | AMD | 02-08-019 | 284- 18A-440 | NEW-P | 02-16-092 |
| 251- 19-120 | AMD | 02-07-051 | 284- 07-010 | AMD-X | 02-21-122 | 284- 18A-440 | NEW | 02-21-123 |
| 251- 22-045 | AMD-P | 02-20-108 | 284- 07-050 | AMD-X | 02-16-091 | 284- 18A-910 | NEW-P | 02-16-092 |
| 251- 22-060 | AMD-E | 02-12-046 | 284- 07-050 | AMD | 02-21-120 | 284- 18A-910 | NEW | 02-21-123 |
| 251- 22-060 | AMD-P | 02-12-115 | 284- 07-060 | AMD-X | 02-16-091 | 284- 18A-920 | NEW-P | 02-16-092 |
| 251- 22-060 | AMD | 02-15-052 | 284- 07-060 | AMD | 02-21-120 | 284- 18A-920 | NEW | 02-21-123 |
| 251- 22-070 | AMD-P | 02-20-108 | 284- 07-070 | AMD-X | 02-16-091 | 284- 18A-930 | NEW-P | 02-16-092 |
| 251- 22-110 | AMD-P | 02-20-108 | 284- 07-070 | AMD | 02-21-120 | 284- 18A-930 | NEW | 02-21-123 |
| 251- 22-180 | AMD-E | 02-12-046 | 284- 07-100 | AMD-X | 02-16-091 | 284- 18A-940 | NEW-P | 02-16-092 |
| 251- 22-180 | AMD-P | 02-12-115 | 284- 07-100 | AMD | 02-21-120 | 284- 18A-940 | NEW | 02-21-123 |
| 251- 22-180 | AMD | 02-15-052 | 284- 07-110 | AMD-X | 02-16-091 | 284- 18A-950 | NEW-P | 02-16-092 |
| 251- 30-010 | NEW-E | 02-13-056 | 284- 07-110 | AMD | 02-21-120 | 284- 18A-950 | NEW | 02-21-123 |
| 251- 30-010 | NEW-P | 02-13-131 | 284- 07-130 | AMD-X | 02-16-091 | 284- 18A-960 | NEW-P | 02-16-092 |
| 251- 30-010 | NEW | 02-17-114 | 284- 07-130 | AMD | 02-21-120 | 284- 18A-960 | NEW | 02-21-123 |
| 251- 30-020 | NEW-E | 02-13-056 | 284- 17A-010 | NEW-X | 02-16-093 | 284- 22-020 | AMD-P | 02-14-154 |
| 251- 30-020 | NEW-P | 02-13-131 | 284- 17A-010 | NEW | 02-21-119 | 284- 22-050 | AMD-P | 02-14-154 |
| 251- 30-020 | NEW | 02-17-114 | 284- 17A-020 | NEW-X | 02-16-093 | 284- 22-060 | AMD-P | 02-14-154 |
| 251- 30-030 | NEW-E | 02-13-056 | 284- 17A-020 | NEW | 02-21-119 | 284- 22-080 | AMD-P | 02-14-154 |
| 251- 30-030 | NEW-P | 02-13-131 | 284- 17A-030 | NEW-X | 02-16-093 | 284- 24A-001 | NEW-P | 02-14-155 |
| 251- 30-030 | NEW | 02-17-114 | 284- 17A-030 | NEW | 02-21-119 | 284- 24A-001 | NEW | 02-19-013 |
| 251- 30-040 | NEW-E | 02-13-056 | 284- 17A-040 | NEW-X | 02-16-093 | 284- 24A-005 | NEW-P | 02-14-155 |
| 251- 30-040 | NEW-P | 02-13-131 | 284- 17A-040 | NEW | 02-21-119 | 284- 24A-005 | NEW | 02-19-013 |
| 251- 30-040 | NEW | 02-17-114 | 284- 17A-050 | NEW-X | 02-16-093 | 284- 24A-010 | NEW-P | 02-14-155 |
| 251- 30-050 | NEW-E | 02-13-056 | 284- 17A-050 | NEW | 02-21-119 | 284- 24A-010 | NEW | 02-19-013 |
| 251- 30-050 | NEW-P | 02-13-131 | 284- 17A-060 | NEW-X | 02-16-093 | 284- 24A-015 | NEW-P | 02-14-155 |
| 251- 30-050 | NEW | 02-17-114 | 284- 17A-060 | NEW | 02-21-119 | 284- 24A-015 | NEW | 02-19-013 |
| 251- 30-055 | NEW-E | 02-13-056 | 284- 17A-070 | NEW-X | 02-16-093 | 284- 24A-020 | NEW-P | 02-14-155 |
| 251- 30-055 | NEW-P | 02-13-131 | 284- 17A-070 | NEW | 02-21-119 | 284- 24A-020 | NEW | 02-19-013 |
| 251- 30-055 | NEW | 02-17-114 | 284- 17A-080 | NEW-X | 02-16-093 | 284- 24A-025 | NEW-P | 02-14-155 |
| 251- 30-057 | NEW-E | 02-13-056 | 284- 17A-080 | NEW | 02-21-119 | 284- 24A-025 | NEW | 02-19-013 |
| 251- 30-057 | NEW-P | 02-13-131 | 284- 17A-090 | NEW-X | 02-16-093 | 284- 24A-030 | NEW-P | 02-14-155 |
| 251- 30-057 | NEW | 02-17-114 | 284- 17A-090 | NEW | 02-21-119 | 284- 24A-030 | NEW | 02-19-013 |
| 251- 30-060 | NEW-E | 02-13-056 | 284- 17A-100 | NEW-X | 02-16-093 | 284- 24A-035 | NEW-P | 02-14-155 |
| 251- 30-060 | NEW-P | 02-13-131 | 284- 17A-100 | NEW | 02-21-119 | 284- 24A-035 | NEW | 02-19-013 |
| 251- 30-060 | NEW | 02-17-114 | 284- 18A-300 | NEW-P | 02-16-092 | 284- 24A-040 | NEW-P | 02-14-155 |
| 259- 04-010 | AMD | 02-06-014 | 284- 18A-300 | NEW | 02-21-123 | 284- 24A-040 | NEW | 02-19-013 |
| 259- 04-050 | AMD | 02-06-014 | 284- 18A-310 | NEW-P | 02-16-092 | 284- 24A-045 | NEW-P | 02-14-155 |
| 259- 04-070 | AMD | 02-06-014 | 284- 18A-310 | NEW | 02-21-123 | 284- 24A-045 | NEW | 02-19-013 |
| 260- 08-595 | NEW-P | 02-21-022 | 284- 18A-320 | NEW-P | 02-16-092 | 284- 24A-050 | NEW-P | 02-14-155 |
| 260- 28-030 | PREP | 02-17-046 | 284- 18A-320 | NEW | 02-21-123 | 284- 24A-050 | NEW | 02-19-013 |
| 260- 36-040 | AMD-P | 02-05-029 | 284- 18A-330 | NEW-P | 02-16-092 | 284- 24A-055 | NEW-P | 02-14-155 |
| 260- 36-040 | AMD | 02-10-101 | 284- 18A-330 | NEW | 02-21-123 | 284- 24A-055 | NEW | 02-19-013 |
| 260- 48-930 | NEW-P | 02-05-028 | 284- 18A-340 | NEW-P | 02-16-092 | 284- 24A-065 | NEW-P | 02-14-155 |
| 260- 48-930 | NEW-W | 02-05-033 | 284- 18A-340 | NEW | 02-21-123 | 284- 24A-065 | NEW | 02-19-013 |
| 260- 48-930 | NEW | 02-10-100 | 284- 18A-350 | NEW-P | 02-16-092 | 284- 24A-070 | NEW-P | 02-14-155 |

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| 284- 30-390 | PREP | 02-15-173 | 296- 17-90140 | REP-P | 02-19-101 | 296- 17-90496 | AMD-S | 02-20-046 |
| 284- 30-505 | NEW-P | 02-19-011 | 296- 17-90140 | REP-S | 02-20-046 | 296- 17-90497 | AMD-P | 02-19-101 |
| 284- 30-510 | NEW-X | 02-21-121 | 296- 17-90150 | REP-P | 02-19-101 | 296- 17-90497 | AMD-S | 02-20-046 |
| 284- 34 | PREP | 02-14-153 | 296- 17-90150 | REP-S | 02-20-046 | 296- 17-920 | AMD-P | 02-19-101 |
| 286- 26-090 | PREP | 02-21-031 | 296- 17-90401 | AMD-P | 02-17-105 | 296- 17-920 | AMD-S | 02-20-046 |
| 286- 26-100 | PREP | 02-21-031 | 296- 17-90402 | AMD-P | 02-17-105 | 296- 19A-010 | AMD-P | 02-21-102 |
| 292-110-010 | AMD | 02-07-074 | 296- 17-90403 | REP-P | 02-17-105 | 296- 19A-020 | AMD-P | 02-21-102 |
| 292-110-010 | AMD-W | 02-09-069 | 296- 17-90404 | NEW-P | 02-17-105 | 296- 19A-025 | NEW-P | 02-21-102 |
| 292-110-060 | PREP | 02-12-002 | 296- 17-90405 | NEW-P | 02-17-105 | 296- 19A-030 | AMD-P | 02-21-102 |
| 292-120-030 | AMD | 02-04-003 | 296- 17-90406 | REP-P | 02-17-105 | 296- 19A-040 | AMD-P | 02-21-102 |
| 292-120-035 | NEW | 02-04-003 | 296- 17-90407 | NEW-P | 02-17-105 | 296- 19A-060 | AMD-P | 02-21-102 |
| 296- 05-007 | AMD-X | 02-04-004 | 296- 17-90408 | REP-P | 02-17-105 | 296- 19A-065 | NEW-P | 02-21-102 |
| 296- 05-007 | AMD | 02-10-083 | 296- 17-90409 | AMD-P | 02-17-105 | 296- 19A-070 | AMD-P | 02-21-102 |
| 296- 05-300 | AMD-X | 02-04-004 | 296- 17-90410 | NEW-P | 02-17-105 | 296- 19A-090 | AMD-P | 02-21-102 |
| 296- 05-300 | AMD | 02-10-083 | 296- 17-90411 | NEW-P | 02-17-105 | 296- 19A-100 | AMD-P | 02-21-102 |
| 296- 05-316 | AMD-X | 02-04-004 | 296- 17-90412 | REP-P | 02-17-105 | 296- 19A-110 | AMD-P | 02-21-102 |
| 296- 05-316 | AMD | 02-10-083 | 296- 17-90413 | NEW-P | 02-17-105 | 296- 19A-125 | NEW-P | 02-21-102 |
| 296- 05-402 | AMD-X | 02-04-004 | 296- 17-90414 | NEW-P | 02-17-105 | 296- 19A-130 | AMD-P | 02-21-102 |
| 296- 05-402 | AMD | 02-10-083 | 296- 17-90415 | REP-P | 02-17-105 | 296- 19A-135 | NEW-P | 02-21-102 |
| 296- 13 | PREP | 02-15-167 | 296- 17-90418 | REP-P | 02-17-105 | 296- 19A-137 | NEW-P | 02-21-102 |
| 296- 14 | PREP | 02-17-108 | 296- 17-90421 | AMD-P | 02-17-105 | 296- 19A-140 | AMD-P | 02-21-102 |
| 296- 15 | PREP | 02-15-182 | 296- 17-90422 | NEW-P | 02-17-105 | 296- 19A-170 | AMD-P | 02-21-102 |
| 296- 150C | PREP | 02-04-106 | 296- 17-90424 | REP-P | 02-17-105 | 296- 19A-180 | AMD-P | 02-21-102 |
| 296- 150F | PREP | 02-04-106 | 296- 17-90425 | NEW-P | 02-17-105 | 296- 19A-190 | AMD-P | 02-21-102 |
| 296- 150M | PREP | 02-04-106 | 296- 17-90427 | REP-P | 02-17-105 | 296- 19A-191 | NEW-P | 02-21-102 |
| 296- 150P | PREP | 02-04-106 | 296- 17-90428 | NEW-P | 02-17-105 | 296- 19A-192 | NEW-P | 02-21-102 |
| 296- 150R | PREP | 02-04-106 | 296- 17-90430 | REP-P | 02-17-105 | 296- 19A-193 | NEW-P | 02-21-102 |
| 296- 150V | PREP | 02-04-106 | 296- 17-90431 | NEW-P | 02-17-105 | 296- 19A-200 | AMD-P | 02-21-102 |
| 296- 17 | PREP | 02-07-102 | 296- 17-90433 | REP-P | 02-17-105 | 296- 19A-210 | AMD-P | 02-21-102 |
| 296- 17 | PREP | 02-13-117 | 296- 17-90434 | REP-P | 02-17-105 | 296- 19A-240 | AMD-P | 02-21-102 |
| 296- 17-35203 | AMD-P | 02-03-123 | 296- 17-90436 | REP-P | 02-17-105 | 296- 19A-245 | NEW-P | 02-21-102 |
| 296- 17-35203 | AMD | 02-09-093 | 296- 17-90437 | NEW-P | 02-17-105 | 296- 19A-260 | AMD-P | 02-21-102 |
| 296- 17-52140 | AMD-P | 02-03-123 | 296- 17-90438 | NEW-P | 02-17-105 | 296- 19A-270 | AMD-P | 02-21-102 |
| 296- 17-52140 | AMD | 02-09-093 | 296- 17-90439 | REP-P | 02-17-105 | 296- 19A-300 | AMD-P | 02-21-102 |
| 296- 17-52141 | AMD-P | 02-03-123 | 296- 17-90440 | NEW-P | 02-17-105 | 296- 19A-350 | AMD-P | 02-21-102 |
| 296- 17-52141 | AMD | 02-09-093 | 296- 17-90442 | REP-P | 02-17-105 | 296- 19A-400 | AMD-P | 02-21-102 |
| 296- 17-52150 | AMD-P | 02-03-123 | 296- 17-90445 | AMD-P | 02-17-105 | 296- 19A-440 | AMD-P | 02-21-102 |
| 296- 17-52150 | AMD | 02-09-093 | 296- 17-90446 | NEW-P | 02-17-105 | 296- 19A-480 | AMD-P | 02-21-102 |
| 296- 17-52151 | AMD-P | 02-03-123 | 296- 17-90447 | AMD-P | 02-17-105 | 296- 20-01002 | AMD-P | 02-16-086 |
| 296- 17-52151 | AMD | 02-09-093 | 296- 17-90448 | REP-P | 02-17-105 | 296- 20-01002 | AMD | 02-21-105 |
| 296- 17-855 | AMD-P | 02-19-101 | 296- 17-90448 | REP-P | 02-17-105 | 296- 20-02001 | REP-X | 02-14-149 |
| 296- 17-855 | AMD-S | 02-20-046 | 296- 17-90451 | REP-P | 02-17-105 | 296- 20-02001 | REP | 02-21-108 |
| 296- 17-875 | AMD-P | 02-19-101 | 296- 17-90453 | NEW-P | 02-17-105 | 296- 200A | PREP | 02-04-106 |
| 296- 17-875 | AMD-S | 02-20-046 | 296- 17-90463 | REP-P | 02-17-105 | 296- 20-135 | AMD-P | 02-05-076 |
| 296- 17-880 | AMD-P | 02-19-101 | 296- 17-90466 | REP-P | 02-17-105 | 296- 20-135 | AMD | 02-10-129 |
| 296- 17-880 | AMD-S | 02-20-046 | 296- 17-90469 | REP-P | 02-17-105 | 296- 20-19000 | NEW-P | 02-16-086 |
| 296- 17-885 | AMD-P | 02-19-101 | 296- 17-90472 | REP-P | 02-17-105 | 296- 20-19000 | NEW | 02-21-105 |
| 296- 17-885 | AMD-S | 02-20-046 | 296- 17-90475 | REP-P | 02-17-105 | 296- 20-19010 | NEW-P | 02-16-086 |
| 296- 17-890 | AMD-P | 02-19-101 | 296- 17-90478 | REP-P | 02-17-105 | 296- 20-19010 | NEW | 02-21-105 |
| 296- 17-890 | AMD-S | 02-20-046 | 296- 17-90481 | REP-P | 02-17-105 | 296- 20-19020 | NEW-P | 02-16-086 |
| 296- 17-895 | AMD-P | 02-19-101 | 296- 17-90484 | AMD-P | 02-17-105 | 296- 20-19020 | NEW | 02-21-105 |
| 296- 17-895 | AMD-S | 02-20-046 | 296- 17-90486 | NEW-P | 02-17-105 | 296- 20-19020 | NEW | 02-21-105 |
| 296- 17-895 | AMD-S | 02-20-046 | 296- 17-90490 | AMD-P | 02-17-105 | 296- 20-19030 | NEW-P | 02-16-086 |
| 296- 17-89502 | AMD-P | 02-19-101 | 296- 17-90491 | REP-P | 02-17-105 | 296- 20-19030 | NEW | 02-21-105 |
| 296- 17-89502 | AMD-S | 02-20-046 | 296- 17-90492 | AMD-P | 02-19-101 | 296- 23-170 | REP-X | 02-14-149 |
| 296- 17-90100 | REP-P | 02-19-101 | 296- 17-90492 | AMD-S | 02-20-046 | 296- 23-170 | REP | 02-21-108 |
| 296- 17-90100 | REP-S | 02-20-046 | 296- 17-90493 | AMD-P | 02-19-101 | 296- 23-175 | REP-X | 02-14-149 |
| 296- 17-90110 | REP-P | 02-19-101 | 296- 17-90493 | AMD-S | 02-20-046 | 296- 23-175 | REP | 02-21-108 |
| 296- 17-90110 | REP-S | 02-20-046 | 296- 17-90494 | AMD-P | 02-19-101 | 296- 23-185 | REP-X | 02-14-149 |
| 296- 17-90120 | REP-P | 02-19-101 | 296- 17-90494 | AMD-S | 02-20-046 | 296- 23-185 | REP | 02-21-108 |
| 296- 17-90120 | REP-S | 02-20-046 | 296- 17-90495 | AMD-P | 02-19-101 | 296- 23-220 | AMD-P | 02-05-076 |
| 296- 17-90130 | REP-P | 02-19-101 | 296- 17-90495 | AMD-S | 02-20-046 | 296- 23-220 | AMD | 02-10-129 |
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| 296-23-230 | AMD-P | 02-05-076 | 296-24-51011 | AMD | 02-12-098 | 296-46A-950 | AMD | 02-21-104 |
| 296-23-230 | AMD | 02-10-129 | 296-24-51015 | AMD-X | 02-05-077 | 296-52 | AMD | 02-03-125 |
| 296-24 | PREP | 02-04-107 | 296-24-51015 | AMD | 02-12-098 | 296-52-401 | REP | 02-03-125 |
| 296-24 | PREP | 02-04-108 | 296-24-60205 | AMD-X | 02-05-077 | 296-52-405 | REP | 02-03-125 |
| 296-24 | PREP | 02-09-091 | 296-24-60205 | AMD | 02-12-098 | 296-52-409 | REP | 02-03-125 |
| 296-24-012 | AMD-X | 02-05-077 | 296-24-63499 | AMD-X | 02-05-077 | 296-52-413 | REP | 02-03-125 |
| 296-24-012 | AMD | 02-12-098 | 296-24-63499 | AMD | 02-12-098 | 296-52-417 | REP | 02-03-125 |
| 296-24-102 | REP-X | 02-08-080 | 296-24-67513 | AMD-X | 02-05-077 | 296-52-419 | REP | 02-03-125 |
| 296-24-102 | REP | 02-16-087 | 296-24-67513 | AMD | 02-12-098 | 296-52-421 | REP | 02-03-125 |
| 296-24-10203 | REP-X | 02-08-080 | 296-24-67515 | AMD-X | 02-05-077 | 296-52-423 | REP | 02-03-125 |
| 296-24-10203 | REP | 02-16-087 | 296-24-67515 | AMD | 02-12-098 | 296-52-425 | REP | 02-03-125 |
| 296-24-125 | REP-X | 02-17-107 | 296-27 | PREP | 02-20-099 | 296-52-429 | REP | 02-03-125 |
| 296-24-12501 | REP-X | 02-17-107 | 296-27-01113 | AMD-X | 02-17-104 | 296-52-433 | REP | 02-03-125 |
| 296-24-12503 | REP-X | 02-17-107 | 296-27-01117 | AMD-X | 02-17-104 | 296-52-437 | REP | 02-03-125 |
| 296-24-12504 | REP-X | 02-17-107 | 296-27-01119 | AMD-X | 02-17-104 | 296-52-441 | REP | 02-03-125 |
| 296-24-12505 | REP-X | 02-17-107 | 296-28-001 | REP-P | 02-07-101 | 296-52-445 | REP | 02-03-125 |
| 296-24-12507 | REP-X | 02-17-107 | 296-28-001 | REP | 02-17-106 | 296-52-449 | REP | 02-03-125 |
| 296-24-12509 | REP-X | 02-17-107 | 296-28-005 | REP-P | 02-07-101 | 296-52-453 | REP | 02-03-125 |
| 296-24-12511 | REP-X | 02-17-107 | 296-28-005 | REP | 02-17-106 | 296-52-457 | REP | 02-03-125 |
| 296-24-12513 | REP-X | 02-17-107 | 296-28-010 | REP-P | 02-07-101 | 296-52-461 | REP | 02-03-125 |
| 296-24-12515 | REP-X | 02-17-107 | 296-28-010 | REP | 02-17-106 | 296-52-465 | REP | 02-03-125 |
| 296-24-12517 | REP-X | 02-17-107 | 296-28-015 | REP-P | 02-07-101 | 296-52-469 | REP | 02-03-125 |
| 296-24-12519 | REP-X | 02-17-107 | 296-28-015 | REP | 02-17-106 | 296-52-477 | REP | 02-03-125 |
| 296-24-12521 | REP-X | 02-17-107 | 296-28-020 | REP-P | 02-07-101 | 296-52-481 | REP | 02-03-125 |
| 296-24-12523 | REP-X | 02-17-107 | 296-28-020 | REP | 02-17-106 | 296-52-485 | REP | 02-03-125 |
| 296-24-14001 | AMD-X | 02-05-077 | 296-28-025 | REP-P | 02-07-101 | 296-52-487 | REP | 02-03-125 |
| 296-24-14001 | AMD | 02-12-098 | 296-28-025 | REP | 02-17-106 | 296-52-489 | REP | 02-03-125 |
| 296-24-145 | PREP | 02-09-088 | 296-28-030 | REP-P | 02-07-101 | 296-52-493 | REP | 02-03-125 |
| 296-24-145 | REP-P | 02-13-118 | 296-28-030 | REP | 02-17-106 | 296-52-497 | REP | 02-03-125 |
| 296-24-14501 | REP-P | 02-13-118 | 296-28-035 | REP-P | 02-07-101 | 296-52-501 | REP | 02-03-125 |
| 296-24-14503 | REP-P | 02-13-118 | 296-28-035 | REP | 02-17-106 | 296-52-505 | REP | 02-03-125 |
| 296-24-14505 | REP-P | 02-13-118 | 296-28-040 | REP-P | 02-07-101 | 296-52-509 | REP | 02-03-125 |
| 296-24-14507 | REP-P | 02-13-118 | 296-28-040 | REP | 02-17-106 | 296-52-510 | REP | 02-03-125 |
| 296-24-14509 | REP-P | 02-13-118 | 296-28-045 | REP-P | 02-07-101 | 296-52-550 | REP | 02-03-125 |
| 296-24-14511 | REP-P | 02-13-118 | 296-28-045 | REP | 02-17-106 | 296-52-552 | REP | 02-03-125 |
| 296-24-14513 | REP-P | 02-13-118 | 296-28-050 | REP-P | 02-07-101 | 296-52-555 | REP | 02-03-125 |
| 296-24-14515 | REP-P | 02-13-118 | 296-28-050 | REP | 02-17-106 | 296-52-600 | NEW-W | 02-06-102 |
| 296-24-14517 | REP-P | 02-13-118 | 296-30 | PREP | 02-18-092 | 296-52-60005 | NEW | 02-03-125 |
| 296-24-14519 | REP-P | 02-13-118 | 296-32 | AMD-S | 02-10-025 | 296-52-60010 | NEW | 02-03-125 |
| 296-24-23003 | AMD-X | 02-05-077 | 296-32 | AMD-W | 02-15-132 | 296-52-60015 | NEW | 02-03-125 |
| 296-24-23003 | AMD | 02-12-098 | 296-32-240 | AMD-P | 02-05-080 | 296-52-60020 | NEW | 02-03-125 |
| 296-24-405 | REP-P | 02-07-100 | 296-32-240 | AMD-W | 02-15-132 | 296-52-60020 | AMD-X | 02-15-165 |
| 296-24-405 | REP | 02-15-102 | 296-32-250 | AMD-X | 02-05-077 | 296-52-60025 | NEW-W | 02-06-102 |
| 296-24-40501 | REP-P | 02-07-100 | 296-32-250 | AMD | 02-12-098 | 296-52-60030 | NEW | 02-03-125 |
| 296-24-40501 | REP | 02-15-102 | 296-32-280 | AMD-X | 02-05-077 | 296-52-60035 | NEW | 02-03-125 |
| 296-24-40503 | REP-P | 02-07-100 | 296-32-280 | AMD | 02-12-098 | 296-52-60040 | NEW-W | 02-06-102 |
| 296-24-40503 | REP | 02-15-102 | 296-33-010 | NEW | 02-06-024 | 296-52-60045 | NEW | 02-03-125 |
| 296-24-40505 | REP-P | 02-07-100 | 296-400A | PREP | 02-04-106 | 296-52-60050 | NEW | 02-03-125 |
| 296-24-40505 | REP | 02-15-102 | 296-401B | PREP | 02-04-106 | 296-52-60055 | NEW | 02-03-125 |
| 296-24-40507 | REP-P | 02-07-100 | 296-401B | PREP | 02-15-167 | 296-52-60060 | NEW | 02-03-125 |
| 296-24-40507 | REP | 02-15-102 | 296-402A | PREP | 02-15-167 | 296-52-60065 | NEW | 02-03-125 |
| 296-24-40509 | REP-P | 02-07-100 | 296-45 | AMD-S | 02-10-025 | 296-52-60070 | NEW-W | 02-06-102 |
| 296-24-40509 | REP | 02-15-102 | 296-45 | AMD-W | 02-15-132 | 296-52-60075 | NEW | 02-03-125 |
| 296-24-40511 | REP-P | 02-07-100 | 296-45-52530 | AMD-P | 02-05-080 | 296-52-60080 | NEW | 02-03-125 |
| 296-24-40511 | REP | 02-15-102 | 296-45-52530 | AMD-W | 02-15-132 | 296-52-60085 | NEW | 02-03-125 |
| 296-24-40513 | REP-P | 02-07-100 | 296-46A | PREP | 02-04-106 | 296-52-60090 | NEW | 02-03-125 |
| 296-24-40513 | REP | 02-15-102 | 296-46A | PREP | 02-15-167 | 296-52-60095 | NEW | 02-03-125 |
| 296-24-40515 | REP-P | 02-07-100 | 296-46A-910 | AMD-P | 02-09-095 | 296-52-60100 | NEW | 02-03-125 |
| 296-24-40515 | REP | 02-15-102 | 296-46A-910 | AMD | 02-12-022 | 296-52-60105 | NEW | 02-03-125 |
| 296-24-51009 | AMD-X | 02-05-077 | 296-46A-915 | AMD-P | 02-09-095 | 296-52-60110 | NEW-W | 02-06-102 |
| 296-24-51009 | AMD | 02-12-098 | 296-46A-915 | AMD | 02-12-022 | 296-52-60115 | NEW | 02-03-125 |

TABLE

Table of WAC Sections Affected

| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 296-52-60125 | NEW | 02-03-125 | 296-52-66040 | NEW | 02-03-125 | 296-52-68030 | NEW | 02-03-125 |
| 296-52-60130 | NEW | 02-03-125 | 296-52-66045 | NEW | 02-03-125 | 296-52-68035 | NEW-W | 02-06-102 |
| 296-52-60130 | AMD-X | 02-15-165 | 296-52-66050 | NEW | 02-03-125 | 296-52-68040 | NEW | 02-03-125 |
| 296-52-61005 | NEW | 02-03-125 | 296-52-66055 | NEW | 02-03-125 | 296-52-68045 | NEW | 02-03-125 |
| 296-52-61010 | NEW | 02-03-125 | 296-52-66060 | NEW | 02-03-125 | 296-52-68050 | NEW | 02-03-125 |
| 296-52-61015 | NEW | 02-03-125 | 296-52-67005 | NEW-W | 02-06-102 | 296-52-68055 | NEW | 02-03-125 |
| 296-52-61020 | NEW | 02-03-125 | 296-52-67010 | NEW | 02-03-125 | 296-52-68060 | NEW | 02-03-125 |
| 296-52-61025 | NEW | 02-03-125 | 296-52-67015 | NEW-W | 02-06-102 | 296-52-68060 | AMD-X | 02-15-165 |
| 296-52-61030 | NEW | 02-03-125 | 296-52-67020 | NEW | 02-03-125 | 296-52-68065 | NEW | 02-03-125 |
| 296-52-61035 | NEW | 02-03-125 | 296-52-67025 | NEW | 02-03-125 | 296-52-68070 | NEW-W | 02-06-102 |
| 296-52-61040 | NEW | 02-03-125 | 296-52-67030 | NEW | 02-03-125 | 296-52-68075 | NEW | 02-03-125 |
| 296-52-61045 | NEW | 02-03-125 | 296-52-67035 | NEW | 02-03-125 | 296-52-68080 | NEW | 02-03-125 |
| 296-52-61050 | NEW | 02-03-125 | 296-52-67040 | NEW | 02-03-125 | 296-52-68085 | NEW | 02-03-125 |
| 296-52-62005 | NEW | 02-03-125 | 296-52-67045 | NEW | 02-03-125 | 296-52-69005 | NEW | 02-03-125 |
| 296-52-62010 | NEW | 02-03-125 | 296-52-67050 | NEW | 02-03-125 | 296-52-69010 | NEW | 02-03-125 |
| 296-52-62020 | NEW-W | 02-06-102 | 296-52-67055 | NEW | 02-03-125 | 296-52-69010 | AMD-X | 02-15-165 |
| 296-52-62025 | NEW | 02-03-125 | 296-52-67060 | NEW | 02-03-125 | 296-52-69015 | NEW | 02-03-125 |
| 296-52-62030 | NEW | 02-03-125 | 296-52-67065 | NEW | 02-03-125 | 296-52-69015 | AMD-X | 02-15-165 |
| 296-52-62035 | NEW | 02-03-125 | 296-52-67065 | AMD-X | 02-15-165 | 296-52-69020 | NEW | 02-03-125 |
| 296-52-62040 | NEW | 02-03-125 | 296-52-67070 | NEW | 02-03-125 | 296-52-69025 | NEW | 02-03-125 |
| 296-52-62045 | NEW | 02-03-125 | 296-52-67075 | NEW | 02-03-125 | 296-52-69030 | NEW | 02-03-125 |
| 296-52-63005 | NEW | 02-03-125 | 296-52-67080 | NEW | 02-03-125 | 296-52-69035 | NEW | 02-03-125 |
| 296-52-63010 | NEW | 02-03-125 | 296-52-67085 | NEW | 02-03-125 | 296-52-69040 | NEW | 02-03-125 |
| 296-52-63015 | NEW-W | 02-06-102 | 296-52-67090 | NEW | 02-03-125 | 296-52-69045 | NEW | 02-03-125 |
| 296-52-63020 | NEW | 02-03-125 | 296-52-67095 | NEW | 02-03-125 | 296-52-69050 | NEW | 02-03-125 |
| 296-52-63025 | NEW | 02-03-125 | 296-52-67100 | NEW | 02-03-125 | 296-52-69055 | NEW | 02-03-125 |
| 296-52-63030 | NEW | 02-03-125 | 296-52-67105 | NEW | 02-03-125 | 296-52-69060 | NEW | 02-03-125 |
| 296-52-64005 | NEW | 02-03-125 | 296-52-67110 | NEW | 02-03-125 | 296-52-69065 | NEW | 02-03-125 |
| 296-52-64010 | NEW-W | 02-06-102 | 296-52-67115 | NEW | 02-03-125 | 296-52-69070 | NEW | 02-03-125 |
| 296-52-64015 | NEW-W | 02-06-102 | 296-52-67120 | NEW-W | 02-06-102 | 296-52-69075 | NEW-W | 02-06-102 |
| 296-52-64020 | NEW | 02-03-125 | 296-52-67125 | NEW | 02-03-125 | 296-52-69080 | NEW | 02-03-125 |
| 296-52-64025 | NEW-W | 02-06-102 | 296-52-67130 | NEW | 02-03-125 | 296-52-69085 | NEW | 02-03-125 |
| 296-52-64030 | NEW | 02-03-125 | 296-52-67135 | NEW | 02-03-125 | 296-52-69090 | NEW | 02-03-125 |
| 296-52-64035 | NEW | 02-03-125 | 296-52-67140 | NEW | 02-03-125 | 296-52-69095 | NEW | 02-03-125 |
| 296-52-64040 | NEW | 02-03-125 | 296-52-67145 | NEW | 02-03-125 | 296-52-69095 | AMD-X | 02-15-165 |
| 296-52-64045 | NEW | 02-03-125 | 296-52-67150 | NEW-W | 02-06-102 | 296-52-69100 | NEW-W | 02-06-102 |
| 296-52-64050 | NEW | 02-03-125 | 296-52-67155 | NEW-W | 02-06-102 | 296-52-69105 | NEW | 02-03-125 |
| 296-52-64055 | NEW | 02-03-125 | 296-52-67160 | NEW | 02-03-125 | 296-52-69110 | NEW | 02-03-125 |
| 296-52-64060 | NEW-W | 02-06-102 | 296-52-67160 | AMD-X | 02-15-165 | 296-52-69115 | NEW | 02-03-125 |
| 296-52-64065 | NEW | 02-03-125 | 296-52-67165 | NEW | 02-03-125 | 296-52-69120 | NEW | 02-03-125 |
| 296-52-64070 | NEW-W | 02-06-102 | 296-52-67170 | NEW | 02-03-125 | 296-52-69125 | NEW | 02-03-125 |
| 296-52-64075 | NEW | 02-03-125 | 296-52-67175 | NEW-W | 02-06-102 | 296-52-69125 | AMD-X | 02-15-165 |
| 296-52-64080 | NEW | 02-03-125 | 296-52-67180 | NEW | 02-03-125 | 296-52-69130 | NEW-X | 02-15-165 |
| 296-52-64085 | NEW | 02-03-125 | 296-52-67185 | NEW | 02-03-125 | 296-52-700 | NEW | 02-03-125 |
| 296-52-64090 | NEW | 02-03-125 | 296-52-67190 | NEW | 02-03-125 | 296-52-70005 | NEW | 02-03-125 |
| 296-52-64095 | NEW | 02-03-125 | 296-52-67195 | NEW | 02-03-125 | 296-52-70010 | NEW | 02-03-125 |
| 296-52-64100 | NEW | 02-03-125 | 296-52-67200 | NEW | 02-03-125 | 296-52-70010 | AMD-X | 02-15-165 |
| 296-52-650 | NEW | 02-03-125 | 296-52-67205 | NEW-W | 02-06-102 | 296-52-70015 | NEW | 02-03-125 |
| 296-52-65005 | NEW | 02-03-125 | 296-52-67210 | NEW | 02-03-125 | 296-52-70020 | NEW | 02-03-125 |
| 296-52-65010 | NEW | 02-03-125 | 296-52-67215 | NEW | 02-03-125 | 296-52-70025 | NEW | 02-03-125 |
| 296-52-65015 | NEW | 02-03-125 | 296-52-67220 | NEW | 02-03-125 | 296-52-70030 | NEW | 02-03-125 |
| 296-52-65020 | NEW | 02-03-125 | 296-52-67225 | NEW | 02-03-125 | 296-52-70035 | NEW | 02-03-125 |
| 296-52-65025 | NEW | 02-03-125 | 296-52-67230 | NEW | 02-03-125 | 296-52-70040 | NEW | 02-03-125 |
| 296-52-65030 | NEW | 02-03-125 | 296-52-67235 | NEW | 02-03-125 | 296-52-70045 | NEW | 02-03-125 |
| 296-52-660 | NEW | 02-03-125 | 296-52-67240 | NEW | 02-03-125 | 296-52-70050 | NEW | 02-03-125 |
| 296-52-66005 | NEW | 02-03-125 | 296-52-67245 | NEW | 02-03-125 | 296-52-70055 | NEW | 02-03-125 |
| 296-52-66010 | NEW | 02-03-125 | 296-52-67250 | NEW-W | 02-06-102 | 296-52-70060 | NEW | 02-03-125 |
| 296-52-66015 | NEW | 02-03-125 | 296-52-68005 | NEW-W | 02-06-102 | 296-52-70065 | NEW | 02-03-125 |
| 296-52-66020 | NEW | 02-03-125 | 296-52-68010 | NEW | 02-03-125 | 296-52-70070 | NEW | 02-03-125 |
| 296-52-66025 | NEW-W | 02-06-102 | 296-52-68015 | NEW | 02-03-125 | 296-52-70075 | NEW-W | 02-06-102 |
| 296-52-66030 | NEW | 02-03-125 | 296-52-68020 | NEW | 02-03-125 | 296-52-70080 | NEW | 02-03-125 |

Table of WAC Sections Affected

| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 296- 52-70085 | NEW | 02-03-125 | 296- 62-11021 | AMD | 02-15-102 | 296- 86A-028 | REP | 02-12-022 |
| 296- 52-710 | NEW | 02-03-125 | 296- 62-130 | AMD-P | 02-09-092 | 296- 86A-030 | REP-P | 02-09-095 |
| 296- 52-710 | AMD-X | 02-15-165 | 296- 62-130 | AMD | 02-16-047 | 296- 86A-030 | REP | 02-12-022 |
| 296- 52-71005 | NEW-W | 02-06-102 | 296- 62-14105 | AMD-X | 02-05-077 | 296- 86A-040 | REP-P | 02-09-095 |
| 296- 52-71010 | NEW-W | 02-06-102 | 296- 62-14105 | AMD | 02-12-098 | 296- 86A-040 | REP | 02-12-022 |
| 296- 52-71015 | NEW | 02-03-125 | 296- 62-14110 | AMD-X | 02-05-077 | 296- 86A-060 | REP-P | 02-09-095 |
| 296- 52-71020 | NEW | 02-03-125 | 296- 62-14110 | AMD | 02-12-098 | 296- 86A-060 | REP | 02-12-022 |
| 296- 52-71020 | AMD-X | 02-15-165 | 296- 62-14155 | AMD-X | 02-05-077 | 296- 86A-065 | REP-P | 02-09-095 |
| 296- 52-71025 | NEW | 02-03-125 | 296- 62-14155 | AMD | 02-12-098 | 296- 86A-065 | REP | 02-12-022 |
| 296- 52-71030 | NEW-W | 02-06-102 | 296- 62-14171 | AMD-X | 02-05-077 | 296- 86A-070 | REP-P | 02-09-095 |
| 296- 52-71035 | NEW | 02-03-125 | 296- 62-14171 | AMD | 02-12-098 | 296- 86A-070 | REP | 02-12-022 |
| 296- 52-71040 | NEW | 02-03-125 | 296- 62-410 | REP | 02-11-141 | 296- 86A-073 | REP-P | 02-09-095 |
| 296- 52-71040 | AMD-X | 02-15-165 | 296- 62-41001 | REP | 02-11-141 | 296- 86A-073 | REP | 02-12-022 |
| 296- 52-71045 | NEW | 02-03-125 | 296- 62-41003 | REP | 02-11-141 | 296- 86A-074 | REP-P | 02-09-095 |
| 296- 52-71045 | AMD-X | 02-15-165 | 296- 62-41010 | REP | 02-11-141 | 296- 86A-074 | REP | 02-12-022 |
| 296- 52-71050 | NEW-W | 02-06-102 | 296- 62-41011 | REP | 02-11-141 | 296- 86A-075 | REP-P | 02-09-095 |
| 296- 52-71055 | NEW | 02-03-125 | 296- 62-41013 | REP | 02-11-141 | 296- 86A-075 | REP | 02-12-022 |
| 296- 52-71060 | NEW | 02-03-125 | 296- 62-41015 | REP | 02-11-141 | 296- 86A-080 | REP-P | 02-09-095 |
| 296- 52-71065 | NEW | 02-03-125 | 296- 62-41017 | REP | 02-11-141 | 296- 86A-080 | REP | 02-12-022 |
| 296- 52-71070 | NEW-W | 02-06-102 | 296- 62-41019 | REP | 02-11-141 | 296- 96 | PREP | 02-04-106 |
| 296- 52-71075 | NEW | 02-03-125 | 296- 62-41020 | REP | 02-11-141 | 296- 96 | PREP | 02-09-090 |
| 296- 52-71080 | NEW | 02-03-125 | 296- 62-41021 | REP | 02-11-141 | 296- 96-01010 | AMD-P | 02-09-095 |
| 296- 52-71085 | NEW-W | 02-06-102 | 296- 62-41023 | REP | 02-11-141 | 296- 96-01010 | AMD | 02-12-022 |
| 296- 52-71090 | NEW | 02-03-125 | 296- 62-41025 | REP | 02-11-141 | 296- 96-01012 | NEW-P | 02-09-095 |
| 296- 52-71095 | NEW | 02-03-125 | 296- 62-41030 | REP | 02-11-141 | 296- 96-01012 | NEW | 02-12-022 |
| 296- 52-71100 | NEW | 02-03-125 | 296- 62-41031 | REP | 02-11-141 | 296- 96-01015 | REP-P | 02-09-095 |
| 296- 52-71105 | NEW | 02-03-125 | 296- 62-41033 | REP | 02-11-141 | 296- 96-01015 | REP | 02-12-022 |
| 296- 52-720 | NEW | 02-03-125 | 296- 62-41035 | REP | 02-11-141 | 296- 96-01025 | AMD-P | 02-09-095 |
| 296- 52-725 | NEW | 02-03-125 | 296- 62-41040 | REP | 02-11-141 | 296- 96-01025 | AMD | 02-12-022 |
| 296- 62 | PREP | 02-04-107 | 296- 62-41041 | REP | 02-11-141 | 296- 96-01027 | AMD-P | 02-09-095 |
| 296- 62 | PREP | 02-10-130 | 296- 62-41042 | REP | 02-11-141 | 296- 96-01027 | AMD | 02-12-022 |
| 296- 62 | PREP | 02-13-114 | 296- 62-41043 | REP | 02-11-141 | 296- 96-01030 | AMD-P | 02-09-095 |
| 296- 62 | PREP | 02-13-116 | 296- 62-41044 | REP | 02-11-141 | 296- 96-01030 | AMD | 02-12-022 |
| 296- 62 | PREP | 02-20-099 | 296- 62-41045 | REP | 02-11-141 | 296- 96-01035 | AMD-P | 02-09-095 |
| 296- 62-054 | AMD-P | 02-18-094 | 296- 62-41046 | REP | 02-11-141 | 296- 96-01035 | AMD | 02-12-022 |
| 296- 62-055 | NEW-P | 02-18-094 | 296- 62-41047 | REP | 02-11-141 | 296- 96-01040 | AMD-P | 02-09-095 |
| 296- 62-05510 | NEW-P | 02-18-094 | 296- 62-41060 | REP | 02-11-141 | 296- 96-01040 | AMD | 02-12-022 |
| 296- 62-05520 | NEW-P | 02-18-094 | 296- 62-41061 | REP | 02-11-141 | 296- 96-01045 | AMD-P | 02-09-095 |
| 296- 62-060 | AMD-P | 02-09-092 | 296- 62-41063 | REP | 02-11-141 | 296- 96-01045 | AMD | 02-12-022 |
| 296- 62-060 | AMD | 02-16-047 | 296- 62-41080 | REP | 02-11-141 | 296- 96-01050 | AMD-P | 02-09-095 |
| 296- 62-070 | AMD-P | 02-09-092 | 296- 62-41081 | REP | 02-11-141 | 296- 96-01050 | AMD | 02-12-022 |
| 296- 62-070 | AMD | 02-16-047 | 296- 62-41082 | REP | 02-11-141 | 296- 96-01055 | AMD-P | 02-09-095 |
| 296- 62-071 | PREP | 02-11-140 | 296- 62-41084 | REP | 02-11-141 | 296- 96-01055 | AMD | 02-12-022 |
| 296- 62-07302 | AMD-X | 02-05-077 | 296- 62-41085 | REP | 02-11-141 | 296- 96-01060 | AMD-P | 02-09-095 |
| 296- 62-07302 | AMD | 02-12-098 | 296- 62-41086 | REP | 02-11-141 | 296- 96-01060 | AMD | 02-12-022 |
| 296- 62-07304 | AMD-X | 02-05-077 | 296- 67-053 | AMD-X | 02-15-166 | 296- 96-01065 | AMD-P | 02-09-095 |
| 296- 62-07304 | AMD | 02-12-098 | 296- 67-053 | AMD | 02-20-034 | 296- 96-01065 | AMD | 02-12-022 |
| 296- 62-07312 | AMD-X | 02-05-077 | 296- 67-291 | AMD-X | 02-15-166 | 296- 104 | PREP | 02-04-105 |
| 296- 62-07312 | AMD | 02-12-098 | 296- 67-291 | AMD | 02-20-034 | 296- 104 | PREP | 02-08-090 |
| 296- 62-07314 | AMD-X | 02-05-077 | 296- 78-56501 | AMD | 02-03-124 | 296-104-010 | AMD-P | 02-17-120 |
| 296- 62-07314 | AMD | 02-12-098 | 296- 78-56505 | AMD | 02-03-124 | 296-104-020 | AMD-P | 02-17-120 |
| 296- 62-07421 | AMD-X | 02-05-077 | 296- 78-71015 | AMD-P | 02-07-100 | 296-104-021 | NEW-P | 02-17-120 |
| 296- 62-07421 | AMD | 02-12-098 | 296- 78-71015 | AMD | 02-15-102 | 296-104-050 | AMD-P | 02-17-120 |
| 296- 62-07501 | AMD-X | 02-05-077 | 296- 79-140 | AMD-X | 02-05-077 | 296-104-055 | AMD-P | 02-09-094 |
| 296- 62-07501 | AMD | 02-12-098 | 296- 79-140 | AMD | 02-12-098 | 296-104-055 | AMD | 02-12-021 |
| 296- 62-07527 | AMD-X | 02-05-077 | 296- 86A-010 | REP-P | 02-09-095 | 296-104-060 | AMD-P | 02-09-094 |
| 296- 62-07527 | AMD | 02-12-098 | 296- 86A-010 | REP | 02-12-022 | 296-104-060 | AMD | 02-12-021 |
| 296- 62-07540 | AMD-X | 02-05-077 | 296- 86A-020 | REP-P | 02-09-095 | 296-104-060 | AMD-P | 02-17-120 |
| 296- 62-07540 | AMD | 02-12-098 | 296- 86A-020 | REP | 02-12-022 | 296-104-125 | AMD-P | 02-17-120 |
| 296- 62-080 | AMD-P | 02-09-092 | 296- 86A-025 | REP-P | 02-09-095 | 296-104-140 | AMD-P | 02-17-120 |
| 296- 62-080 | AMD | 02-16-047 | 296- 86A-025 | REP | 02-12-022 | 296-104-145 | AMD-P | 02-17-120 |
| 296- 62-11021 | AMD-P | 02-07-100 | 296- 86A-028 | REP-P | 02-09-095 | 296-104-150 | AMD-P | 02-17-120 |

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| 296-104-151 | AMD-P | 02-17-120 | 296-150T-3000 | AMD-P | 02-09-095 | 296-155-703 | NEW | 02-13-115 |
| 296-104-155 | AMD-P | 02-17-120 | 296-150T-3000 | AMD | 02-12-022 | 296-155-704 | NEW-P | 02-06-114 |
| 296-104-170 | AMD-P | 02-17-120 | 296-150V-0800 | AMD-P | 02-09-095 | 296-155-704 | NEW | 02-13-115 |
| 296-104-200 | AMD-P | 02-17-120 | 296-150V-0800 | AMD | 02-12-022 | 296-155-705 | REP-P | 02-06-114 |
| 296-104-230 | AMD-P | 02-17-120 | 296-150V-3000 | AMD-P | 02-09-095 | 296-155-705 | REP | 02-13-115 |
| 296-104-240 | REP-P | 02-17-120 | 296-150V-3000 | AMD | 02-12-022 | 296-155-706 | NEW-P | 02-06-114 |
| 296-104-256 | RECOD-P | 02-17-120 | 296-155 | PREP | 02-09-091 | 296-155-706 | NEW | 02-13-115 |
| 296-104-260 | A/R-P | 02-17-120 | 296-155 | AMD-S | 02-10-025 | 296-155-707 | NEW-P | 02-06-114 |
| 296-104-265 | RECOD-P | 02-17-120 | 296-155 | AMD-W | 02-15-132 | 296-155-707 | NEW | 02-13-115 |
| 296-104-270 | A/R-P | 02-17-120 | 296-155-110 | AMD-P | 02-05-080 | 296-155-708 | NEW-P | 02-06-114 |
| 296-104-273 | A/R-P | 02-17-120 | 296-155-110 | AMD-W | 02-15-132 | 296-155-708 | NEW | 02-13-115 |
| 296-104-300 | RECOD-P | 02-17-120 | 296-155-165 | AMD-P | 02-05-080 | 296-155-709 | NEW-P | 02-06-114 |
| 296-104-305 | RECOD-P | 02-17-120 | 296-155-165 | AMD-W | 02-15-132 | 296-155-709 | NEW | 02-13-115 |
| 296-104-307 | RECOD-P | 02-17-120 | 296-155-200 | AMD-P | 02-05-080 | 296-155-710 | REP-P | 02-06-114 |
| 296-104-310 | RECOD-P | 02-17-120 | 296-155-200 | AMD-W | 02-15-132 | 296-155-710 | REP | 02-13-115 |
| 296-104-320 | RECOD-P | 02-17-120 | 296-155-24525 | AMD-X | 02-05-077 | 296-155-711 | NEW-P | 02-06-114 |
| 296-104-502 | AMD-P | 02-17-120 | 296-155-24525 | AMD | 02-12-098 | 296-155-711 | NEW | 02-13-115 |
| 296-104-700 | AMD-P | 02-09-094 | 296-155-441 | AMD-X | 02-05-077 | 296-155-714 | NEW-P | 02-06-114 |
| 296-104-700 | AMD | 02-12-021 | 296-155-441 | AMD | 02-12-098 | 296-155-714 | NEW | 02-13-115 |
| 296-104-700 | AMD-P | 02-17-120 | 296-155-525 | AMD-X | 02-05-077 | 296-155-715 | REP-P | 02-06-114 |
| 296-130 | PREP | 02-11-139 | 296-155-525 | AMD | 02-12-098 | 296-155-715 | REP | 02-13-115 |
| 296-130-010 | AMD-P | 02-21-106 | 296-155-530 | AMD-X | 02-05-077 | 296-155-716 | NEW-P | 02-06-114 |
| 296-130-020 | AMD-P | 02-21-106 | 296-155-530 | AMD | 02-12-098 | 296-155-716 | NEW | 02-13-115 |
| 296-130-030 | AMD-P | 02-21-106 | 296-155-601 | NEW-P | 02-05-080 | 296-155-717 | NEW-P | 02-06-114 |
| 296-130-035 | AMD-P | 02-21-106 | 296-155-601 | NEW-W | 02-15-132 | 296-155-717 | NEW | 02-13-115 |
| 296-130-040 | AMD-P | 02-21-106 | 296-155-602 | NEW-P | 02-05-080 | 296-155-720 | REP-P | 02-06-114 |
| 296-130-050 | AMD-P | 02-21-106 | 296-155-602 | NEW-W | 02-15-132 | 296-155-720 | REP | 02-13-115 |
| 296-130-060 | AMD-P | 02-21-106 | 296-155-603 | NEW-P | 02-05-080 | 296-155-72401 | NEW-P | 02-06-114 |
| 296-130-065 | AMD-P | 02-21-106 | 296-155-603 | NEW-W | 02-15-132 | 296-155-72401 | NEW-W | 02-13-115 |
| 296-130-070 | AMD-P | 02-21-106 | 296-155-604 | NEW-P | 02-05-080 | 296-155-72402 | NEW-P | 02-06-114 |
| 296-130-080 | AMD-P | 02-21-106 | 296-155-604 | NEW-W | 02-15-132 | 296-155-72402 | NEW-W | 02-13-115 |
| 296-130-100 | NEW-P | 02-21-106 | 296-155-605 | AMD-P | 02-05-080 | 296-155-72403 | NEW-P | 02-06-114 |
| 296-130-500 | REP-P | 02-21-106 | 296-155-605 | AMD-W | 02-15-132 | 296-155-72403 | NEW-W | 02-13-115 |
| 296-150C-0800 | AMD-P | 02-09-095 | 296-155-606 | NEW-P | 02-05-080 | 296-155-72404 | NEW-P | 02-06-114 |
| 296-150C-0800 | AMD | 02-12-022 | 296-155-606 | NEW-W | 02-15-132 | 296-155-72404 | NEW-W | 02-13-115 |
| 296-150C-3000 | AMD-P | 02-09-095 | 296-155-607 | NEW-P | 02-05-080 | 296-155-72405 | NEW-P | 02-06-114 |
| 296-150C-3000 | AMD | 02-12-022 | 296-155-607 | NEW-W | 02-15-132 | 296-155-72405 | NEW-W | 02-13-115 |
| 296-150F-3000 | AMD-E | 02-14-073 | 296-155-608 | NEW-P | 02-05-080 | 296-155-72406 | NEW-P | 02-06-114 |
| 296-150F-3000 | AMD-E | 02-21-109 | 296-155-608 | NEW-W | 02-15-132 | 296-155-72406 | NEW-W | 02-13-115 |
| 296-150M-0020 | AMD | 02-03-048 | 296-155-609 | NEW-P | 02-05-080 | 296-155-960 | AMD-X | 02-05-077 |
| 296-150M-0020 | AMD-E | 02-14-073 | 296-155-609 | NEW-W | 02-15-132 | 296-155-960 | AMD | 02-12-098 |
| 296-150M-0020 | AMD-E | 02-21-109 | 296-155-610 | AMD-P | 02-05-080 | 296-200A-080 | AMD-P | 02-09-095 |
| 296-150M-0049 | NEW | 02-03-048 | 296-155-610 | AMD-W | 02-15-132 | 296-200A-080 | AMD | 02-12-022 |
| 296-150M-0049 | AMD-E | 02-14-073 | 296-155-611 | NEW-P | 02-05-080 | 296-200A-900 | AMD-P | 02-09-095 |
| 296-150M-0049 | AMD-E | 02-21-109 | 296-155-611 | NEW-W | 02-15-132 | 296-200A-900 | AMD | 02-12-022 |
| 296-150M-0050 | AMD-E | 02-14-073 | 296-155-612 | NEW-P | 02-05-080 | 296-304-01001 | AMD-X | 02-21-107 |
| 296-150M-0050 | AMD-E | 02-21-109 | 296-155-612 | NEW-W | 02-15-132 | 296-304-01003 | AMD-X | 02-21-107 |
| 296-150M-0051 | NEW-E | 02-14-073 | 296-155-615 | AMD-P | 02-05-080 | 296-304-02007 | AMD-X | 02-21-107 |
| 296-150M-0051 | NEW-E | 02-21-109 | 296-155-615 | AMD-W | 02-15-132 | 296-304-02009 | AMD-X | 02-21-107 |
| 296-150M-0140 | AMD | 02-03-048 | 296-155-655 | AMD-P | 02-05-080 | 296-304-03007 | AMD-X | 02-21-107 |
| 296-150M-0302 | NEW | 02-03-048 | 296-155-655 | AMD-W | 02-15-132 | 296-304-04001 | AMD-X | 02-21-107 |
| 296-150M-0304 | NEW-W | 02-09-070 | 296-155-66405 | AMD-X | 02-05-077 | 296-304-05001 | AMD-X | 02-21-107 |
| 296-150M-0320 | AMD-E | 02-14-073 | 296-155-66405 | AMD | 02-12-098 | 296-304-05003 | AMD-X | 02-21-107 |
| 296-150M-0320 | AMD-E | 02-21-109 | 296-155-66411 | AMD-X | 02-05-077 | 296-304-05005 | AMD-X | 02-21-107 |
| 296-150M-0322 | NEW-E | 02-14-073 | 296-155-66411 | AMD | 02-12-098 | 296-304-05009 | AMD-X | 02-21-107 |
| 296-150M-0322 | NEW-E | 02-21-109 | 296-155-700 | REP-P | 02-06-114 | 296-304-05013 | AMD-X | 02-21-107 |
| 296-150M-3000 | AMD-E | 02-14-073 | 296-155-700 | REP | 02-13-115 | 296-304-06003 | AMD-X | 02-21-107 |
| 296-150M-3000 | AMD-E | 02-21-109 | 296-155-701 | NEW-P | 02-06-114 | 296-304-07009 | AMD-X | 02-21-107 |
| 296-150P-3000 | AMD-P | 02-09-095 | 296-155-701 | NEW | 02-13-115 | 296-304-07011 | AMD-X | 02-21-107 |
| 296-150P-3000 | AMD | 02-12-022 | 296-155-702 | NEW-P | 02-06-114 | 296-304-07013 | AMD-X | 02-21-107 |
| 296-150R-3000 | AMD-P | 02-09-095 | 296-155-702 | NEW | 02-13-115 | 296-304-08001 | AMD-X | 02-21-107 |
| 296-150R-3000 | AMD | 02-12-022 | 296-155-703 | NEW-P | 02-06-114 | 296-304-09017 | AMD-X | 02-21-107 |

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| 296-304-09021 | AMD-X | 02-21-107 | 296-400A-122 | NEW | 02-14-074 | 296-403A-160 | NEW | 02-21-103 |
| 296-304-09023 | AMD-X | 02-21-107 | 296-400A-130 | AMD-P | 02-09-096 | 296-403A-170 | NEW-P | 02-09-097 |
| 296-304-10003 | AMD-X | 02-21-107 | 296-400A-130 | AMD | 02-14-074 | 296-403A-170 | NEW | 02-21-103 |
| 296-304-10007 | AMD-X | 02-21-107 | 296-400A-140 | AMD-P | 02-09-096 | 296-403A-180 | NEW-P | 02-09-097 |
| 296-305 | PREP | 02-13-114 | 296-400A-140 | AMD | 02-14-074 | 296-403A-180 | NEW | 02-21-103 |
| 296-305 | PREP | 02-20-099 | 296-400A-430 | NEW-P | 02-09-096 | 296-403A-190 | NEW-P | 02-09-097 |
| 296-305-04001 | AMD-X | 02-05-077 | 296-400A-430 | NEW | 02-14-074 | 296-403A-190 | NEW | 02-21-103 |
| 296-305-04001 | AMD | 02-12-098 | 296-401B-340 | AMD-P | 02-18-093 | 296-403A-195 | NEW-P | 02-09-097 |
| 296-305-05003 | AMD-X | 02-05-077 | 296-401B-340 | AMD | 02-21-104 | 296-403A-195 | NEW | 02-21-103 |
| 296-305-05003 | AMD | 02-12-098 | 296-401B-700 | AMD-P | 02-09-095 | 296-403A-200 | NEW-P | 02-09-097 |
| 296-305-05011 | AMD-X | 02-15-166 | 296-401B-700 | AMD | 02-12-022 | 296-403A-200 | NEW | 02-21-103 |
| 296-305-05011 | AMD | 02-20-034 | 296-402A-040 | AMD-P | 02-09-097 | 296-403A-210 | NEW-P | 02-09-097 |
| 296-307 | PREP | 02-04-107 | 296-402A-040 | AMD | 02-21-103 | 296-403A-210 | NEW | 02-21-103 |
| 296-307 | PREP | 02-20-099 | 296-402A-410 | AMD-P | 02-09-097 | 296-403A-220 | NEW-P | 02-09-097 |
| 296-307-039 | AMD-X | 02-05-077 | 296-402A-410 | AMD | 02-21-103 | 296-403A-220 | NEW | 02-21-103 |
| 296-307-039 | AMD | 02-12-098 | 296-402A-630 | AMD-P | 02-09-097 | 296-403A-230 | NEW-P | 02-09-097 |
| 296-307-08009 | AMD-X | 02-05-077 | 296-402A-630 | AMD | 02-21-103 | 296-403A-230 | NEW | 02-21-103 |
| 296-307-08009 | AMD | 02-12-098 | 296-403-010 | REP-P | 02-09-097 | 296-403A-240 | NEW-P | 02-09-097 |
| 296-307-14520 | PREP | 02-07-103 | 296-403-010 | REP | 02-21-103 | 296-403A-240 | NEW | 02-21-103 |
| 296-307-16303 | AMD-X | 02-17-109 | 296-403-020 | REP-P | 02-09-097 | 296-800 | PREP | 02-04-107 |
| 296-307-452 | NEW | 02-11-141 | 296-403-020 | REP | 02-21-103 | 296-800 | PREP | 02-20-099 |
| 296-307-45210 | NEW | 02-11-141 | 296-403-030 | REP-P | 02-09-097 | 296-800-110 | AMD-P | 02-09-092 |
| 296-307-45220 | NEW | 02-11-141 | 296-403-030 | REP | 02-21-103 | 296-800-110 | AMD | 02-16-047 |
| 296-307-45230 | NEW | 02-11-141 | 296-403-040 | REP-P | 02-09-097 | 296-800-11040 | NEW-P | 02-09-092 |
| 296-307-45240 | NEW | 02-11-141 | 296-403-040 | REP | 02-21-103 | 296-800-11040 | NEW | 02-16-047 |
| 296-307-45400 | NEW | 02-11-141 | 296-403-050 | REP-P | 02-09-097 | 296-800-11045 | NEW-P | 02-09-092 |
| 296-307-45410 | NEW | 02-11-141 | 296-403-050 | REP | 02-21-103 | 296-800-11045 | NEW | 02-16-047 |
| 296-307-45420 | NEW | 02-11-141 | 296-403-060 | REP-P | 02-09-097 | 296-800-130 | AMD-P | 02-09-092 |
| 296-307-45430 | NEW | 02-11-141 | 296-403-060 | REP | 02-21-103 | 296-800-130 | AMD | 02-16-047 |
| 296-307-45440 | NEW | 02-11-141 | 296-403-070 | REP-P | 02-09-097 | 296-800-13005 | REP-P | 02-09-092 |
| 296-307-45450 | NEW | 02-11-141 | 296-403-070 | REP | 02-21-103 | 296-800-13005 | REP | 02-16-047 |
| 296-307-45600 | NEW | 02-11-141 | 296-403-080 | REP-P | 02-09-097 | 296-800-13010 | REP-P | 02-09-092 |
| 296-307-45610 | NEW | 02-11-141 | 296-403-080 | REP | 02-21-103 | 296-800-13010 | REP | 02-16-047 |
| 296-307-45620 | NEW | 02-11-141 | 296-403-090 | REP-P | 02-09-097 | 296-800-13015 | REP-P | 02-09-092 |
| 296-307-45800 | NEW | 02-11-141 | 296-403-090 | REP | 02-21-103 | 296-800-13015 | REP | 02-16-047 |
| 296-307-46000 | NEW | 02-11-141 | 296-403-100 | REP-P | 02-09-097 | 296-800-13020 | NEW-P | 02-09-092 |
| 296-400A | PREP | 02-09-089 | 296-403-100 | REP | 02-21-103 | 296-800-13020 | NEW | 02-16-047 |
| 296-400A | AMD-P | 02-09-096 | 296-403-110 | REP-P | 02-09-097 | 296-800-13025 | NEW-P | 02-09-092 |
| 296-400A | AMD | 02-14-074 | 296-403-110 | REP | 02-21-103 | 296-800-13025 | NEW | 02-16-047 |
| 296-400A-005 | AMD-P | 02-09-096 | 296-403-120 | REP-P | 02-09-097 | 296-800-13030 | NEW-P | 02-09-092 |
| 296-400A-005 | AMD | 02-14-074 | 296-403-120 | REP | 02-21-103 | 296-800-13035 | NEW-P | 02-09-092 |
| 296-400A-020 | AMD-P | 02-09-096 | 296-403-130 | REP-P | 02-09-097 | 296-800-13040 | NEW-P | 02-09-092 |
| 296-400A-020 | AMD | 02-14-074 | 296-403-130 | REP | 02-21-103 | 296-800-150 | AMD-P | 02-09-092 |
| 296-400A-025 | AMD-P | 02-09-096 | 296-403-140 | REP-P | 02-09-097 | 296-800-150 | AMD | 02-16-047 |
| 296-400A-026 | AMD-P | 02-09-096 | 296-403-140 | REP | 02-21-103 | 296-800-15030 | NEW-P | 02-09-092 |
| 296-400A-030 | AMD-P | 02-09-096 | 296-403-150 | REP-P | 02-09-097 | 296-800-15030 | NEW | 02-16-047 |
| 296-400A-030 | AMD | 02-14-074 | 296-403-150 | REP | 02-21-103 | 296-800-15035 | NEW-P | 02-09-092 |
| 296-400A-031 | AMD-P | 02-09-096 | 296-403-160 | REP-P | 02-09-097 | 296-800-15040 | NEW-P | 02-09-092 |
| 296-400A-031 | AMD | 02-14-074 | 296-403-160 | REP | 02-21-103 | 296-800-15040 | NEW | 02-16-047 |
| 296-400A-035 | AMD-P | 02-09-096 | 296-403A-100 | NEW-P | 02-09-097 | 296-800-16050 | AMD-P | 02-09-092 |
| 296-400A-035 | AMD | 02-14-074 | 296-403A-100 | NEW | 02-21-103 | 296-800-16050 | AMD | 02-16-047 |
| 296-400A-045 | AMD-P | 02-09-096 | 296-403A-110 | NEW-P | 02-09-097 | 296-800-16070 | AMD-P | 02-09-092 |
| 296-400A-045 | AMD | 02-14-074 | 296-403A-110 | NEW | 02-21-103 | 296-800-16070 | AMD | 02-16-047 |
| 296-400A-070 | AMD-P | 02-09-096 | 296-403A-120 | NEW-P | 02-09-097 | 296-800-170 | AMD-P | 02-09-092 |
| 296-400A-070 | AMD | 02-14-074 | 296-403A-120 | NEW | 02-21-103 | 296-800-170 | AMD | 02-16-047 |
| 296-400A-100 | AMD-P | 02-09-096 | 296-403A-130 | NEW-P | 02-09-097 | 296-800-17020 | AMD-P | 02-09-092 |
| 296-400A-100 | AMD | 02-14-074 | 296-403A-130 | NEW | 02-21-103 | 296-800-17020 | AMD | 02-16-047 |
| 296-400A-120 | AMD-P | 02-09-096 | 296-403A-140 | NEW-P | 02-09-097 | 296-800-17025 | AMD-P | 02-09-092 |
| 296-400A-120 | AMD | 02-14-074 | 296-403A-140 | NEW | 02-21-103 | 296-800-17025 | AMD | 02-16-047 |
| 296-400A-121 | AMD-P | 02-09-096 | 296-403A-150 | NEW-P | 02-09-097 | 296-800-17030 | AMD-P | 02-09-092 |
| 296-400A-121 | AMD | 02-14-074 | 296-403A-150 | NEW | 02-21-103 | 296-800-17030 | AMD | 02-16-047 |
| 296-400A-122 | NEW-P | 02-09-096 | 296-403A-160 | NEW-P | 02-09-097 | | | |

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| 296-800-18010 | AMD-P | 02-09-092 | 296-824-12050 | AMD | 02-20-034 | 296-832-10000 | NEW-X | 02-08-080 |
| 296-800-18010 | AMD | 02-16-047 | 296-824-12060 | NEW | 02-11-141 | 296-832-10000 | NEW-W | 02-21-053 |
| 296-800-18015 | AMD-P | 02-09-092 | 296-824-12060 | AMD-X | 02-15-166 | 296-832-10005 | NEW-X | 02-08-080 |
| 296-800-18015 | AMD | 02-16-047 | 296-824-12060 | AMD | 02-20-034 | 296-832-10005 | NEW-W | 02-21-053 |
| 296-800-20005 | AMD-P | 02-09-092 | 296-824-13010 | NEW | 02-11-141 | 296-832-10010 | NEW-X | 02-08-080 |
| 296-800-20005 | AMD | 02-16-047 | 296-824-13010 | AMD-X | 02-15-166 | 296-832-10010 | NEW-W | 02-21-053 |
| 296-800-23010 | AMD-P | 02-09-092 | 296-824-13010 | AMD | 02-20-034 | 296-832-10015 | NEW-X | 02-08-080 |
| 296-800-23010 | AMD | 02-16-047 | 296-824-13020 | NEW | 02-11-141 | 296-832-10015 | NEW-W | 02-21-053 |
| 296-800-23020 | AMD-P | 02-09-092 | 296-824-13020 | AMD-X | 02-15-166 | 296-832-10020 | NEW-X | 02-08-080 |
| 296-800-23020 | AMD | 02-16-047 | 296-824-13020 | AMD | 02-20-034 | 296-832-10020 | NEW-W | 02-21-053 |
| 296-800-25015 | AMD-P | 02-09-092 | 296-824-13030 | NEW | 02-11-141 | 296-832-10025 | NEW-X | 02-08-080 |
| 296-800-25015 | AMD | 02-16-047 | 296-824-13030 | AMD-X | 02-15-166 | 296-832-10025 | NEW-W | 02-21-053 |
| 296-800-28040 | AMD-P | 02-09-092 | 296-824-13030 | AMD | 02-20-034 | 296-832-200 | NEW | 02-16-087 |
| 296-800-28040 | AMD | 02-16-047 | 296-824-14010 | NEW | 02-11-141 | 296-832-20005 | NEW | 02-16-087 |
| 296-800-28045 | AMD-P | 02-09-092 | 296-824-14010 | AMD-X | 02-15-166 | 296-832-20010 | NEW | 02-16-087 |
| 296-800-28045 | AMD | 02-16-047 | 296-824-14010 | AMD | 02-20-034 | 296-832-300 | NEW | 02-16-087 |
| 296-800-32025 | AMD-P | 02-09-092 | 296-824-15010 | NEW | 02-11-141 | 296-832-30005 | NEW | 02-16-087 |
| 296-800-32025 | AMD | 02-16-047 | 296-824-15010 | AMD-X | 02-15-166 | 296-832-30010 | NEW | 02-16-087 |
| 296-800-35030 | AMD-P | 02-09-092 | 296-824-15010 | AMD | 02-20-034 | 296-832-30015 | NEW | 02-16-087 |
| 296-800-35030 | AMD | 02-16-047 | 296-824-200 | NEW-X | 02-15-166 | 296-833-100 | NEW-X | 02-17-107 |
| 296-800-35040 | AMD-P | 02-09-092 | 296-824-200 | NEW | 02-20-034 | 296-833-10010 | NEW-X | 02-17-107 |
| 296-800-35040 | AMD | 02-16-047 | 296-824-20005 | NEW-X | 02-15-166 | 296-833-200 | NEW-X | 02-17-107 |
| 296-800-35056 | AMD-P | 02-09-092 | 296-824-20005 | NEW | 02-20-034 | 296-833-20005 | NEW-X | 02-17-107 |
| 296-800-35056 | AMD | 02-16-047 | 296-824-300 | NEW-X | 02-15-166 | 296-833-20010 | NEW-X | 02-17-107 |
| 296-800-35076 | AMD-P | 02-09-092 | 296-824-300 | NEW | 02-20-034 | 296-833-300 | NEW-X | 02-17-107 |
| 296-800-35076 | AMD | 02-16-047 | 296-824-30005 | NEW-X | 02-15-166 | 296-833-30005 | NEW-X | 02-17-107 |
| 296-800-370 | AMD-P | 02-09-092 | 296-824-30005 | NEW | 02-20-034 | 296-833-30010 | NEW-X | 02-17-107 |
| 296-800-370 | AMD | 02-16-047 | 296-824-400 | NEW-X | 02-15-166 | 296-833-30015 | NEW-X | 02-17-107 |
| 296-817 | PREP | 02-13-114 | 296-824-400 | NEW | 02-20-034 | 296-833-30020 | NEW-X | 02-17-107 |
| 296-824 | PREP | 02-20-099 | 296-824-40005 | NEW-X | 02-15-166 | 296-833-400 | NEW-X | 02-17-107 |
| 296-824-100 | NEW | 02-11-141 | 296-824-40005 | NEW | 02-20-034 | 296-833-40005 | NEW-X | 02-17-107 |
| 296-824-100 | AMD-X | 02-15-166 | 296-824-40010 | NEW-X | 02-15-166 | 296-833-40010 | NEW-X | 02-17-107 |
| 296-824-100 | AMD | 02-20-034 | 296-824-40010 | NEW | 02-20-034 | 296-833-500 | NEW-X | 02-17-107 |
| 296-824-110 | NEW | 02-11-141 | 296-824-500 | NEW-X | 02-15-166 | 296-833-50005 | NEW-X | 02-17-107 |
| 296-824-110 | AMD-X | 02-15-166 | 296-824-500 | NEW | 02-20-034 | 296-833-50010 | NEW-X | 02-17-107 |
| 296-824-110 | AMD | 02-20-034 | 296-824-50005 | NEW-X | 02-15-166 | 296-833-600 | NEW-X | 02-17-107 |
| 296-824-11010 | NEW | 02-11-141 | 296-824-50005 | NEW | 02-20-034 | 296-833-60005 | NEW-X | 02-17-107 |
| 296-824-11010 | AMD-X | 02-15-166 | 296-824-50010 | NEW-X | 02-15-166 | 296-833-60010 | NEW-X | 02-17-107 |
| 296-824-11010 | AMD | 02-20-034 | 296-824-50010 | NEW | 02-20-034 | 296-835-100 | NEW-P | 02-07-100 |
| 296-824-11020 | NEW | 02-11-141 | 296-824-50015 | NEW-X | 02-15-166 | 296-835-100 | NEW | 02-15-102 |
| 296-824-11020 | AMD-X | 02-15-166 | 296-824-50015 | NEW | 02-20-034 | 296-835-110 | NEW-P | 02-07-100 |
| 296-824-11020 | AMD | 02-20-034 | 296-824-50020 | NEW-X | 02-15-166 | 296-835-110 | NEW | 02-15-102 |
| 296-824-11050 | NEW | 02-11-141 | 296-824-50020 | NEW | 02-20-034 | 296-835-11005 | NEW-P | 02-07-100 |
| 296-824-11050 | AMD-X | 02-15-166 | 296-824-50025 | NEW-X | 02-15-166 | 296-835-11005 | NEW | 02-15-102 |
| 296-824-11050 | AMD | 02-20-034 | 296-824-50025 | NEW | 02-20-034 | 296-835-11010 | NEW-P | 02-07-100 |
| 296-824-11060 | NEW | 02-11-141 | 296-824-50030 | NEW-X | 02-15-166 | 296-835-11010 | NEW | 02-15-102 |
| 296-824-11060 | AMD-X | 02-15-166 | 296-824-50030 | NEW | 02-20-034 | 296-835-11015 | NEW-P | 02-07-100 |
| 296-824-11060 | AMD | 02-20-034 | 296-824-600 | NEW-X | 02-15-166 | 296-835-11015 | NEW | 02-15-102 |
| 296-824-12010 | NEW | 02-11-141 | 296-824-600 | NEW | 02-20-034 | 296-835-11020 | NEW-P | 02-07-100 |
| 296-824-12010 | AMD-X | 02-15-166 | 296-824-60005 | NEW-X | 02-15-166 | 296-835-11020 | NEW | 02-15-102 |
| 296-824-12010 | AMD | 02-20-034 | 296-824-60005 | NEW | 02-20-034 | 296-835-11025 | NEW-P | 02-07-100 |
| 296-824-12020 | NEW | 02-11-141 | 296-824-60010 | NEW-X | 02-15-166 | 296-835-11025 | NEW | 02-15-102 |
| 296-824-12020 | AMD-X | 02-15-166 | 296-824-60010 | NEW | 02-20-034 | 296-835-11030 | NEW-P | 02-07-100 |
| 296-824-12020 | AMD | 02-20-034 | 296-824-60015 | NEW-X | 02-15-166 | 296-835-11030 | NEW | 02-15-102 |
| 296-824-12030 | NEW | 02-11-141 | 296-824-60015 | NEW | 02-20-034 | 296-835-11035 | NEW-P | 02-07-100 |
| 296-824-12030 | AMD-X | 02-15-166 | 296-824-700 | NEW-X | 02-15-166 | 296-835-11035 | NEW | 02-15-102 |
| 296-824-12030 | AMD | 02-20-034 | 296-824-700 | NEW | 02-20-034 | 296-835-11040 | NEW-P | 02-07-100 |
| 296-824-12040 | NEW | 02-11-141 | 296-824-70005 | NEW-X | 02-15-166 | 296-835-11040 | NEW | 02-15-102 |
| 296-824-12040 | AMD-X | 02-15-166 | 296-824-70005 | NEW | 02-20-034 | 296-835-11045 | NEW-P | 02-07-100 |
| 296-824-12040 | AMD | 02-20-034 | 296-824-800 | NEW-X | 02-15-166 | 296-835-11045 | NEW | 02-15-102 |
| 296-824-12050 | NEW | 02-11-141 | 296-824-800 | NEW | 02-20-034 | 296-835-11050 | NEW-P | 02-07-100 |
| 296-824-12050 | AMD-X | 02-15-166 | 296-832-100 | NEW | 02-16-087 | 296-835-11050 | NEW | 02-15-102 |

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| 296-835-120 | NEW | 02-15-102 | 296-860-10050 | NEW-P | 02-07-101 | 308- 12-085 | AMD | 02-11-082 |
| 296-835-12005 | NEW-P | 02-07-100 | 296-860-10060 | NEW-P | 02-07-101 | 308- 12-115 | AMD-P | 02-04-114 |
| 296-835-12005 | NEW | 02-15-102 | 296-860-10070 | NEW-P | 02-07-101 | 308- 12-115 | AMD | 02-11-082 |
| 296-835-12010 | NEW-P | 02-07-100 | 296-860-10100 | NEW-P | 02-07-101 | 308- 12-150 | AMD-P | 02-04-114 |
| 296-835-12010 | NEW | 02-15-102 | 296-860-200 | NEW | 02-17-106 | 308- 12-150 | AMD | 02-11-082 |
| 296-835-12015 | NEW-P | 02-07-100 | 296-860-20010 | NEW | 02-17-106 | 308- 12-210 | AMD-P | 02-04-114 |
| 296-835-12015 | NEW | 02-15-102 | 296-860-20020 | NEW | 02-17-106 | 308- 12-210 | AMD | 02-11-082 |
| 296-835-12020 | NEW-P | 02-07-100 | 296-860-20030 | NEW | 02-17-106 | 308- 12-220 | AMD-P | 02-04-114 |
| 296-835-12020 | NEW | 02-15-102 | 296-860-20040 | NEW | 02-17-106 | 308- 12-220 | AMD | 02-11-082 |
| 296-835-12025 | NEW-P | 02-07-100 | 296-860-20050 | NEW | 02-17-106 | 308- 12-230 | AMD-P | 02-04-114 |
| 296-835-12025 | NEW | 02-15-102 | 296-860-20060 | NEW | 02-17-106 | 308- 12-230 | AMD | 02-11-082 |
| 296-835-12030 | NEW-P | 02-07-100 | 296-860-20070 | NEW | 02-17-106 | 308- 12-240 | AMD-P | 02-04-114 |
| 296-835-12030 | NEW-W | 02-20-091 | 296-860-20080 | NEW | 02-17-106 | 308- 12-240 | AMD | 02-11-082 |
| 296-835-12035 | NEW-P | 02-07-100 | 296-860-300 | NEW | 02-17-106 | 308- 12-320 | AMD-P | 02-04-114 |
| 296-835-12035 | NEW | 02-15-102 | 296-878-100 | NEW-P | 02-13-118 | 308- 12-320 | AMD | 02-11-082 |
| 296-835-12040 | NEW-P | 02-07-100 | 296-878-10005 | NEW-P | 02-13-118 | 308- 12-321 | REP-P | 02-04-114 |
| 296-835-12040 | NEW | 02-15-102 | 296-878-110 | NEW-P | 02-13-118 | 308- 12-321 | REP | 02-11-082 |
| 296-835-12045 | NEW-P | 02-07-100 | 296-878-11005 | NEW-P | 02-13-118 | 308- 12-322 | REP-P | 02-04-114 |
| 296-835-12045 | NEW | 02-15-102 | 296-878-120 | NEW-P | 02-13-118 | 308- 12-322 | REP | 02-11-082 |
| 296-835-12050 | NEW-P | 02-07-100 | 296-878-12005 | NEW-P | 02-13-118 | 308- 12-323 | REP-P | 02-04-114 |
| 296-835-12050 | NEW | 02-15-102 | 296-878-130 | NEW-P | 02-13-118 | 308- 12-323 | REP | 02-11-082 |
| 296-835-12055 | NEW-P | 02-07-100 | 296-878-13005 | NEW-P | 02-13-118 | 308- 12-324 | REP-P | 02-04-114 |
| 296-835-12055 | NEW | 02-15-102 | 296-878-13010 | NEW-P | 02-13-118 | 308- 12-324 | REP | 02-11-082 |
| 296-835-12060 | NEW-P | 02-07-100 | 296-878-140 | NEW-P | 02-13-118 | 308- 12-325 | REP-P | 02-04-114 |
| 296-835-12060 | NEW | 02-15-102 | 296-878-14005 | NEW-P | 02-13-118 | 308- 12-325 | REP | 02-11-082 |
| 296-835-12065 | NEW-P | 02-07-100 | 296-878-150 | NEW-P | 02-13-118 | 308- 12-330 | NEW-P | 02-04-114 |
| 296-835-12065 | NEW | 02-15-102 | 296-878-15005 | NEW-P | 02-13-118 | 308- 12-330 | NEW | 02-11-082 |
| 296-835-130 | NEW-P | 02-07-100 | 296-878-15010 | NEW-P | 02-13-118 | 308- 13-005 | AMD-P | 02-04-113 |
| 296-835-130 | NEW | 02-15-102 | 296-878-15015 | NEW-P | 02-13-118 | 308- 13-005 | AMD | 02-07-047 |
| 296-835-13005 | NEW-P | 02-07-100 | 296-878-15020 | NEW-P | 02-13-118 | 308- 13-020 | AMD-P | 02-04-113 |
| 296-835-13005 | NEW | 02-15-102 | 296-878-15025 | NEW-P | 02-13-118 | 308- 13-020 | AMD | 02-07-047 |
| 296-835-13010 | NEW-P | 02-07-100 | 296-878-160 | NEW-P | 02-13-118 | 308- 13-024 | AMD-P | 02-04-113 |
| 296-835-13010 | NEW | 02-15-102 | 296-878-16005 | NEW-P | 02-13-118 | 308- 13-024 | AMD | 02-07-047 |
| 296-835-13015 | NEW-P | 02-07-100 | 296-878-170 | NEW-P | 02-13-118 | 308- 13-036 | NEW-P | 02-04-113 |
| 296-835-13015 | NEW | 02-15-102 | 296-878-17005 | NEW-P | 02-13-118 | 308- 13-036 | NEW | 02-07-047 |
| 296-835-13020 | NEW-P | 02-07-100 | 296-878-180 | NEW-P | 02-13-118 | 308- 13-050 | AMD-P | 02-04-113 |
| 296-835-13020 | NEW | 02-15-102 | 296-878-18005 | NEW-P | 02-13-118 | 308- 13-050 | AMD | 02-07-047 |
| 296-835-13025 | NEW-P | 02-07-100 | 296-878-18010 | NEW-P | 02-13-118 | 308- 13-100 | AMD-P | 02-04-113 |
| 296-835-13025 | NEW | 02-15-102 | 296-878-18015 | NEW-P | 02-13-118 | 308- 13-100 | AMD | 02-07-047 |
| 296-835-13030 | NEW-P | 02-07-100 | 296-878-18020 | NEW-P | 02-13-118 | 308- 13-150 | PREP | 02-08-033 |
| 296-835-13030 | NEW | 02-15-102 | 296-878-190 | NEW-P | 02-13-118 | 308- 13-150 | AMD-P | 02-12-077 |
| 296-835-140 | NEW-P | 02-07-100 | 296-878-19005 | NEW-P | 02-13-118 | 308- 13-150 | AMD | 02-16-018 |
| 296-835-140 | NEW | 02-15-102 | 296-878-19010 | NEW-P | 02-13-118 | 308- 14-085 | AMD-P | 02-08-074 |
| 296-839-100 | NEW-P | 02-18-094 | 296-878-200 | NEW-P | 02-13-118 | 308- 14-085 | AMD-W | 02-11-057 |
| 296-839-200 | NEW-P | 02-18-094 | 296-878-20005 | NEW-P | 02-13-118 | 308- 14-090 | REP-P | 02-08-074 |
| 296-839-20005 | NEW-P | 02-18-094 | 296-878-20010 | NEW-P | 02-13-118 | 308- 14-090 | REP-W | 02-11-057 |
| 296-839-20010 | NEW-P | 02-18-094 | 296-878-20015 | NEW-P | 02-13-118 | 308- 14-100 | AMD-P | 02-08-074 |
| 296-839-300 | NEW-P | 02-18-094 | 296-878-210 | NEW-P | 02-13-118 | 308- 14-100 | AMD-W | 02-11-057 |
| 296-839-30005 | NEW-P | 02-18-094 | 296-878-21005 | NEW-P | 02-13-118 | 308- 14-120 | AMD-P | 02-08-074 |
| 296-839-30010 | NEW-P | 02-18-094 | 296-878-220 | NEW-P | 02-13-118 | 308- 14-120 | AMD-W | 02-11-057 |
| 296-839-30015 | NEW-P | 02-18-094 | 308- 08-085 | AMD-X | 02-14-001 | 308- 14-130 | AMD-P | 02-08-074 |
| 296-839-400 | NEW-P | 02-18-094 | 308- 08-085 | AMD | 02-19-035 | 308- 14-130 | AMD-W | 02-11-057 |
| 296-839-40005 | NEW-P | 02-18-094 | 308- 08-600 | AMD | 02-11-011 | 308- 14-135 | AMD-P | 02-08-074 |
| 296-839-500 | NEW-P | 02-18-094 | 308- 12-010 | AMD-P | 02-04-114 | 308- 14-135 | AMD-W | 02-11-057 |
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| 296-860-100 | NEW | 02-17-106 | 308- 12-031 | AMD-P | 02-04-114 | 308- 14-210 | AMD-W | 02-11-057 |
| 296-860-10005 | NEW-P | 02-07-101 | 308- 12-031 | AMD | 02-11-082 | 308- 15-040 | PREP | 02-05-079 |
| 296-860-10010 | NEW-P | 02-07-101 | 308- 12-050 | AMD-P | 02-04-114 | 308- 15-040 | AMD-P | 02-09-011 |
| 296-860-10020 | NEW-P | 02-07-101 | 308- 12-050 | AMD | 02-11-082 | 308- 15-040 | AMD-W | 02-16-095 |
| 296-860-10025 | NEW-P | 02-07-101 | 308- 12-081 | AMD-P | 02-04-114 | 308- 15-140 | PREP | 02-05-079 |
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| 308- 15-140 | NEW | 02-20-072 | 308- 48-070 | REP | 02-19-019 | 308- 56A-265 | PREP | 02-05-016 |
| 308- 17-150 | AMD-P | 02-03-130 | 308- 48-085 | AMD-P | 02-14-059 | 308- 56A-270 | PREP | 02-05-016 |
| 308- 17-150 | AMD | 02-11-098 | 308- 48-085 | AMD | 02-19-019 | 308- 56A-275 | PREP | 02-05-016 |
| 308- 17-310 | PREP | 02-07-069 | 308- 48-100 | REP-P | 02-14-059 | 308- 56A-295 | PREP | 02-05-019 |
| 308- 17-310 | AMD-P | 02-20-085 | 308- 48-100 | REP | 02-19-019 | 308- 56A-300 | PREP | 02-05-014 |
| 308- 17-320 | PREP | 02-07-069 | 308- 48-145 | AMD-P | 02-14-059 | 308- 56A-305 | PREP | 02-05-014 |
| 308- 17-320 | AMD-P | 02-20-085 | 308- 48-145 | AMD | 02-19-019 | 308- 56A-310 | PREP | 02-05-014 |
| 308- 18-120 | AMD-P | 02-21-090 | 308- 48-180 | AMD-P | 02-14-059 | 308- 56A-315 | PREP | 02-05-014 |
| 308- 18-150 | AMD-P | 02-02-096 | 308- 48-180 | AMD | 02-19-019 | 308- 56A-320 | PREP | 02-05-014 |
| 308- 18-150 | AMD | 02-07-068 | 308- 48-185 | REP-P | 02-14-059 | 308- 56A-325 | PREP | 02-05-014 |
| 308- 18-240 | AMD-P | 02-21-090 | 308- 48-185 | REP | 02-19-019 | 308- 56A-330 | PREP | 02-05-014 |
| 308- 19-130 | AMD-P | 02-02-095 | 308- 48-200 | AMD-P | 02-14-059 | 308- 56A-460 | PREP | 02-08-005 |
| 308- 19-130 | AMD | 02-07-067 | 308- 48-200 | AMD | 02-19-019 | 308- 56A-460 | AMD-E | 02-13-005 |
| 308- 19-240 | AMD-P | 02-02-095 | 308- 48-210 | AMD-P | 02-14-059 | 308- 56A-460 | AMD-P | 02-15-034 |
| 308- 19-240 | AMD | 02-07-067 | 308- 48-210 | AMD | 02-19-019 | 308- 56A-460 | AMD | 02-19-016 |
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| 308- 20-030 | REP | 02-04-012 | 308- 48-350 | AMD | 02-19-019 | 308- 56A-500 | AMD-E | 02-13-005 |
| 308- 20-040 | AMD | 02-04-012 | 308- 48-520 | AMD-P | 02-14-059 | 308- 56A-500 | AMD-W | 02-13-025 |
| 308- 20-045 | REP | 02-04-012 | 308- 48-520 | AMD | 02-19-019 | 308- 56A-500 | AMD-P | 02-15-034 |
| 308- 20-080 | AMD | 02-04-012 | 308- 48-600 | AMD-P | 02-14-059 | 308- 56A-500 | AMD | 02-19-016 |
| 308- 20-090 | AMD | 02-04-012 | 308- 48-600 | AMD | 02-19-019 | 308- 56A-525 | PREP | 02-15-077 |
| 308- 20-105 | AMD | 02-04-012 | 308- 48-700 | REP-P | 02-14-059 | 308- 56A-525 | NEW-P | 02-18-013 |
| 308- 20-107 | AMD | 02-04-012 | 308- 48-700 | REP | 02-19-019 | 308- 56A-530 | NEW-P | 02-07-035 |
| 308- 20-110 | AMD | 02-04-012 | 308- 48-710 | REP-P | 02-14-059 | 308- 56A-530 | NEW-E | 02-13-005 |
| 308- 20-120 | AMD | 02-04-012 | 308- 48-710 | REP | 02-19-019 | 308- 56A-530 | NEW-W | 02-13-025 |
| 308- 20-122 | NEW | 02-04-012 | 308- 48-720 | REP-P | 02-14-059 | 308- 56A-530 | NEW-P | 02-15-034 |
| 308- 20-130 | REP | 02-04-012 | 308- 48-720 | REP | 02-19-019 | 308- 56A-530 | NEW | 02-19-016 |
| 308- 20-150 | REP | 02-04-012 | 308- 48-730 | REP-P | 02-14-059 | 308- 56A-640 | PREP | 02-05-013 |
| 308- 20-155 | REP | 02-04-012 | 308- 48-730 | REP | 02-19-019 | 308- 56A-640 | PREP | 02-05-017 |
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| 308- 20-210 | AMD | 02-09-040 | 308- 48-750 | REP | 02-19-019 | 308- 61-105 | AMD-P | 02-16-067 |
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| 308- 20-590 | REP | 02-04-012 | 308- 48-760 | REP | 02-19-019 | 308- 61-108 | AMD-P | 02-16-067 |
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| 308- 47-010 | NEW | 02-19-019 | 308- 48-770 | REP | 02-19-019 | 308- 61-115 | AMD-P | 02-16-067 |
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| 308- 47-020 | NEW | 02-19-019 | 308- 49-150 | AMD | 02-19-019 | 308- 61-125 | AMD-P | 02-16-067 |
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| 308- 47-030 | NEW | 02-19-019 | 308- 49-164 | AMD | 02-19-019 | 308- 61-135 | AMD-P | 02-16-067 |
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| 308- 47-040 | NEW | 02-19-019 | 308- 49-170 | AMD | 02-19-019 | 308- 61-145 | AMD-P | 02-16-067 |
| 308- 47-050 | NEW-P | 02-14-059 | 308- 49-210 | NEW-P | 02-14-059 | 308- 61-145 | AMD | 02-20-035 |
| 308- 47-050 | NEW | 02-19-019 | 308- 49-210 | NEW | 02-19-019 | 308- 61-158 | AMD-P | 02-16-067 |
| 308- 47-060 | NEW-P | 02-14-059 | 308- 56A | PREP | 02-15-077 | 308- 61-158 | AMD | 02-20-035 |
| 308- 47-060 | NEW | 02-19-019 | 308- 56A-030 | PREP | 02-05-019 | 308- 61-168 | AMD-P | 02-16-067 |
| 308- 47-070 | NEW-P | 02-14-059 | 308- 56A-040 | PREP | 02-05-019 | 308- 61-168 | AMD | 02-20-035 |
| 308- 47-070 | NEW | 02-19-019 | 308- 56A-056 | PREP | 02-05-019 | 308- 61-175 | AMD-P | 02-16-067 |
| 308- 48-010 | AMD-P | 02-14-059 | 308- 56A-060 | PREP | 02-05-019 | 308- 61-175 | AMD | 02-20-035 |
| 308- 48-010 | AMD | 02-19-019 | 308- 56A-070 | PREP | 02-05-015 | 308- 61-190 | AMD-P | 02-16-067 |
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| 308- 48-040 | AMD-P | 02-14-059 | 308- 56A-150 | PREP | 02-05-018 | 308- 63-090 | AMD | 02-19-036 |
| 308- 48-040 | AMD | 02-19-019 | 308- 56A-160 | PREP | 02-05-018 | 308- 66 | PREP | 02-04-059 |
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| 308- 48-050 | AMD | 02-19-019 | 308- 56A-210 | PREP | 02-05-019 | 308- 66-110 | AMD-P | 02-09-057 |
| 308- 48-060 | AMD-P | 02-14-059 | 308- 56A-210 | PREP | 02-14-002 | 308- 66-110 | AMD | 02-12-062 |
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| 308-90-040 | AMD | 02-05-073 | 308-96A-050 | PREP | 02-05-002 | 308-96A-311 | AMD | 02-04-002 |
| 308-90-070 | AMD | 02-05-073 | 308-96A-050 | AMD-P | 02-12-078 | 308-96A-312 | AMD | 02-04-002 |
| 308-90-080 | AMD | 02-05-073 | 308-96A-050 | AMD | 02-16-071 | 308-96A-313 | AMD | 02-04-002 |
| 308-90-090 | AMD | 02-05-073 | 308-96A-056 | PREP | 02-05-002 | 308-96A-314 | AMD | 02-04-002 |
| 308-90-100 | AMD | 02-05-073 | 308-96A-056 | AMD-P | 02-12-078 | 308-96A-314 | PREP | 02-12-006 |
| 308-90-110 | AMD | 02-05-073 | 308-96A-056 | AMD | 02-16-071 | 308-96A-316 | AMD | 02-04-002 |
| 308-90-130 | AMD | 02-05-073 | 308-96A-057 | PREP | 02-05-002 | 308-96A-530 | PREP | 02-05-002 |
| 308-90-140 | AMD | 02-05-073 | 308-96A-057 | AMD-P | 02-12-078 | 308-96A-530 | AMD-P | 02-12-078 |
| 308-90-150 | AMD | 02-05-073 | 308-96A-057 | AMD | 02-16-071 | 308-96A-530 | AMD | 02-16-071 |
| 308-90-160 | AMD | 02-05-073 | 308-96A-062 | PREP | 02-09-004 | 308-96A-550 | PREP | 02-12-006 |
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| 308-91-040 | PREP | 02-12-124 | 308-96A-062 | AMD | 02-17-024 | 308-99-040 | PREP | 02-10-079 |
| 308-91-050 | PREP | 02-12-124 | 308-96A-064 | PREP | 02-09-004 | 308-99-040 | PREP | 02-20-104 |
| 308-91-060 | PREP | 02-12-124 | 308-96A-064 | AMD-P | 02-12-064 | 308-100-140 | AMD | 02-04-076 |
| 308-91-080 | PREP | 02-12-124 | 308-96A-064 | AMD | 02-17-024 | 308-103-010 | NEW | 02-11-011 |
| 308-91-090 | PREP | 02-12-124 | 308-96A-073 | PREP | 02-05-002 | 308-103-020 | NEW | 02-11-011 |
| 308-91-095 | PREP | 02-12-124 | 308-96A-073 | AMD-P | 02-12-078 | 308-103-030 | NEW | 02-11-011 |
| 308-91-120 | PREP | 02-12-124 | 308-96A-073 | AMD | 02-16-071 | 308-103-040 | NEW | 02-11-011 |
| 308-91-130 | PREP | 02-12-124 | 308-96A-074 | PREP | 02-05-002 | 308-103-050 | NEW | 02-11-011 |
| 308-91-140 | PREP | 02-12-124 | 308-96A-074 | AMD-P | 02-12-078 | 308-103-060 | NEW | 02-11-011 |
| 308-91-150 | PREP | 02-12-124 | 308-96A-074 | AMD | 02-16-071 | 308-103-070 | NEW | 02-11-011 |
| 308-91-171 | PREP | 02-12-124 | 308-96A-080 | PREP | 02-05-020 | 308-103-080 | NEW | 02-11-011 |
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| 308-93-230 | AMD | 02-04-001 | 308-96A-085 | AMD-P | 02-18-034 | 308-103-120 | NEW | 02-11-011 |
| 308-93-230 | PREP | 02-11-097 | 308-96A-085 | AMD | 02-21-118 | 308-103-130 | NEW | 02-11-011 |
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| 308-93-242 | PREP | 02-08-006 | 308-96A-090 | AMD | 02-21-118 | 308-103-160 | NEW | 02-11-011 |
| 308-93-242 | AMD-P | 02-18-012 | 308-96A-095 | PREP | 02-05-020 | 308-103-170 | NEW | 02-11-011 |
| 308-93-243 | PREP | 02-08-006 | 308-96A-095 | AMD-P | 02-18-034 | 308-103-180 | NEW | 02-11-011 |
| 308-93-243 | AMD-P | 02-18-012 | 308-96A-095 | AMD | 02-21-118 | 308-103-190 | NEW | 02-11-011 |
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| 308-93-244 | AMD-P | 02-18-012 | 308-96A-098 | AMD | 02-11-079 | 308-124A-110 | AMD-P | 02-03-058 |
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| 308-93-530 | AMD | 02-05-059 | 308-96A-136 | AMD-P | 02-08-036 | 308-124H-029 | PREP | 02-15-017 |
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| 314-02-015 | AMD-W | 02-17-086 | 315-10 | PREP | 02-05-048 | 315-38-180 | NEW | 02-15-122 |
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| 314-02-025 | AMD-W | 02-17-086 | 315-37-010 | NEW | 02-07-073 | 315-38-200 | NEW | 02-15-122 |
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| 314-02-030 | AMD-W | 02-17-086 | 315-37-020 | NEW | 02-07-073 | 316-02-001 | AMD | 02-14-013 |
| 314-02-033 | NEW-P | 02-04-115 | 315-37-030 | NEW-P | 02-03-109 | 316-02-135 | AMD-X | 02-08-029 |
| 314-02-033 | NEW-W | 02-17-086 | 315-37-030 | NEW | 02-07-073 | 316-02-135 | AMD | 02-14-013 |
| 314-02-035 | AMD-P | 02-04-115 | 315-37-040 | NEW-P | 02-03-109 | 316-02-150 | AMD-X | 02-08-029 |
| 314-02-035 | AMD-W | 02-17-086 | 315-37-040 | NEW | 02-07-073 | 316-02-150 | AMD | 02-14-013 |
| 314-02-045 | AMD-P | 02-04-115 | 315-37-050 | NEW-P | 02-03-109 | 316-02-170 | AMD-X | 02-08-029 |
| 314-02-045 | AMD-W | 02-17-086 | 315-37-050 | NEW | 02-07-073 | 316-02-170 | AMD | 02-14-013 |
| 314-02-050 | REP-P | 02-04-115 | 315-37-060 | NEW-P | 02-03-109 | 316-02-300 | AMD-X | 02-08-029 |
| 314-02-050 | REP-W | 02-17-086 | 315-37-060 | NEW | 02-07-073 | 316-02-300 | AMD | 02-14-013 |
| 314-02-055 | AMD-P | 02-04-115 | 315-37-070 | NEW-P | 02-03-109 | 316-02-310 | REP-X | 02-08-029 |
| 314-02-055 | AMD-W | 02-17-086 | 315-37-070 | NEW | 02-07-073 | 316-02-310 | REP | 02-14-013 |
| 314-02-115 | AMD-P | 02-04-115 | 315-37-080 | NEW-P | 02-03-109 | 316-02-340 | REP-X | 02-08-029 |
| 314-02-115 | AMD-W | 02-17-086 | 315-37-080 | NEW | 02-07-073 | 316-02-340 | REP | 02-14-013 |
| 314-02-125 | AMD-P | 02-04-115 | 315-37-090 | NEW-P | 02-03-109 | 316-02-350 | REP-X | 02-08-029 |
| 314-02-125 | AMD-W | 02-17-086 | 315-37-090 | NEW | 02-07-073 | 316-02-350 | REP | 02-14-013 |
| 314-02-130 | AMD-P | 02-04-115 | 315-37-100 | NEW-P | 02-03-109 | 316-02-360 | REP-X | 02-08-029 |
| 314-02-130 | AMD-W | 02-17-086 | 315-37-100 | NEW | 02-07-073 | 316-02-360 | REP | 02-14-013 |
| 314-11-015 | AMD-P | 02-04-110 | 315-37-110 | NEW-P | 02-03-109 | 316-02-370 | REP-X | 02-08-029 |
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| 314-11-020 | AMD | 02-11-054 | 315-37-120 | NEW | 02-07-073 | 316-02-600 | AMD | 02-14-013 |
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| 314-11-030 | AMD | 02-11-054 | 315-38-020 | NEW | 02-15-122 | 316-02-620 | AMD | 02-14-013 |
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| 314-11-040 | AMD | 02-11-054 | 315-38-040 | NEW | 02-15-122 | 316-02-640 | AMD | 02-14-013 |
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| 314-11-095 | AMD | 02-11-054 | 315-38-100 | NEW | 02-15-122 | 332-30-106 | AMD-P | 02-03-111 |
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| 314-16-190 | REP-W | 02-17-086 | 315-38-110 | NEW | 02-15-122 | 332-30-106 | AMD-C | 02-17-058 |
| 314-16-196 | REP-P | 02-04-115 | 315-38-120 | NEW-P | 02-12-080 | 332-30-106 | AMD | 02-21-076 |
| 314-16-196 | REP-W | 02-17-086 | 315-38-120 | NEW | 02-15-122 | 332-30-109 | AMD-S | 02-14-157 |
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| 314-21-025 | NEW | 02-11-030 | 315-38-150 | NEW | 02-15-122 | 332-30-115 | AMD | 02-21-076 |
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| 332- 30-144 | AMD-S | 02-14-157 | 356- 15-110 | AMD-E | 02-07-052 | 356- 42-045 | AMD-P | 02-12-111 |
| 332- 30-144 | AMD-C | 02-17-058 | 356- 15-110 | AMD-P | 02-12-112 | 356- 42-045 | AMD | 02-15-048 |
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| 332- 30-148 | AMD-C | 02-17-058 | 356- 18-060 | AMD-P | 02-20-108 | 356- 42-060 | REP-E | 02-12-052 |
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| 332- 30-171 | NEW-C | 02-17-058 | 356- 18-100 | AMD-P | 02-12-109 | 356- 42-070 | REP-P | 02-12-111 |
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| 352- 32-010 | AMD-P | 02-16-081 | 356- 18-120 | AMD-E | 02-12-121 | 356- 42-082 | REP | 02-15-048 |
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| 356- 05-234 | NEW-P | 02-20-108 | 356- 26-040 | AMD | 02-03-062 | 356- 42-086 | REP-E | 02-12-052 |
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| 356- 05-415 | AMD-S | 02-04-082 | 356- 26-060 | AMD | 02-15-044 | 356- 42-086 | REP | 02-15-048 |
| 356- 05-415 | AMD | 02-07-049 | 356- 26-130 | AMD | 02-03-063 | 356- 42-088 | REP-E | 02-12-052 |
| 356- 05-465 | AMD-P | 02-16-036 | 356- 26-140 | AMD-P | 02-04-080 | 356- 42-088 | REP-P | 02-12-111 |
| 356- 05-465 | AMD-C | 02-19-062 | 356- 26-140 | AMD | 02-07-050 | 356- 42-088 | REP | 02-15-048 |
| 356- 06-020 | REP-E | 02-12-048 | 356- 30-025 | AMD-S | 02-04-082 | 356- 42-089 | REP-E | 02-12-052 |
| 356- 06-020 | REP-P | 02-12-113 | 356- 30-025 | AMD | 02-07-049 | 356- 42-089 | REP-P | 02-12-111 |
| 356- 06-020 | REP | 02-15-050 | 356- 30-065 | AMD-S | 02-04-082 | 356- 42-089 | REP | 02-15-048 |
| 356- 06-065 | NEW-E | 02-07-054 | 356- 30-065 | AMD | 02-07-049 | 356- 42-105 | AMD-E | 02-12-052 |
| 356- 06-065 | NEW-E | 02-12-050 | 356- 30-067 | AMD-S | 02-04-082 | 356- 42-105 | AMD-P | 02-12-111 |
| 356- 06-065 | NEW-P | 02-12-110 | 356- 30-067 | AMD | 02-07-049 | 356- 42-105 | AMD | 02-15-048 |
| 356- 06-065 | NEW | 02-15-047 | 356- 30-140 | AMD-S | 02-04-082 | 356- 56-001 | AMD-E | 02-13-053 |
| 356- 10-020 | AMD-E | 02-12-048 | 356- 30-140 | AMD | 02-07-049 | 356- 56-001 | AMD-P | 02-13-130 |
| 356- 10-020 | AMD-P | 02-12-113 | 356- 30-260 | AMD-P | 02-12-117 | 356- 56-001 | AMD | 02-17-115 |
| 356- 10-020 | AMD | 02-15-050 | 356- 30-260 | AMD | 02-15-053 | 356- 56-070 | NEW-E | 02-07-053 |
| 356- 14-010 | AMD-E | 02-12-049 | 356- 30-305 | AMD-P | 02-12-117 | 356- 56-070 | NEW-E | 02-12-045 |
| 356- 14-010 | AMD-P | 02-12-116 | 356- 30-305 | AMD | 02-15-053 | 356- 56-070 | NEW-P | 02-12-120 |
| 356- 14-010 | AMD | 02-15-049 | 356- 30-331 | AMD-P | 02-04-080 | 356- 56-070 | NEW | 02-15-043 |
| 356- 14-026 | AMD-E | 02-12-049 | 356- 30-331 | AMD | 02-07-050 | 356- 56-125 | REP-E | 02-13-055 |
| 356- 14-026 | AMD-P | 02-12-116 | 356- 42-010 | AMD-E | 02-12-052 | 356- 56-125 | REP-P | 02-13-129 |
| 356- 14-026 | AMD | 02-15-049 | 356- 42-010 | AMD-P | 02-12-111 | 356- 56-125 | REP | 02-17-116 |
| 356- 14-060 | REP-E | 02-12-049 | 356- 42-010 | AMD | 02-15-048 | 356- 60-010 | NEW-E | 02-13-056 |
| 356- 14-060 | REP-P | 02-12-116 | 356- 42-020 | REP-E | 02-12-052 | 356- 60-010 | NEW-P | 02-13-131 |
| 356- 14-060 | REP | 02-15-049 | 356- 42-020 | REP-P | 02-12-111 | 356- 60-010 | NEW | 02-17-114 |
| 356- 14-260 | AMD-P | 02-20-108 | 356- 42-020 | REP | 02-15-048 | 356- 60-020 | NEW-E | 02-13-056 |
| 356- 15-080 | AMD-P | 02-16-035 | 356- 42-030 | REP-E | 02-12-052 | 356- 60-020 | NEW-P | 02-13-131 |
| 356- 15-080 | AMD | 02-19-063 | 356- 42-030 | REP-P | 02-12-111 | 356- 60-020 | NEW | 02-17-114 |
| 356- 15-090 | AMD-E | 02-07-052 | 356- 42-030 | REP | 02-15-048 | 356- 60-030 | NEW-E | 02-13-056 |
| 356- 15-090 | AMD-E | 02-12-051 | 356- 42-040 | REP-E | 02-12-052 | 356- 60-030 | NEW-P | 02-13-131 |
| 356- 15-090 | AMD-P | 02-12-112 | 356- 42-040 | REP-P | 02-12-111 | 356- 60-030 | NEW | 02-17-114 |
| 356- 15-090 | AMD | 02-15-046 | 356- 42-040 | REP | 02-15-048 | 356- 60-040 | NEW-E | 02-13-056 |
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| 356-60-050 | NEW-E | 02-13-056 | 365-220-010 | NEW | 02-07-026 | 388-02-0535 | REP-P | 02-17-091 |
| 356-60-050 | NEW-P | 02-13-131 | 365-220-015 | NEW | 02-07-026 | 388-02-0535 | REP | 02-21-061 |
| 356-60-050 | NEW | 02-17-114 | 365-220-020 | NEW | 02-07-026 | 388-02-0540 | AMD-P | 02-17-092 |
| 356-60-055 | NEW-E | 02-13-056 | 365-220-025 | NEW | 02-07-026 | 388-02-0540 | AMD | 02-21-061 |
| 356-60-055 | NEW-P | 02-13-131 | 365-220-030 | NEW | 02-07-026 | 388-02-0545 | AMD-P | 02-17-092 |
| 356-60-055 | NEW | 02-17-114 | 365-220-035 | NEW | 02-07-026 | 388-02-0545 | AMD | 02-21-061 |
| 356-60-057 | NEW-E | 02-13-056 | 365-220-040 | NEW | 02-07-026 | 388-02-0550 | AMD-P | 02-17-092 |
| 356-60-057 | NEW-P | 02-13-131 | 365-220-045 | NEW | 02-07-026 | 388-02-0550 | AMD | 02-21-061 |
| 356-60-057 | NEW | 02-17-114 | 365-220-050 | NEW | 02-07-026 | 388-02-0555 | AMD-P | 02-17-092 |
| 356-60-060 | NEW-E | 02-13-056 | 365-220-055 | NEW | 02-07-026 | 388-02-0555 | AMD | 02-21-061 |
| 356-60-060 | NEW-P | 02-13-131 | 365-220-060 | NEW | 02-07-026 | 388-02-0560 | AMD-P | 02-17-092 |
| 356-60-060 | NEW | 02-17-114 | 365-220-065 | NEW | 02-07-026 | 388-02-0560 | AMD | 02-21-061 |
| 359-07-010 | REP-P | 02-20-109 | 365-220-070 | NEW | 02-07-026 | 388-02-0570 | AMD-P | 02-17-092 |
| 359-07-020 | REP-P | 02-20-109 | 365-220-075 | NEW | 02-07-026 | 388-02-0570 | AMD | 02-21-061 |
| 359-07-030 | REP-P | 02-20-109 | 365-220-080 | NEW | 02-07-026 | 388-02-0575 | AMD-P | 02-17-092 |
| 359-07-040 | REP-P | 02-20-109 | 365-220-085 | NEW | 02-07-026 | 388-02-0575 | AMD | 02-21-061 |
| 359-07-050 | REP-P | 02-20-109 | 365-220-090 | NEW | 02-07-026 | 388-02-0580 | AMD-P | 02-17-092 |
| 359-07-055 | REP-P | 02-20-109 | 365-220-095 | NEW | 02-07-026 | 388-02-0580 | AMD | 02-21-061 |
| 359-07-060 | REP-P | 02-20-109 | 365-220-100 | NEW | 02-07-026 | 388-02-0585 | AMD-P | 02-17-092 |
| 359-07-070 | REP-P | 02-20-109 | 365-220-105 | NEW | 02-07-026 | 388-02-0585 | AMD | 02-21-061 |
| 359-09-010 | REP-P | 02-20-109 | 365-220-110 | NEW | 02-07-026 | 388-02-0595 | AMD-P | 02-17-092 |
| 359-09-012 | REP-P | 02-20-109 | 365-220-115 | NEW | 02-07-026 | 388-02-0595 | AMD | 02-21-061 |
| 359-09-015 | REP-P | 02-20-109 | 365-220-120 | NEW | 02-07-026 | 388-02-0600 | AMD-P | 02-17-091 |
| 359-09-020 | REP-P | 02-20-109 | 365-220-125 | NEW | 02-07-026 | 388-02-0600 | AMD | 02-21-061 |
| 359-09-030 | REP-P | 02-20-109 | 365-220-130 | NEW | 02-07-026 | 388-02-0605 | AMD-P | 02-17-091 |
| 359-09-040 | REP-P | 02-20-109 | 365-220-135 | NEW | 02-07-026 | 388-02-0605 | AMD | 02-21-061 |
| 359-09-050 | REP-P | 02-20-109 | 365-220-140 | NEW | 02-07-026 | 388-02-0610 | AMD-P | 02-17-091 |
| 359-14-010 | REP-P | 02-20-109 | 365-220-145 | NEW | 02-07-026 | 388-02-0610 | AMD | 02-21-061 |
| 359-14-020 | REP-P | 02-20-109 | 365-220-150 | NEW | 02-07-026 | 388-02-0615 | AMD-P | 02-17-091 |
| 359-14-030 | REP-P | 02-20-109 | 365-220-155 | NEW | 02-07-026 | 388-02-0615 | AMD | 02-21-061 |
| 359-14-050 | REP-P | 02-20-109 | 365-220-160 | NEW | 02-07-026 | 388-02-0620 | AMD-P | 02-17-091 |
| 359-14-070 | REP-P | 02-20-109 | 365-220-165 | NEW | 02-07-026 | 388-02-0620 | AMD | 02-21-061 |
| 359-14-080 | REP-P | 02-20-109 | 365-220-170 | NEW | 02-07-026 | 388-02-0625 | AMD-P | 02-17-091 |
| 359-14-100 | REP-P | 02-20-109 | 365-220-175 | NEW | 02-07-026 | 388-02-0625 | AMD | 02-21-061 |
| 359-14-130 | REP-P | 02-20-109 | 365-220-180 | NEW | 02-07-026 | 388-02-0630 | AMD-P | 02-17-091 |
| 359-39-010 | REP-P | 02-20-109 | 365-220-185 | NEW | 02-07-026 | 388-02-0630 | AMD | 02-21-061 |
| 359-39-020 | REP-P | 02-20-109 | 365-220-190 | NEW | 02-07-026 | 388-02-0635 | AMD-P | 02-17-091 |
| 359-39-030 | REP-P | 02-20-109 | 371-08-320 | AMD | 02-06-011 | 388-02-0635 | AMD | 02-21-061 |
| 359-39-040 | REP-P | 02-20-109 | 371-08-450 | AMD | 02-06-012 | 388-02-0640 | AMD-P | 02-17-091 |
| 359-39-050 | REP-P | 02-20-109 | 371-08-485 | AMD | 02-06-013 | 388-02-0640 | AMD | 02-21-061 |
| 359-39-090 | REP-P | 02-20-109 | 374-80-010 | PREP | 02-21-056 | 388-02-0645 | AMD-P | 02-17-091 |
| 359-39-140 | REP-P | 02-20-109 | 374-80-040 | PREP | 02-21-056 | 388-02-0645 | AMD | 02-21-061 |
| 359-40-010 | REP-P | 02-20-109 | 374-80-050 | PREP | 02-21-056 | 388-02-0650 | AMD-P | 02-17-091 |
| 359-40-020 | REP-P | 02-20-109 | 388-01-015 | NEW-P | 02-03-119 | 388-02-0650 | AMD | 02-21-061 |
| 359-40-050 | REP-P | 02-20-109 | 388-01-015 | NEW | 02-15-119 | 388-14A-2000 | PREP | 02-03-010 |
| 359-40-060 | REP-P | 02-20-109 | 388-02-0005 | AMD-P | 02-17-090 | 388-14A-2025 | PREP | 02-03-010 |
| 359-48-010 | REP-P | 02-20-109 | 388-02-0010 | AMD-P | 02-17-090 | 388-14A-2080 | PREP | 02-03-010 |
| 359-48-020 | REP-P | 02-20-109 | 388-02-0010 | AMD | 02-21-061 | 388-14A-2105 | AMD | 02-07-091 |
| 359-48-030 | REP-P | 02-20-109 | 388-02-0015 | AMD-P | 02-17-090 | 388-14A-2107 | NEW | 02-07-091 |
| 359-48-040 | REP-P | 02-20-109 | 388-02-0015 | AMD | 02-21-061 | 388-14A-2110 | AMD | 02-07-091 |
| 359-48-050 | REP-P | 02-20-109 | 388-02-0025 | AMD-P | 02-17-090 | 388-14A-2112 | NEW | 02-07-091 |
| 359-48-060 | REP-P | 02-20-109 | 388-02-0025 | AMD | 02-21-061 | 388-14A-2114 | NEW | 02-07-091 |
| 363-116-185 | AMD-E | 02-06-001 | 388-02-0215 | AMD-P | 02-17-090 | 388-14A-2115 | AMD | 02-07-091 |
| 363-116-185 | AMD-P | 02-10-081 | 388-02-0215 | AMD | 02-21-061 | 388-14A-2116 | NEW | 02-07-091 |
| 363-116-185 | AMD | 02-13-076 | 388-02-0524 | NEW-P | 02-17-092 | 388-14A-2120 | AMD | 02-07-091 |
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| 363-116-300 | AMD | 02-12-008 | 388-02-0525 | AMD-P | 02-17-092 | 388-14A-2130 | NEW | 02-07-091 |
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| 365-18-040 | AMD | 02-17-018 | 388-02-0525 | AMD | 02-21-061 | 388-14A-2140 | NEW | 02-07-091 |
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| 365-210 | PREP | 02-15-100 | 388-02-0527 | NEW | 02-21-061 | 388-14A-3100 | AMD-E | 02-13-043 |
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| 388- 14A-3102 | PREP | 02-13-042 | 388- 15-025 | NEW-P | 02-03-118 | 388- 15-105 | NEW | 02-17-045 |
| 388- 14A-3102 | AMD-E | 02-13-043 | 388- 15-025 | NEW | 02-15-098 | 388- 15-109 | NEW-P | 02-03-118 |
| 388- 14A-3102 | AMD-E | 02-21-020 | 388- 15-025 | NEW | 02-17-045 | 388- 15-109 | NEW | 02-15-098 |
| 388- 14A-3110 | PREP | 02-13-042 | 388- 15-029 | NEW-P | 02-03-118 | 388- 15-109 | NEW | 02-17-045 |
| 388- 14A-3110 | AMD-E | 02-13-043 | 388- 15-029 | NEW | 02-15-098 | 388- 15-113 | NEW-P | 02-03-118 |
| 388- 14A-3110 | AMD-E | 02-21-020 | 388- 15-029 | NEW | 02-17-045 | 388- 15-113 | NEW | 02-15-098 |
| 388- 14A-3115 | PREP | 02-13-042 | 388- 15-033 | NEW-P | 02-03-118 | 388- 15-113 | NEW | 02-17-045 |
| 388- 14A-3115 | AMD-E | 02-13-043 | 388- 15-033 | NEW | 02-15-098 | 388- 15-117 | NEW-P | 02-03-118 |
| 388- 14A-3115 | AMD-E | 02-21-020 | 388- 15-033 | NEW | 02-17-045 | 388- 15-117 | NEW | 02-15-098 |
| 388- 14A-3120 | PREP | 02-13-042 | 388- 15-037 | NEW-P | 02-03-118 | 388- 15-117 | NEW | 02-17-045 |
| 388- 14A-3120 | AMD-E | 02-13-043 | 388- 15-037 | NEW | 02-15-098 | 388- 15-121 | NEW-P | 02-03-118 |
| 388- 14A-3120 | AMD-E | 02-21-020 | 388- 15-037 | NEW | 02-17-045 | 388- 15-121 | NEW | 02-15-098 |
| 388- 14A-3122 | NEW-E | 02-13-043 | 388- 15-041 | NEW-P | 02-03-118 | 388- 15-121 | NEW | 02-17-045 |
| 388- 14A-3122 | NEW-E | 02-21-020 | 388- 15-041 | NEW | 02-15-098 | 388- 15-125 | NEW-P | 02-03-118 |
| 388- 14A-3130 | AMD-P | 02-03-096 | 388- 15-041 | NEW | 02-17-045 | 388- 15-125 | NEW | 02-15-098 |
| 388- 14A-3130 | AMD | 02-06-098 | 388- 15-045 | NEW-P | 02-03-118 | 388- 15-125 | NEW | 02-17-045 |
| 388- 14A-3370 | PREP | 02-13-042 | 388- 15-045 | NEW | 02-15-098 | 388- 15-129 | NEW-P | 02-03-118 |
| 388- 14A-3370 | AMD-E | 02-13-043 | 388- 15-045 | NEW | 02-17-045 | 388- 15-129 | NEW | 02-15-098 |
| 388- 14A-3370 | AMD-E | 02-21-020 | 388- 15-049 | NEW-P | 02-03-118 | 388- 15-129 | NEW | 02-17-045 |
| 388- 14A-3800 | PREP | 02-03-010 | 388- 15-049 | NEW | 02-15-098 | 388- 15-130 | REP-P | 02-03-118 |
| 388- 14A-3810 | PREP | 02-03-010 | 388- 15-049 | NEW | 02-17-045 | 388- 15-130 | REP | 02-15-098 |
| 388- 14A-3810 | PREP | 02-13-042 | 388- 15-049 | NEW | 02-17-045 | 388- 15-130 | REP | 02-17-045 |
| 388- 14A-3810 | AMD-E | 02-13-043 | 388- 15-053 | NEW-P | 02-03-118 | 388- 15-131 | REP-P | 02-03-118 |
| 388- 14A-3810 | AMD-E | 02-21-020 | 388- 15-053 | NEW | 02-15-098 | 388- 15-131 | REP | 02-15-098 |
| 388- 14A-3810 | AMD-E | 02-21-020 | 388- 15-053 | NEW | 02-17-045 | 388- 15-131 | REP | 02-17-045 |
| 388- 14A-3925 | AMD-P | 02-03-096 | 388- 15-057 | NEW-P | 02-03-118 | 388- 15-132 | REP-P | 02-03-118 |
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| 388- 14A-4000 | PREP | 02-03-010 | 388- 15-057 | NEW | 02-17-045 | 388- 15-132 | REP | 02-17-045 |
| 388- 14A-4300 | PREP | 02-03-010 | 388- 15-061 | NEW-P | 02-03-118 | 388- 15-133 | NEW-P | 02-03-118 |
| 388- 14A-4301 | PREP | 02-03-010 | 388- 15-061 | NEW | 02-15-098 | 388- 15-133 | NEW | 02-15-098 |
| 388- 14A-4302 | PREP | 02-03-010 | 388- 15-061 | NEW | 02-17-045 | 388- 15-133 | NEW | 02-17-045 |
| 388- 14A-4303 | PREP | 02-03-010 | 388- 15-065 | NEW-P | 02-03-118 | 388- 15-133 | NEW | 02-17-045 |
| 388- 14A-4304 | PREP | 02-03-010 | 388- 15-065 | NEW | 02-15-098 | 388- 15-134 | REP-P | 02-03-118 |
| 388- 14A-5520 | AMD-P | 02-03-096 | 388- 15-065 | NEW | 02-17-045 | 388- 15-134 | REP | 02-15-098 |
| 388- 14A-5520 | AMD | 02-06-098 | 388- 15-069 | NEW-P | 02-03-118 | 388- 15-134 | REP | 02-17-045 |
| 388- 14A-5525 | AMD-P | 02-03-096 | 388- 15-069 | NEW | 02-15-098 | 388- 15-135 | NEW-P | 02-03-118 |
| 388- 14A-5525 | AMD | 02-06-098 | 388- 15-069 | NEW | 02-17-045 | 388- 15-135 | NEW | 02-15-098 |
| 388- 14A-5530 | AMD-P | 02-03-096 | 388- 15-073 | NEW-P | 02-03-118 | 388- 15-135 | NEW | 02-17-045 |
| 388- 14A-5530 | AMD | 02-06-098 | 388- 15-073 | NEW | 02-15-098 | 388- 15-141 | NEW-P | 02-03-118 |
| 388- 15 | AMD-P | 02-03-118 | 388- 15-073 | NEW | 02-17-045 | 388- 15-141 | NEW | 02-15-098 |
| 388- 15 | AMD | 02-15-098 | 388- 15-077 | NEW-P | 02-03-118 | 388- 15-141 | NEW | 02-17-045 |
| 388- 15 | AMD | 02-17-045 | 388- 15-077 | NEW | 02-15-098 | 388- 15-194 | PREP-W | 02-05-066 |
| 388- 15-001 | NEW-P | 02-03-118 | 388- 15-077 | NEW | 02-17-045 | 388- 15-194 | REP-P | 02-16-080 |
| 388- 15-001 | NEW | 02-15-098 | 388- 15-081 | NEW-P | 02-03-118 | 388- 15-194 | REP | 02-21-098 |
| 388- 15-001 | NEW | 02-17-045 | 388- 15-081 | NEW | 02-15-098 | 388- 15-202 | PREP | 02-04-096 |
| 388- 15-005 | NEW-P | 02-03-118 | 388- 15-081 | NEW | 02-17-045 | 388- 15-202 | PREP-W | 02-05-064 |
| 388- 15-005 | NEW | 02-15-098 | 388- 15-085 | NEW-P | 02-03-118 | 388- 15-202 | PREP-W | 02-05-065 |
| 388- 15-005 | NEW | 02-17-045 | 388- 15-085 | NEW | 02-15-098 | 388- 15-202 | PREP-W | 02-05-066 |
| 388- 15-009 | NEW-P | 02-03-118 | 388- 15-085 | NEW | 02-17-045 | 388- 15-202 | REP-P | 02-16-080 |
| 388- 15-009 | NEW | 02-15-098 | 388- 15-089 | NEW-P | 02-03-118 | 388- 15-202 | REP | 02-21-098 |
| 388- 15-009 | NEW | 02-17-045 | 388- 15-089 | NEW | 02-15-098 | 388- 15-203 | PREP | 02-04-096 |
| 388- 15-011 | NEW-P | 02-03-118 | 388- 15-089 | NEW | 02-17-045 | 388- 15-203 | PREP-W | 02-05-065 |
| 388- 15-011 | NEW | 02-15-098 | 388- 15-093 | NEW-P | 02-03-118 | 388- 15-203 | PREP-W | 02-05-066 |
| 388- 15-011 | NEW | 02-17-045 | 388- 15-093 | NEW | 02-15-098 | 388- 15-203 | REP-P | 02-16-080 |
| 388- 15-013 | NEW-P | 02-03-118 | 388- 15-093 | NEW | 02-17-045 | 388- 15-203 | REP | 02-21-098 |
| 388- 15-013 | NEW | 02-15-098 | 388- 15-097 | NEW-P | 02-03-118 | 388- 15-204 | PREP | 02-04-096 |
| 388- 15-013 | NEW | 02-17-045 | 388- 15-097 | NEW | 02-15-098 | 388- 15-204 | PREP-W | 02-05-066 |
| 388- 15-017 | NEW-P | 02-03-118 | 388- 15-097 | NEW | 02-17-045 | 388- 15-204 | REP-P | 02-16-080 |
| 388- 15-017 | NEW | 02-15-098 | 388- 15-101 | NEW-P | 02-03-118 | 388- 15-204 | REP | 02-21-098 |
| 388- 15-017 | NEW | 02-17-045 | 388- 15-101 | NEW | 02-15-098 | 388- 15-205 | PREP-W | 02-05-065 |
| 388- 15-021 | NEW-P | 02-03-118 | 388- 15-101 | NEW | 02-17-045 | 388- 15-205 | PREP-W | 02-05-066 |
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| 388- 15-205 | REP | 02-21-098 | 388- 71-0430 | PREP | 02-04-096 | 388- 71-05933 | NEW | 02-10-117 |
| 388- 15-207 | PREP-W | 02-05-064 | 388- 71-0430 | AMD-P | 02-16-080 | 388- 71-05934 | NEW | 02-10-117 |
| 388- 15-214 | PREP-W | 02-05-064 | 388- 71-0430 | PREP | 02-20-017 | 388- 71-05935 | NEW | 02-10-117 |
| 388- 15-215 | PREP-W | 02-05-064 | 388- 71-0430 | AMD | 02-21-098 | 388- 71-05936 | NEW | 02-10-117 |
| 388- 15-219 | PREP-W | 02-05-064 | 388- 71-0435 | PREP | 02-04-096 | 388- 71-05937 | NEW | 02-10-117 |
| 388- 15-600 | PREP-W | 02-05-064 | 388- 71-0435 | AMD-P | 02-16-080 | 388- 71-05938 | NEW | 02-10-117 |
| 388- 15-620 | PREP-W | 02-05-064 | 388- 71-0435 | PREP | 02-20-017 | 388- 71-05939 | NEW | 02-10-117 |
| 388- 15-630 | PREP-W | 02-05-064 | 388- 71-0435 | AMD | 02-21-098 | 388- 71-05940 | NEW | 02-10-117 |
| 388- 15-650 | PREP | 02-15-056 | 388- 71-0440 | PREP | 02-04-096 | 388- 71-05941 | NEW | 02-10-117 |
| 388- 15-650 | PREP-W | 02-15-058 | 388- 71-0440 | PREP-W | 02-05-066 | 388- 71-05942 | NEW | 02-10-117 |
| 388- 15-651 | PREP | 02-15-056 | 388- 71-0440 | AMD-P | 02-19-024 | 388- 71-05943 | NEW | 02-10-117 |
| 388- 15-651 | PREP-W | 02-15-058 | 388- 71-0440 | PREP | 02-20-017 | 388- 71-05944 | NEW | 02-10-117 |
| 388- 15-652 | PREP | 02-15-056 | 388- 71-0445 | PREP | 02-04-096 | 388- 71-05945 | NEW | 02-10-117 |
| 388- 15-652 | PREP-W | 02-15-058 | 388- 71-0445 | PREP-W | 02-05-066 | 388- 71-05946 | NEW | 02-10-117 |
| 388- 15-653 | PREP | 02-15-056 | 388- 71-0445 | AMD-P | 02-16-080 | 388- 71-05947 | NEW | 02-10-117 |
| 388- 15-653 | PREP-W | 02-15-058 | 388- 71-0445 | PREP | 02-20-017 | 388- 71-05948 | NEW | 02-10-117 |
| 388- 15-654 | PREP | 02-15-056 | 388- 71-0445 | AMD | 02-21-098 | 388- 71-05949 | NEW-S | 02-11-129 |
| 388- 15-654 | PREP-W | 02-15-058 | 388- 71-0450 | PREP | 02-04-096 | 388- 71-05949 | NEW | 02-15-064 |
| 388- 15-655 | PREP | 02-15-056 | 388- 71-0450 | AMD-P | 02-16-080 | 388- 71-05950 | NEW | 02-10-117 |
| 388- 15-655 | PREP-W | 02-15-058 | 388- 71-0450 | PREP | 02-20-017 | 388- 71-05951 | NEW | 02-10-117 |
| 388- 15-656 | PREP | 02-15-056 | 388- 71-0450 | AMD | 02-21-098 | 388- 71-05952 | NEW | 02-10-117 |
| 388- 15-656 | PREP-W | 02-15-058 | 388- 71-0455 | PREP | 02-20-017 | 388- 71-05953 | NEW-W | 02-10-036 |
| 388- 15-657 | PREP | 02-15-056 | 388- 71-0460 | PREP | 02-20-017 | 388- 71-0600 | PREP | 02-04-096 |
| 388- 15-657 | PREP-W | 02-15-058 | 388- 71-0465 | PREP | 02-20-017 | 388- 71-0600 | AMD-P | 02-16-080 |
| 388- 15-658 | PREP | 02-15-056 | 388- 71-0470 | PREP | 02-20-017 | 388- 71-0600 | AMD | 02-21-098 |
| 388- 15-658 | PREP-W | 02-15-058 | 388- 71-0475 | PREP | 02-20-017 | 388- 71-0805 | PREP | 02-18-082 |
| 388- 15-659 | PREP | 02-15-056 | 388- 71-0480 | PREP | 02-20-017 | 388- 71-0810 | PREP | 02-18-082 |
| 388- 15-659 | PREP-W | 02-15-058 | 388- 71-0500 | PREP | 02-04-096 | 388- 71-0815 | PREP | 02-18-082 |
| 388- 15-660 | PREP | 02-15-056 | 388- 71-0500 | AMD | 02-10-117 | 388- 71-0820 | PREP | 02-04-096 |
| 388- 15-660 | PREP-W | 02-15-058 | 388- 71-0500 | AMD-P | 02-16-080 | 388- 71-0820 | AMD-P | 02-12-067 |
| 388- 15-661 | PREP | 02-15-056 | 388- 71-0500 | AMD | 02-21-098 | 388- 71-0820 | AMD | 02-15-138 |
| 388- 15-661 | PREP-W | 02-15-058 | 388- 71-0515 | PREP | 02-04-096 | 388- 71-0820 | PREP | 02-18-082 |
| 388- 15-662 | PREP | 02-15-056 | 388- 71-0515 | AMD-P | 02-16-080 | 388- 71-0840 | PREP | 02-18-082 |
| 388- 15-662 | PREP-W | 02-15-058 | 388- 71-0515 | AMD | 02-21-098 | 388- 76-535 | AMD-P | 02-03-117 |
| 388- 15-880 | PREP-W | 02-05-064 | 388- 71-0520 | AMD | 02-10-117 | 388- 76-535 | AMD | 02-15-081 |
| 388- 15-890 | PREP-W | 02-05-064 | 388- 71-0525 | REP | 02-10-117 | 388- 76-540 | PREP | 02-04-096 |
| 388- 27-0225 | AMD-P | 02-15-136 | 388- 71-0530 | REP | 02-10-117 | 388- 76-540 | AMD-P | 02-16-080 |
| 388- 27-0375 | AMD-P | 02-15-136 | 388- 71-0535 | REP | 02-10-117 | 388- 76-540 | AMD | 02-21-098 |
| 388- 71 | PREP | 02-11-064 | 388- 71-0540 | AMD | 02-10-117 | 388- 76-550 | PREP | 02-21-013 |
| 388- 71 | PREP | 02-15-056 | 388- 71-05910 | NEW | 02-10-117 | 388- 76-560 | PREP | 02-21-013 |
| 388- 71 | PREP-W | 02-15-058 | 388- 71-05911 | NEW | 02-10-117 | 388- 76-565 | PREP | 02-21-013 |
| 388- 71 | AMD-P | 02-16-080 | 388- 71-05912 | NEW | 02-10-117 | 388- 76-570 | AMD-S | 02-11-032 |
| 388- 71 | PREP | 02-21-012 | 388- 71-05913 | NEW | 02-10-117 | 388- 76-570 | AMD | 02-15-065 |
| 388- 71 | AMD | 02-21-098 | 388- 71-05914 | NEW | 02-10-117 | 388- 76-59100 | REP-S | 02-11-032 |
| 388- 71-0194 | NEW-P | 02-16-080 | 388- 71-05915 | NEW | 02-10-117 | 388- 76-59100 | REP | 02-15-065 |
| 388- 71-0194 | NEW | 02-21-098 | 388- 71-05916 | NEW | 02-10-117 | 388- 76-59110 | REP-S | 02-11-032 |
| 388- 71-0202 | NEW-P | 02-16-080 | 388- 71-05917 | NEW | 02-10-117 | 388- 76-59110 | REP | 02-15-065 |
| 388- 71-0202 | NEW | 02-21-098 | 388- 71-05918 | NEW | 02-10-117 | 388- 76-59120 | REP-S | 02-11-032 |
| 388- 71-0203 | NEW-P | 02-16-080 | 388- 71-05919 | NEW | 02-10-117 | 388- 76-59120 | REP | 02-15-065 |
| 388- 71-0203 | NEW | 02-21-098 | 388- 71-05920 | NEW | 02-10-117 | 388- 76-61510 | AMD-P | 02-03-117 |
| 388- 71-0205 | NEW-P | 02-16-080 | 388- 71-05921 | NEW | 02-10-117 | 388- 76-61510 | AMD | 02-15-081 |
| 388- 71-0205 | NEW | 02-21-098 | 388- 71-05922 | NEW | 02-10-117 | 388- 76-640 | REP-P | 02-03-117 |
| 388- 71-0400 | PREP | 02-20-017 | 388- 71-05923 | NEW | 02-10-117 | 388- 76-640 | REP-S | 02-14-161 |
| 388- 71-0405 | PREP | 02-20-017 | 388- 71-05924 | NEW | 02-10-117 | 388- 76-640 | REP | 02-20-005 |
| 388- 71-0410 | PREP | 02-04-096 | 388- 71-05925 | NEW | 02-10-117 | 388- 76-64005 | NEW-P | 02-03-117 |
| 388- 71-0410 | PREP-W | 02-05-066 | 388- 71-05926 | NEW | 02-10-117 | 388- 76-64005 | NEW-S | 02-14-161 |
| 388- 71-0410 | AMD-P | 02-16-080 | 388- 71-05927 | NEW | 02-10-117 | 388- 76-64005 | NEW | 02-20-005 |
| 388- 71-0410 | PREP | 02-20-017 | 388- 71-05928 | NEW | 02-10-117 | 388- 76-64010 | NEW-P | 02-03-117 |
| 388- 71-0410 | AMD | 02-21-098 | 388- 71-05929 | NEW | 02-10-117 | 388- 76-64010 | NEW-S | 02-14-161 |
| 388- 71-0415 | PREP | 02-20-017 | 388- 71-05930 | NEW | 02-10-117 | 388- 76-64010 | NEW | 02-20-005 |
| 388- 71-0420 | PREP | 02-20-017 | 388- 71-05931 | NEW | 02-10-117 | 388- 76-64015 | NEW-P | 02-03-117 |
| 388- 71-0425 | PREP | 02-20-017 | 388- 71-05932 | NEW | 02-10-117 | 388- 76-64015 | NEW-S | 02-14-161 |

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| 388- 76-64020 | NEW-P | 02-03-117 | 388- 97-07040 | AMD | 02-14-063 | 388- 97-635 | NEW-P | 02-07-116 |
| 388- 76-64020 | NEW-S | 02-14-161 | 388- 97-07050 | AMD-P | 02-07-116 | 388- 97-635 | NEW | 02-14-063 |
| 388- 76-64020 | NEW | 02-20-005 | 388- 97-07050 | AMD | 02-14-063 | 388- 97-640 | NEW-P | 02-07-116 |
| 388- 76-64025 | NEW-P | 02-03-117 | 388- 97-076 | AMD-P | 02-07-116 | 388- 97-640 | NEW | 02-14-063 |
| 388- 76-64025 | NEW-S | 02-14-161 | 388- 97-076 | AMD | 02-14-063 | 388- 97-645 | NEW-P | 02-07-116 |
| 388- 76-64025 | NEW | 02-20-005 | 388- 97-143 | NEW-P | 02-20-103 | 388- 97-645 | NEW | 02-14-063 |
| 388- 76-64030 | NEW-P | 02-03-117 | 388- 97-160 | AMD-P | 02-07-116 | 388- 97-650 | NEW-P | 02-07-116 |
| 388- 76-64030 | NEW-S | 02-14-161 | 388- 97-160 | AMD | 02-14-063 | 388- 97-650 | NEW | 02-14-063 |
| 388- 76-64030 | NEW | 02-20-005 | 388- 97-162 | AMD-P | 02-07-116 | 388- 97-650 | AMD-P | 02-20-103 |
| 388- 76-64035 | NEW-P | 02-03-117 | 388- 97-162 | AMD | 02-14-063 | 388- 97-655 | NEW-P | 02-07-116 |
| 388- 76-64035 | NEW-S | 02-14-161 | 388- 97-180 | AMD-P | 02-07-116 | 388- 97-655 | NEW | 02-14-063 |
| 388- 76-64035 | NEW | 02-20-005 | 388- 97-180 | AMD | 02-14-063 | 388- 97-660 | NEW-P | 02-07-116 |
| 388- 76-64040 | NEW-S | 02-14-161 | 388- 97-202 | AMD-P | 02-07-116 | 388- 97-660 | NEW | 02-14-063 |
| 388- 76-64040 | NEW | 02-20-005 | 388- 97-202 | AMD | 02-14-063 | 388- 97-665 | NEW-P | 02-07-116 |
| 388- 76-64045 | NEW-S | 02-14-161 | 388- 97-203 | NEW-P | 02-07-116 | 388- 97-665 | NEW | 02-14-063 |
| 388- 76-64045 | NEW | 02-20-005 | 388- 97-203 | NEW | 02-14-063 | 388- 97-670 | NEW-P | 02-07-116 |
| 388- 76-64050 | NEW-S | 02-14-161 | 388- 97-204 | NEW-P | 02-07-116 | 388- 97-670 | NEW | 02-14-063 |
| 388- 76-64050 | NEW | 02-20-005 | 388- 97-204 | NEW | 02-14-063 | 388- 97-675 | NEW-P | 02-07-116 |
| 388- 76-64055 | NEW-S | 02-14-161 | 388- 97-205 | AMD-P | 02-07-116 | 388- 97-675 | NEW | 02-14-063 |
| 388- 76-64055 | NEW | 02-20-005 | 388- 97-205 | AMD | 02-14-063 | 388- 97-680 | NEW-P | 02-07-116 |
| 388- 76-650 | PREP | 02-21-013 | 388- 97-260 | AMD-P | 02-07-116 | 388- 97-680 | NEW | 02-14-063 |
| 388- 76-655 | AMD-S | 02-11-032 | 388- 97-260 | AMD | 02-14-063 | 388- 97-685 | NEW-P | 02-07-116 |
| 388- 76-655 | AMD | 02-15-065 | 388- 97-285 | AMD-P | 02-07-116 | 388- 97-685 | NEW | 02-14-063 |
| 388- 76-655 | PREP | 02-21-013 | 388- 97-285 | AMD | 02-14-063 | 388- 97-690 | NEW-P | 02-07-116 |
| 388- 76-660 | AMD-S | 02-11-032 | 388- 97-35040 | AMD-P | 02-07-116 | 388- 97-690 | NEW | 02-14-063 |
| 388- 76-660 | AMD | 02-15-065 | 388- 97-35040 | AMD | 02-14-063 | 388- 97-695 | NEW-P | 02-07-116 |
| 388- 76-680 | PREP | 02-21-013 | 388- 97-550 | PREP | 02-11-126 | 388- 97-695 | NEW | 02-14-063 |
| 388- 76-685 | PREP | 02-21-013 | 388- 97-550 | AMD-E | 02-14-082 | 388- 98-001 | REP-P | 02-07-116 |
| 388- 76-695 | PREP | 02-21-013 | 388- 97-550 | AMD-P | 02-17-094 | 388- 98-001 | REP | 02-14-063 |
| 388- 76-710 | AMD-P | 02-03-117 | 388- 97-550 | AMD | 02-20-058 | 388- 98-003 | REP-P | 02-07-116 |
| 388- 76-710 | AMD | 02-15-081 | 388- 97-550 | AMD-E | 02-21-052 | 388- 98-003 | REP | 02-14-063 |
| 388- 76-715 | PREP | 02-21-013 | 388- 97-555 | PREP | 02-11-126 | 388- 98-010 | REP-P | 02-07-116 |
| 388- 76-765 | REP-P | 02-15-135 | 388- 97-555 | AMD-E | 02-14-082 | 388- 98-010 | REP | 02-14-063 |
| 388- 76-765 | REP | 02-20-004 | 388- 97-555 | AMD-P | 02-17-094 | 388- 98-015 | REP-P | 02-07-116 |
| 388- 76-76505 | NEW-P | 02-15-135 | 388- 97-555 | AMD | 02-20-058 | 388- 98-015 | REP | 02-14-063 |
| 388- 76-76505 | NEW | 02-20-004 | 388- 97-555 | AMD-E | 02-21-052 | 388- 98-020 | REP-P | 02-07-116 |
| 388- 76-76510 | NEW-P | 02-15-135 | 388- 97-565 | AMD-P | 02-07-116 | 388- 98-020 | REP | 02-14-063 |
| 388- 76-76510 | NEW | 02-20-004 | 388- 97-565 | AMD | 02-14-063 | 388- 98-300 | REP-P | 02-07-116 |
| 388- 76-76515 | NEW-P | 02-15-135 | 388- 97-570 | AMD-P | 02-07-116 | 388- 98-300 | REP | 02-14-063 |
| 388- 76-76515 | NEW | 02-20-004 | 388- 97-570 | PREP | 02-11-066 | 388- 98-320 | REP-P | 02-07-116 |
| 388- 76-76520 | NEW-P | 02-15-135 | 388- 97-570 | AMD | 02-14-063 | 388- 98-320 | REP | 02-14-063 |
| 388- 76-76520 | NEW | 02-20-004 | 388- 97-570 | AMD-P | 02-20-103 | 388- 98-330 | REP-P | 02-07-116 |
| 388- 78A-050 | AMD-S | 02-11-031 | 388- 97-575 | AMD-P | 02-07-116 | 388- 98-330 | REP | 02-14-063 |
| 388- 78A-050 | AMD | 02-15-066 | 388- 97-575 | AMD | 02-14-063 | 388- 98-340 | REP-P | 02-07-116 |
| 388- 78A-060 | AMD-W | 02-11-059 | 388- 97-580 | AMD-P | 02-07-116 | 388- 98-340 | REP | 02-14-063 |
| 388- 78A-265 | PREP | 02-09-047 | 388- 97-580 | AMD | 02-14-063 | 388- 98-700 | REP-P | 02-07-116 |
| 388- 78A-265 | AMD-P | 02-14-062 | 388- 97-585 | AMD-P | 02-07-116 | 388- 98-700 | REP | 02-14-063 |
| 388- 78A-265 | AMD | 02-17-027 | 388- 97-585 | AMD | 02-14-063 | 388- 98-750 | REP-P | 02-07-116 |
| 388- 79-010 | AMD-P | 02-11-067 | 388- 97-595 | AMD-P | 02-07-116 | 388- 98-750 | REP | 02-14-063 |
| 388- 79-020 | AMD-P | 02-11-067 | 388- 97-595 | AMD | 02-14-063 | 388- 98-810 | REP-P | 02-07-116 |
| 388- 79-030 | AMD-P | 02-11-067 | 388- 97-605 | NEW-P | 02-07-116 | 388- 98-810 | REP | 02-14-063 |
| 388- 79-040 | AMD-P | 02-11-067 | 388- 97-605 | NEW | 02-14-063 | 388- 98-830 | REP-P | 02-07-116 |
| 388- 96-713 | AMD-E | 02-04-011 | 388- 97-610 | NEW-P | 02-07-116 | 388- 98-830 | REP | 02-14-063 |
| 388- 96-901 | AMD-E | 02-04-011 | 388- 97-610 | NEW | 02-14-063 | 388- 98-870 | REP-P | 02-07-116 |
| 388- 97 | PREP | 02-11-066 | 388- 97-615 | NEW-P | 02-07-116 | 388- 98-870 | REP | 02-14-063 |
| 388- 97-005 | AMD-P | 02-07-116 | 388- 97-615 | NEW | 02-14-063 | 388- 98-890 | REP-P | 02-07-116 |
| 388- 97-005 | AMD | 02-14-063 | 388- 97-620 | NEW-P | 02-07-116 | 388- 98-890 | REP | 02-14-063 |
| 388- 97-043 | AMD-P | 02-07-116 | 388- 97-620 | NEW | 02-14-063 | 388-105 | AMD-E | 02-14-081 |
| 388- 97-043 | AMD | 02-14-063 | 388- 97-625 | NEW-P | 02-07-116 | 388-105 | PREP | 02-14-099 |
| 388- 97-07005 | AMD-P | 02-07-116 | 388- 97-625 | NEW | 02-14-063 | 388-105 | AMD-P | 02-18-099 |
| 388- 97-07005 | AMD | 02-14-063 | 388- 97-630 | NEW-P | 02-07-116 | 388-105 | PREP | 02-21-012 |

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| 388-105 | AMD-E | 02-21-051 | 388-112-0090 | NEW-S | 02-11-032 | 388-112-0245 | NEW-S | 02-11-031 |
| 388-105-0005 | AMD-E | 02-14-081 | 388-112-0090 | NEW | 02-15-065 | 388-112-0245 | NEW | 02-15-066 |
| 388-105-0005 | AMD-P | 02-18-099 | 388-112-0095 | NEW-S | 02-11-032 | 388-112-0250 | NEW-S | 02-11-031 |
| 388-105-0005 | AMD-E | 02-21-051 | 388-112-0095 | NEW | 02-15-065 | 388-112-0250 | NEW | 02-15-066 |
| 388-105-0030 | NEW-E | 02-14-081 | 388-112-0100 | NEW-S | 02-11-032 | 388-112-0255 | NEW-S | 02-11-031 |
| 388-105-0030 | NEW-P | 02-18-099 | 388-112-0100 | NEW | 02-15-065 | 388-112-0255 | NEW | 02-15-066 |
| 388-105-0030 | NEW-E | 02-21-051 | 388-112-0105 | NEW-S | 02-11-032 | 388-112-0260 | NEW-S | 02-11-031 |
| 388-105-0035 | NEW-E | 02-14-081 | 388-112-0105 | NEW | 02-15-065 | 388-112-0260 | NEW | 02-15-066 |
| 388-105-0035 | NEW-P | 02-18-099 | 388-112-0110 | NEW-S | 02-11-032 | 388-112-0265 | NEW-S | 02-11-031 |
| 388-105-0035 | NEW-E | 02-21-051 | 388-112-0110 | NEW | 02-15-065 | 388-112-0265 | NEW | 02-15-066 |
| 388-105-0040 | NEW-E | 02-14-081 | 388-112-0115 | NEW-S | 02-11-032 | 388-112-0270 | NEW-S | 02-11-031 |
| 388-105-0040 | NEW-P | 02-18-099 | 388-112-0115 | NEW | 02-15-065 | 388-112-0270 | NEW | 02-15-066 |
| 388-105-0040 | NEW-E | 02-21-051 | 388-112-0120 | NEW-S | 02-11-032 | 388-112-0275 | NEW-S | 02-11-031 |
| 388-110-020 | PREP | 02-04-096 | 388-112-0120 | NEW | 02-15-065 | 388-112-0275 | NEW | 02-15-066 |
| 388-110-020 | AMD-P | 02-16-080 | 388-112-0125 | NEW-S | 02-11-032 | 388-112-0280 | NEW-S | 02-11-031 |
| 388-110-020 | AMD | 02-21-098 | 388-112-0125 | NEW | 02-15-065 | 388-112-0280 | NEW | 02-15-066 |
| 388-110-110 | REP-S | 02-11-032 | 388-112-0130 | NEW-S | 02-11-032 | 388-112-0285 | NEW-S | 02-11-031 |
| 388-110-110 | REP | 02-15-065 | 388-112-0130 | NEW | 02-15-065 | 388-112-0285 | NEW | 02-15-066 |
| 388-110-210 | PREP | 02-04-096 | 388-112-0135 | NEW-S | 02-11-032 | 388-112-0290 | NEW-S | 02-11-031 |
| 388-110-210 | REP-P | 02-16-080 | 388-112-0135 | NEW | 02-15-065 | 388-112-0290 | NEW | 02-15-066 |
| 388-110-210 | REP | 02-21-098 | 388-112-0140 | NEW-S | 02-11-032 | 388-112-0295 | NEW-S | 02-11-031 |
| 388-110-230 | PREP | 02-04-096 | 388-112-0140 | NEW | 02-15-065 | 388-112-0295 | NEW | 02-15-066 |
| 388-110-230 | REP-P | 02-16-080 | 388-112-0145 | NEW-S | 02-11-032 | 388-112-0300 | NEW-S | 02-11-031 |
| 388-110-230 | REP | 02-21-098 | 388-112-0145 | NEW | 02-15-065 | 388-112-0300 | NEW | 02-15-066 |
| 388-110-250 | REP-P | 02-16-080 | 388-112-0150 | NEW-S | 02-11-032 | 388-112-0305 | NEW-S | 02-11-031 |
| 388-110-250 | REP | 02-21-098 | 388-112-0150 | NEW | 02-15-065 | 388-112-0305 | NEW | 02-15-066 |
| 388-112-0001 | NEW-S | 02-11-032 | 388-112-0155 | NEW-S | 02-11-032 | 388-112-0310 | NEW-S | 02-11-031 |
| 388-112-0001 | NEW | 02-15-065 | 388-112-0155 | NEW | 02-15-065 | 388-112-0310 | NEW | 02-15-066 |
| 388-112-0005 | NEW-S | 02-11-032 | 388-112-0160 | NEW-S | 02-11-032 | 388-112-0315 | NEW-S | 02-11-031 |
| 388-112-0005 | NEW | 02-15-065 | 388-112-0160 | NEW | 02-15-065 | 388-112-0315 | NEW | 02-15-066 |
| 388-112-0010 | NEW-S | 02-11-032 | 388-112-0165 | NEW-S | 02-11-032 | 388-112-0320 | NEW-S | 02-11-031 |
| 388-112-0010 | NEW | 02-15-065 | 388-112-0165 | NEW | 02-15-065 | 388-112-0320 | NEW | 02-15-066 |
| 388-112-0015 | NEW-S | 02-11-032 | 388-112-0170 | NEW-S | 02-11-032 | 388-112-0325 | NEW-S | 02-11-031 |
| 388-112-0015 | NEW | 02-15-065 | 388-112-0170 | NEW | 02-15-065 | 388-112-0325 | NEW | 02-15-066 |
| 388-112-0020 | NEW-S | 02-11-032 | 388-112-0175 | NEW-S | 02-11-032 | 388-112-0330 | NEW-S | 02-11-031 |
| 388-112-0020 | NEW | 02-15-065 | 388-112-0175 | NEW | 02-15-065 | 388-112-0330 | NEW | 02-15-066 |
| 388-112-0025 | NEW-S | 02-11-032 | 388-112-0180 | NEW-S | 02-11-032 | 388-112-0335 | NEW-S | 02-11-031 |
| 388-112-0025 | NEW | 02-15-065 | 388-112-0180 | NEW | 02-15-065 | 388-112-0335 | NEW | 02-15-066 |
| 388-112-0030 | NEW-S | 02-11-032 | 388-112-0185 | NEW-S | 02-11-032 | 388-112-0340 | NEW-S | 02-11-031 |
| 388-112-0030 | NEW | 02-15-065 | 388-112-0185 | NEW | 02-15-065 | 388-112-0340 | NEW | 02-15-066 |
| 388-112-0035 | NEW-S | 02-11-032 | 388-112-0190 | NEW-S | 02-11-032 | 388-112-0345 | NEW-S | 02-11-031 |
| 388-112-0035 | NEW | 02-15-065 | 388-112-0190 | NEW | 02-15-065 | 388-112-0345 | NEW | 02-15-066 |
| 388-112-0040 | NEW-S | 02-11-032 | 388-112-0195 | NEW-S | 02-11-032 | 388-112-0350 | NEW-S | 02-11-031 |
| 388-112-0040 | NEW | 02-15-065 | 388-112-0195 | NEW | 02-15-065 | 388-112-0350 | NEW | 02-15-066 |
| 388-112-0045 | NEW-S | 02-11-032 | 388-112-0200 | NEW-S | 02-11-031 | 388-112-0355 | NEW-S | 02-11-031 |
| 388-112-0045 | NEW | 02-15-065 | 388-112-0200 | NEW | 02-15-066 | 388-112-0355 | NEW | 02-15-066 |
| 388-112-0050 | NEW-S | 02-11-032 | 388-112-0205 | NEW-S | 02-11-031 | 388-112-0360 | NEW-S | 02-11-031 |
| 388-112-0050 | NEW | 02-15-065 | 388-112-0205 | NEW | 02-15-066 | 388-112-0360 | NEW | 02-15-066 |
| 388-112-0055 | NEW-S | 02-11-032 | 388-112-0210 | NEW-S | 02-11-031 | 388-112-0365 | NEW-S | 02-11-031 |
| 388-112-0055 | NEW | 02-15-065 | 388-112-0210 | NEW | 02-15-066 | 388-112-0365 | NEW | 02-15-066 |
| 388-112-0060 | NEW-S | 02-11-032 | 388-112-0215 | NEW-S | 02-11-031 | 388-112-0370 | NEW-S | 02-11-031 |
| 388-112-0060 | NEW | 02-15-065 | 388-112-0215 | NEW | 02-15-066 | 388-112-0370 | NEW | 02-15-066 |
| 388-112-0065 | NEW-S | 02-11-032 | 388-112-0220 | NEW-S | 02-11-031 | 388-112-0375 | NEW-S | 02-11-031 |
| 388-112-0065 | NEW | 02-15-065 | 388-112-0220 | NEW | 02-15-066 | 388-112-0375 | NEW | 02-15-066 |
| 388-112-0070 | NEW-S | 02-11-032 | 388-112-0225 | NEW-S | 02-11-031 | 388-112-0380 | NEW-S | 02-11-031 |
| 388-112-0070 | NEW | 02-15-065 | 388-112-0225 | NEW | 02-15-066 | 388-112-0380 | NEW | 02-15-066 |
| 388-112-0075 | NEW-S | 02-11-032 | 388-112-0230 | NEW-S | 02-11-031 | 388-112-0385 | NEW-S | 02-11-031 |
| 388-112-0075 | NEW | 02-15-065 | 388-112-0230 | NEW | 02-15-066 | 388-112-0385 | NEW | 02-15-066 |
| 388-112-0080 | NEW-S | 02-11-032 | 388-112-0235 | NEW-S | 02-11-031 | 388-112-0390 | NEW-S | 02-11-031 |
| 388-112-0080 | NEW | 02-15-065 | 388-112-0235 | NEW | 02-15-066 | 388-112-0390 | NEW | 02-15-066 |
| 388-112-0085 | NEW-S | 02-11-032 | 388-112-0240 | NEW-S | 02-11-031 | 388-112-0395 | NEW-S | 02-11-031 |
| 388-112-0085 | NEW | 02-15-065 | 388-112-0240 | NEW | 02-15-066 | 388-112-0395 | NEW | 02-15-066 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 388-112-0400 | NEW-S | 02-11-031 | 388-140-0285 | NEW-E | 02-20-071 | 388-140-0600 | NEW-E | 02-20-071 |
| 388-112-0400 | NEW | 02-15-066 | 388-140-0290 | NEW-E | 02-20-071 | 388-140-0605 | NEW-E | 02-20-071 |
| 388-112-0405 | NEW-S | 02-11-031 | 388-140-0295 | NEW-E | 02-20-071 | 388-140-0610 | NEW-E | 02-20-071 |
| 388-112-0405 | NEW | 02-15-066 | 388-140-0300 | NEW-E | 02-20-071 | 388-140-0615 | NEW-E | 02-20-071 |
| 388-112-0410 | NEW-S | 02-11-031 | 388-140-0305 | NEW-E | 02-20-071 | 388-140-0620 | NEW-E | 02-20-071 |
| 388-112-0410 | NEW | 02-15-066 | 388-140-0310 | NEW-E | 02-20-071 | 388-140-0625 | NEW-E | 02-20-071 |
| 388-140-0005 | NEW-E | 02-20-071 | 388-140-0315 | NEW-E | 02-20-071 | 388-140-0630 | NEW-E | 02-20-071 |
| 388-140-0010 | NEW-E | 02-20-071 | 388-140-0320 | NEW-E | 02-20-071 | 388-140-0635 | NEW-E | 02-20-071 |
| 388-140-0015 | NEW-E | 02-20-071 | 388-140-0325 | NEW-E | 02-20-071 | 388-148 | PREP | 02-06-083 |
| 388-140-0020 | NEW-E | 02-20-071 | 388-140-0330 | NEW-E | 02-20-071 | 388-148-0040 | PREP | 02-06-083 |
| 388-140-0025 | NEW-E | 02-20-071 | 388-140-0335 | NEW-E | 02-20-071 | 388-148-0040 | AMD-E | 02-14-042 |
| 388-140-0030 | NEW-E | 02-20-071 | 388-140-0340 | NEW-E | 02-20-071 | 388-148-0045 | PREP | 02-06-083 |
| 388-140-0035 | NEW-E | 02-20-071 | 388-140-0345 | NEW-E | 02-20-071 | 388-148-0045 | AMD-E | 02-14-042 |
| 388-140-0040 | NEW-E | 02-20-071 | 388-140-0350 | NEW-E | 02-20-071 | 388-148-0050 | PREP | 02-06-083 |
| 388-140-0045 | NEW-E | 02-20-071 | 388-140-0355 | NEW-E | 02-20-071 | 388-148-0050 | AMD-E | 02-14-042 |
| 388-140-0050 | NEW-E | 02-20-071 | 388-140-0360 | NEW-E | 02-20-071 | 388-148-0058 | NEW-E | 02-14-042 |
| 388-140-0055 | NEW-E | 02-20-071 | 388-140-0365 | NEW-E | 02-20-071 | 388-148-0060 | PREP | 02-06-083 |
| 388-140-0060 | NEW-E | 02-20-071 | 388-140-0370 | NEW-E | 02-20-071 | 388-148-0060 | AMD-E | 02-14-042 |
| 388-140-0065 | NEW-E | 02-20-071 | 388-140-0375 | NEW-E | 02-20-071 | 388-148-0065 | PREP | 02-06-083 |
| 388-140-0070 | NEW-E | 02-20-071 | 388-140-0380 | NEW-E | 02-20-071 | 388-148-0065 | AMD-E | 02-14-042 |
| 388-140-0075 | NEW-E | 02-20-071 | 388-140-0385 | NEW-E | 02-20-071 | 388-148-0120 | PREP | 02-06-083 |
| 388-140-0080 | NEW-E | 02-20-071 | 388-140-0390 | NEW-E | 02-20-071 | 388-148-0120 | AMD-E | 02-14-042 |
| 388-140-0085 | NEW-E | 02-20-071 | 388-140-0395 | NEW-E | 02-20-071 | 388-148-0125 | PREP | 02-06-083 |
| 388-140-0090 | NEW-E | 02-20-071 | 388-140-0400 | NEW-E | 02-20-071 | 388-148-0125 | AMD-E | 02-14-042 |
| 388-140-0095 | NEW-E | 02-20-071 | 388-140-0405 | NEW-E | 02-20-071 | 388-148-0140 | AMD-E | 02-14-042 |
| 388-140-0100 | NEW-E | 02-20-071 | 388-140-0410 | NEW-E | 02-20-071 | 388-148-0220 | PREP | 02-06-083 |
| 388-140-0105 | NEW-E | 02-20-071 | 388-140-0415 | NEW-E | 02-20-071 | 388-148-0220 | AMD-E | 02-14-042 |
| 388-140-0110 | NEW-E | 02-20-071 | 388-140-0420 | NEW-E | 02-20-071 | 388-148-0260 | PREP | 02-06-083 |
| 388-140-0115 | NEW-E | 02-20-071 | 388-140-0425 | NEW-E | 02-20-071 | 388-148-0260 | AMD-E | 02-14-042 |
| 388-140-0120 | NEW-E | 02-20-071 | 388-140-0430 | NEW-E | 02-20-071 | 388-148-0270 | AMD-E | 02-14-042 |
| 388-140-0125 | NEW-E | 02-20-071 | 388-140-0435 | NEW-E | 02-20-071 | 388-148-0335 | AMD-E | 02-14-042 |
| 388-140-0130 | NEW-E | 02-20-071 | 388-140-0440 | NEW-E | 02-20-071 | 388-148-0345 | PREP | 02-06-083 |
| 388-140-0135 | NEW-E | 02-20-071 | 388-140-0445 | NEW-E | 02-20-071 | 388-148-0345 | AMD-E | 02-14-042 |
| 388-140-0140 | NEW-E | 02-20-071 | 388-140-0450 | NEW-E | 02-20-071 | 388-148-0350 | PREP | 02-06-083 |
| 388-140-0145 | NEW-E | 02-20-071 | 388-140-0455 | NEW-E | 02-20-071 | 388-148-0350 | AMD-E | 02-14-042 |
| 388-140-0150 | NEW-E | 02-20-071 | 388-140-0460 | NEW-E | 02-20-071 | 388-148-0395 | AMD-E | 02-14-042 |
| 388-140-0155 | NEW-E | 02-20-071 | 388-140-0465 | NEW-E | 02-20-071 | 388-148-0427 | NEW-E | 02-14-042 |
| 388-140-0160 | NEW-E | 02-20-071 | 388-140-0470 | NEW-E | 02-20-071 | 388-148-0460 | AMD-E | 02-14-042 |
| 388-140-0165 | NEW-E | 02-20-071 | 388-140-0475 | NEW-E | 02-20-071 | 388-148-0462 | PREP | 02-06-083 |
| 388-140-0170 | NEW-E | 02-20-071 | 388-140-0480 | NEW-E | 02-20-071 | 388-148-0462 | NEW-E | 02-14-042 |
| 388-140-0175 | NEW-E | 02-20-071 | 388-140-0485 | NEW-E | 02-20-071 | 388-148-0520 | PREP | 02-06-083 |
| 388-140-0180 | NEW-E | 02-20-071 | 388-140-0490 | NEW-E | 02-20-071 | 388-148-0520 | AMD-E | 02-14-042 |
| 388-140-0185 | NEW-E | 02-20-071 | 388-140-0495 | NEW-E | 02-20-071 | 388-148-0542 | PREP | 02-06-083 |
| 388-140-0190 | NEW-E | 02-20-071 | 388-140-0500 | NEW-E | 02-20-071 | 388-148-0542 | NEW-E | 02-14-042 |
| 388-140-0195 | NEW-E | 02-20-071 | 388-140-0505 | NEW-E | 02-20-071 | 388-148-0560 | PREP | 02-06-083 |
| 388-140-0200 | NEW-E | 02-20-071 | 388-140-0510 | NEW-E | 02-20-071 | 388-148-0560 | AMD-E | 02-14-042 |
| 388-140-0205 | NEW-E | 02-20-071 | 388-140-0515 | NEW-E | 02-20-071 | 388-148-0585 | PREP | 02-06-083 |
| 388-140-0210 | NEW-E | 02-20-071 | 388-140-0520 | NEW-E | 02-20-071 | 388-148-0585 | AMD-E | 02-14-042 |
| 388-140-0215 | NEW-E | 02-20-071 | 388-140-0525 | NEW-E | 02-20-071 | 388-148-0630 | PREP | 02-06-083 |
| 388-140-0220 | NEW-E | 02-20-071 | 388-140-0530 | NEW-E | 02-20-071 | 388-148-0630 | AMD-E | 02-14-042 |
| 388-140-0225 | NEW-E | 02-20-071 | 388-140-0535 | NEW-E | 02-20-071 | 388-148-0700 | PREP | 02-06-083 |
| 388-140-0230 | NEW-E | 02-20-071 | 388-140-0540 | NEW-E | 02-20-071 | 388-148-0700 | AMD-E | 02-14-042 |
| 388-140-0235 | NEW-E | 02-20-071 | 388-140-0545 | NEW-E | 02-20-071 | 388-148-0720 | PREP | 02-06-083 |
| 388-140-0240 | NEW-E | 02-20-071 | 388-140-0550 | NEW-E | 02-20-071 | 388-148-0720 | AMD-E | 02-14-042 |
| 388-140-0245 | NEW-E | 02-20-071 | 388-140-0560 | NEW-E | 02-20-071 | 388-148-0722 | PREP | 02-06-083 |
| 388-140-0250 | NEW-E | 02-20-071 | 388-140-0565 | NEW-E | 02-20-071 | 388-148-0722 | NEW-E | 02-14-042 |
| 388-140-0255 | NEW-E | 02-20-071 | 388-140-0570 | NEW-E | 02-20-071 | 388-148-0725 | PREP | 02-06-083 |
| 388-140-0260 | NEW-E | 02-20-071 | 388-140-0575 | NEW-E | 02-20-071 | 388-148-0725 | AMD-E | 02-14-042 |
| 388-140-0265 | NEW-E | 02-20-071 | 388-140-0580 | NEW-E | 02-20-071 | 388-148-0785 | PREP | 02-06-083 |
| 388-140-0270 | NEW-E | 02-20-071 | 388-140-0585 | NEW-E | 02-20-071 | 388-148-0785 | AMD-E | 02-14-042 |
| 388-140-0275 | NEW-E | 02-20-071 | 388-140-0590 | NEW-E | 02-20-071 | 388-148-0880 | PREP | 02-06-083 |
| 388-140-0280 | NEW-E | 02-20-071 | 388-140-0595 | NEW-E | 02-20-071 | 388-148-0880 | AMD-E | 02-14-042 |

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| 388-148-0892 | PREP | 02-06-083 | 388-148-1280 | NEW-E | 02-08-031 | 388-273-0025 | AMD-E | 02-12-091 |
| 388-148-0892 | NEW-E | 02-14-042 | 388-148-1280 | NEW-E | 02-15-137 | 388-273-0025 | AMD-S | 02-13-072 |
| 388-148-0915 | AMD-E | 02-14-042 | 388-148-1285 | NEW-E | 02-08-031 | 388-273-0025 | AMD | 02-18-106 |
| 388-148-0995 | PREP | 02-06-083 | 388-148-1285 | NEW-E | 02-15-137 | 388-290 | PREP | 02-20-055 |
| 388-148-0995 | AMD-E | 02-14-042 | 388-148-1290 | NEW-E | 02-08-031 | 388-290-0010 | PREP | 02-04-097 |
| 388-148-1020 | PREP | 02-06-083 | 388-148-1290 | NEW-E | 02-15-137 | 388-290-0010 | AMD-E | 02-08-032 |
| 388-148-1060 | AMD-E | 02-14-042 | 388-148-1295 | NEW-E | 02-08-031 | 388-290-0010 | AMD-P | 02-11-128 |
| 388-148-1070 | PREP | 02-06-083 | 388-148-1295 | NEW-E | 02-15-137 | 388-290-0010 | AMD | 02-14-067 |
| 388-148-1070 | AMD-E | 02-14-042 | 388-148-1300 | NEW-E | 02-08-031 | 388-290-0015 | PREP | 02-04-097 |
| 388-148-1076 | PREP | 02-06-083 | 388-148-1300 | NEW-E | 02-15-137 | 388-290-0015 | AMD-P | 02-08-060 |
| 388-148-1076 | NEW-E | 02-14-042 | 388-150 | PREP | 02-14-158 | 388-290-0015 | AMD | 02-12-069 |
| 388-148-1077 | PREP | 02-06-083 | 388-150-010 | AMD-P | 02-13-071 | 388-290-0020 | PREP | 02-04-097 |
| 388-148-1077 | NEW-E | 02-14-042 | 388-150-010 | AMD | 02-16-062 | 388-290-0020 | AMD-P | 02-08-060 |
| 388-148-1078 | PREP | 02-06-083 | 388-150-090 | PREP | 02-06-087 | 388-290-0020 | AMD | 02-12-069 |
| 388-148-1078 | NEW-E | 02-14-042 | 388-150-090 | AMD-P | 02-10-092 | 388-290-0035 | PREP | 02-04-097 |
| 388-148-1079 | PREP | 02-06-083 | 388-150-090 | AMD | 02-14-085 | 388-290-0035 | AMD-P | 02-08-060 |
| 388-148-1079 | NEW-E | 02-14-042 | 388-151-010 | AMD-P | 02-13-071 | 388-290-0035 | AMD | 02-12-069 |
| 388-148-1115 | PREP | 02-06-083 | 388-151-010 | AMD | 02-16-062 | 388-290-0040 | PREP | 02-04-097 |
| 388-148-1115 | AMD-E | 02-14-042 | 388-151-020 | AMD-P | 02-03-095 | 388-290-0040 | AMD-P | 02-08-060 |
| 388-148-1120 | PREP | 02-06-083 | 388-151-020 | AMD | 02-13-073 | 388-290-0040 | AMD | 02-12-069 |
| 388-148-1120 | AMD-E | 02-14-042 | 388-151-090 | PREP | 02-06-087 | 388-290-0045 | PREP | 02-04-097 |
| 388-148-1140 | NEW-E | 02-14-042 | 388-151-090 | AMD-P | 02-10-092 | 388-290-0045 | AMD-P | 02-08-060 |
| 388-148-1145 | NEW-E | 02-14-042 | 388-151-090 | AMD | 02-14-085 | 388-290-0045 | AMD | 02-12-069 |
| 388-148-1150 | NEW-E | 02-14-042 | 388-151-097 | AMD-P | 02-03-095 | 388-290-0050 | PREP | 02-04-097 |
| 388-148-1155 | NEW-E | 02-14-042 | 388-151-097 | AMD | 02-13-073 | 388-290-0050 | AMD-P | 02-08-060 |
| 388-148-1160 | NEW-E | 02-14-042 | 388-151-230 | AMD-P | 02-03-095 | 388-290-0050 | AMD | 02-12-069 |
| 388-148-1165 | NEW-E | 02-14-042 | 388-151-230 | AMD | 02-13-073 | 388-290-0055 | PREP | 02-04-097 |
| 388-148-1170 | NEW-E | 02-14-042 | 388-155-010 | AMD-P | 02-13-071 | 388-290-0055 | AMD-P | 02-08-060 |
| 388-148-1175 | NEW-E | 02-14-042 | 388-155-010 | AMD | 02-16-062 | 388-290-0055 | AMD | 02-12-069 |
| 388-148-1180 | NEW-E | 02-14-042 | 388-155-090 | PREP | 02-06-087 | 388-290-0075 | AMD-E | 02-08-032 |
| 388-148-1185 | NEW-E | 02-14-042 | 388-155-090 | AMD-P | 02-10-092 | 388-290-0075 | AMD-P | 02-11-128 |
| 388-148-1190 | NEW-E | 02-14-042 | 388-155-090 | AMD | 02-14-085 | 388-290-0075 | AMD | 02-14-067 |
| 388-148-1205 | NEW-E | 02-08-031 | 388-155-090 | AMD-P | 02-18-100 | 388-290-0080 | PREP | 02-04-097 |
| 388-148-1205 | NEW-E | 02-15-137 | 388-155-095 | AMD-P | 02-18-100 | 388-290-0085 | PREP | 02-04-097 |
| 388-148-1210 | NEW-E | 02-08-031 | 388-155-320 | AMD-P | 02-03-095 | 388-290-0085 | AMD-E | 02-08-032 |
| 388-148-1210 | NEW-E | 02-15-137 | 388-155-320 | AMD | 02-13-073 | 388-290-0085 | AMD-P | 02-11-128 |
| 388-148-1215 | NEW-E | 02-08-031 | 388-155-670 | AMD-P | 02-18-100 | 388-290-0085 | AMD | 02-14-067 |
| 388-148-1215 | NEW-E | 02-15-137 | 388-265-1150 | REP-P | 02-11-131 | 388-290-0095 | PREP | 02-04-097 |
| 388-148-1220 | NEW-E | 02-08-031 | 388-265-1150 | REP | 02-14-083 | 388-290-0095 | AMD-P | 02-08-060 |
| 388-148-1220 | NEW-E | 02-15-137 | 388-265-1155 | REP-P | 02-11-131 | 388-290-0095 | AMD | 02-12-069 |
| 388-148-1225 | NEW-E | 02-08-031 | 388-265-1155 | REP | 02-14-083 | 388-290-0105 | PREP | 02-04-097 |
| 388-148-1225 | NEW-E | 02-15-137 | 388-265-1200 | REP-P | 02-11-131 | 388-290-0105 | AMD-P | 02-08-060 |
| 388-148-1230 | NEW-E | 02-08-031 | 388-265-1200 | REP | 02-14-083 | 388-290-0105 | AMD | 02-12-069 |
| 388-148-1230 | NEW-E | 02-15-137 | 388-265-1250 | REP-P | 02-11-131 | 388-290-0120 | PREP | 02-04-097 |
| 388-148-1235 | NEW-E | 02-08-031 | 388-265-1250 | REP | 02-14-083 | 388-290-0120 | AMD-P | 02-08-060 |
| 388-148-1235 | NEW-E | 02-15-137 | 388-265-1275 | REP-P | 02-11-131 | 388-290-0120 | AMD | 02-12-069 |
| 388-148-1240 | NEW-E | 02-08-031 | 388-265-1275 | REP | 02-14-083 | 388-290-0125 | PREP | 02-04-097 |
| 388-148-1240 | NEW-E | 02-15-137 | 388-265-1300 | REP-P | 02-11-131 | 388-290-0125 | AMD-P | 02-08-060 |
| 388-148-1245 | NEW-E | 02-08-031 | 388-265-1300 | REP | 02-14-083 | 388-290-0125 | AMD | 02-12-069 |
| 388-148-1245 | NEW-E | 02-15-137 | 388-265-1375 | REP-P | 02-11-131 | 388-290-0130 | PREP | 02-04-097 |
| 388-148-1250 | NEW-E | 02-08-031 | 388-265-1375 | REP | 02-14-083 | 388-290-0130 | AMD-P | 02-08-060 |
| 388-148-1250 | NEW-E | 02-15-137 | 388-265-1450 | REP-P | 02-11-131 | 388-290-0130 | AMD | 02-12-069 |
| 388-148-1255 | NEW-E | 02-08-031 | 388-265-1450 | REP | 02-14-083 | 388-290-0135 | PREP | 02-04-097 |
| 388-148-1255 | NEW-E | 02-15-137 | 388-265-1500 | REP-P | 02-11-131 | 388-290-0135 | AMD-P | 02-08-060 |
| 388-148-1260 | NEW-E | 02-08-031 | 388-265-1500 | REP | 02-14-083 | 388-290-0135 | AMD | 02-12-069 |
| 388-148-1260 | NEW-E | 02-15-137 | 388-265-1600 | REP-P | 02-11-131 | 388-290-0143 | NEW-P | 02-09-064 |
| 388-148-1265 | NEW-E | 02-08-031 | 388-265-1600 | REP | 02-14-083 | 388-290-0143 | NEW | 02-14-066 |
| 388-148-1265 | NEW-E | 02-15-137 | 388-265-1650 | REP-P | 02-11-131 | 388-290-0145 | PREP | 02-04-097 |
| 388-148-1270 | NEW-E | 02-08-031 | 388-265-1650 | REP | 02-14-083 | 388-290-0145 | AMD-P | 02-09-064 |
| 388-148-1270 | NEW-E | 02-15-137 | 388-273-0020 | AMD-E | 02-12-091 | 388-290-0145 | AMD | 02-14-066 |
| 388-148-1275 | NEW-E | 02-08-031 | 388-273-0020 | AMD-S | 02-13-072 | 388-290-0150 | PREP | 02-04-097 |
| 388-148-1275 | NEW-E | 02-15-137 | 388-273-0020 | AMD | 02-18-106 | 388-290-0150 | AMD-P | 02-09-064 |

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| 388-290-0155 | PREP | 02-04-097 | 388-310-1300 | AMD-W | 02-08-061 | 388-416-0010 | AMD | 02-17-030 |
| 388-290-0155 | AMD-P | 02-09-064 | 388-310-1300 | AMD | 02-20-073 | 388-416-0025 | REP-P | 02-13-103 |
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| 388-530-1050 | AMD-P | 02-12-092 | 388-532-700 | NEW-P | 02-14-160 | 388-535-1300 | REP | 02-11-136 |
| 388-530-1050 | AMD | 02-17-023 | 388-532-700 | NEW | 02-21-021 | 388-535-1350 | AMD-P | 02-08-088 |
| 388-530-1100 | AMD-P | 02-12-092 | 388-532-710 | NEW-P | 02-14-160 | 388-535-1350 | AMD | 02-13-074 |
| 388-530-1100 | PREP | 02-14-100 | 388-532-710 | NEW | 02-21-021 | 388-535-1400 | AMD-P | 02-08-088 |
| 388-530-1100 | AMD | 02-17-023 | 388-532-720 | NEW-P | 02-14-160 | 388-535-1400 | AMD | 02-13-074 |
| 388-530-1125 | AMD-P | 02-12-092 | 388-532-720 | NEW | 02-21-021 | 388-535-1450 | AMD-P | 02-08-088 |
| 388-530-1125 | AMD | 02-17-023 | 388-532-730 | NEW-P | 02-14-160 | 388-535-1450 | AMD | 02-13-074 |
| 388-530-1150 | AMD-P | 02-12-092 | 388-532-730 | NEW | 02-21-021 | 388-535-1450 | PREP | 02-17-070 |
| 388-530-1150 | AMD | 02-17-023 | 388-532-740 | NEW-P | 02-14-160 | 388-535-1500 | AMD-P | 02-08-088 |
| 388-530-1200 | AMD-P | 02-12-092 | 388-532-740 | NEW | 02-21-021 | 388-535-1500 | AMD | 02-13-074 |
| 388-530-1200 | AMD | 02-17-023 | 388-532-750 | NEW-P | 02-14-160 | 388-535-1550 | AMD-P | 02-08-088 |
| 388-530-1250 | AMD-P | 02-12-092 | 388-532-750 | NEW | 02-21-021 | 388-535-1550 | AMD | 02-13-074 |
| 388-530-1250 | AMD | 02-17-023 | 388-532-760 | NEW-P | 02-14-160 | 388-540 | PREP | 02-06-086 |
| 388-530-1300 | AMD-P | 02-12-092 | 388-532-760 | NEW | 02-21-021 | 388-543 | PREP | 02-10-139 |
| 388-530-1300 | AMD | 02-17-023 | 388-532-780 | NEW-P | 02-14-160 | 388-543-1000 | AMD-S | 02-10-115 |
| 388-530-1350 | AMD-P | 02-12-092 | 388-532-780 | NEW | 02-21-021 | 388-543-1000 | AMD | 02-16-054 |
| 388-530-1350 | AMD | 02-17-023 | 388-532-790 | NEW-P | 02-14-160 | 388-543-1100 | AMD-S | 02-10-115 |
| 388-530-1360 | NEW-P | 02-12-092 | 388-532-790 | NEW | 02-21-021 | 388-543-1100 | AMD | 02-16-054 |
| 388-530-1360 | NEW | 02-17-023 | 388-533-0400 | AMD-P | 02-03-098 | 388-543-1225 | PREP | 02-10-139 |
| 388-530-1380 | NEW-P | 02-12-092 | 388-533-0400 | AMD | 02-07-043 | 388-543-1225 | NEW-P | 02-16-079 |
| 388-530-1400 | AMD-P | 02-12-092 | 388-533-1000 | PREP | 02-07-108 | 388-543-1300 | AMD-S | 02-10-115 |
| 388-530-1400 | AMD | 02-17-023 | 388-534-0100 | AMD-P | 02-03-099 | 388-543-1300 | AMD | 02-16-054 |
| 388-530-1405 | NEW-P | 02-12-092 | 388-534-0100 | AMD | 02-07-016 | 388-543-2200 | AMD-S | 02-10-115 |

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| 388-544 | PREP | 02-06-085 | 388-730 | PREP | 02-11-142 | 388-825-025 | AMD | 02-16-014 |
| 388-550 | PREP | 02-03-092 | 388-730-0010 | AMD-P | 02-18-110 | 388-825-030 | PREP | 02-05-088 |
| 388-550 | PREP-W | 02-03-115 | 388-730-0060 | AMD-P | 02-18-110 | 388-825-030 | PREP-W | 02-07-087 |
| 388-550 | PREP | 02-06-084 | 388-730-0065 | AMD-P | 02-18-110 | 388-825-030 | PREP | 02-07-107 |
| 388-550 | PREP | 02-06-088 | 388-730-0070 | AMD-P | 02-18-110 | 388-825-030 | AMD-P | 02-11-143 |
| 388-550-2565 | NEW-P | 02-10-113 | 388-730-0090 | AMD-P | 02-18-110 | 388-825-030 | AMD | 02-16-014 |
| 388-550-2565 | NEW | 02-14-162 | 388-800 | PREP | 02-12-043 | 388-825-035 | PREP | 02-05-088 |
| 388-550-2570 | NEW-P | 02-10-113 | 388-800-0045 | AMD-P | 02-21-044 | 388-825-035 | PREP-W | 02-07-087 |
| 388-550-2570 | NEW | 02-14-162 | 388-800-0055 | AMD-P | 02-21-044 | 388-825-035 | PREP | 02-07-107 |
| 388-550-2575 | NEW-P | 02-10-113 | 388-800-0060 | AMD-P | 02-21-044 | 388-825-035 | AMD-P | 02-11-143 |
| 388-550-2575 | NEW | 02-14-162 | 388-800-0065 | AMD-P | 02-21-044 | 388-825-035 | AMD | 02-16-014 |
| 388-550-2580 | NEW-P | 02-10-113 | 388-800-0070 | AMD-P | 02-21-044 | 388-825-040 | PREP | 02-05-088 |
| 388-550-2580 | NEW | 02-14-162 | 388-800-0075 | AMD-P | 02-21-044 | 388-825-040 | PREP-W | 02-07-087 |
| 388-550-2585 | NEW-P | 02-10-113 | 388-800-0080 | REP-P | 02-21-044 | 388-825-040 | PREP | 02-07-107 |
| 388-550-2585 | NEW | 02-14-162 | 388-800-0090 | AMD-P | 02-21-044 | 388-825-045 | PREP | 02-05-088 |
| 388-550-2590 | NEW-P | 02-10-113 | 388-800-0100 | AMD-P | 02-21-044 | 388-825-045 | PREP-W | 02-07-087 |
| 388-550-2590 | NEW | 02-14-162 | 388-800-0110 | AMD-P | 02-21-044 | 388-825-045 | PREP | 02-07-107 |
| 388-550-2595 | NEW-P | 02-10-113 | 388-805 | PREP | 02-10-112 | 388-825-045 | AMD-P | 02-11-143 |
| 388-550-2595 | NEW | 02-14-162 | 388-805-005 | AMD-E | 02-07-015 | 388-825-045 | AMD | 02-16-014 |
| 388-550-2595 | PREP | 02-18-098 | 388-805-005 | AMD-E | 02-15-015 | 388-825-050 | PREP | 02-07-107 |
| 388-550-2596 | NEW-P | 02-10-113 | 388-805-030 | AMD-E | 02-07-015 | 388-825-050 | AMD-P | 02-11-143 |
| 388-550-2596 | NEW | 02-14-162 | 388-805-030 | AMD-E | 02-15-015 | 388-825-050 | AMD | 02-16-014 |
| 388-550-2596 | PREP | 02-18-098 | 388-805-035 | NEW-E | 02-07-015 | 388-825-055 | PREP | 02-07-107 |
| 388-550-2598 | NEW-P | 02-10-114 | 388-805-035 | NEW-E | 02-15-015 | 388-825-055 | AMD-P | 02-11-143 |
| 388-550-2598 | NEW | 02-13-099 | 388-805-040 | NEW-E | 02-07-015 | 388-825-055 | AMD-E | 02-14-064 |
| 388-550-2800 | AMD-P | 02-17-082 | 388-805-040 | NEW-E | 02-15-015 | 388-825-055 | AMD | 02-16-014 |
| 388-550-2800 | AMD | 02-21-019 | 388-805-065 | AMD-E | 02-07-015 | 388-825-055 | AMD-E | 02-20-045 |
| 388-550-4800 | AMD-E | 02-09-053 | 388-805-065 | AMD-E | 02-15-015 | 388-825-065 | PREP | 02-07-107 |
| 388-550-4800 | AMD-E | 02-17-022 | 388-805-145 | AMD-E | 02-07-015 | 388-825-080 | PREP | 02-07-107 |
| 388-550-4800 | AMD-P | 02-17-082 | 388-805-145 | AMD-E | 02-15-015 | 388-825-100 | PREP | 02-07-107 |
| 388-550-4800 | AMD | 02-21-019 | 388-805-205 | AMD-E | 02-07-015 | 388-825-100 | AMD-P | 02-11-143 |
| 388-550-5300 | AMD-P | 02-17-082 | 388-805-205 | AMD-E | 02-15-015 | 388-825-100 | AMD | 02-16-014 |
| 388-550-5300 | AMD | 02-21-019 | 388-805-300 | AMD-E | 02-07-015 | 388-825-120 | PREP | 02-07-107 |
| 388-550-5350 | AMD-P | 02-17-082 | 388-805-300 | AMD-E | 02-15-015 | 388-825-120 | AMD-P | 02-11-143 |
| 388-550-5350 | AMD | 02-21-019 | 388-805-710 | AMD-E | 02-07-015 | 388-825-120 | AMD-E | 02-14-064 |
| 388-550-6000 | AMD-P | 02-17-082 | 388-805-710 | AMD-E | 02-15-015 | 388-825-120 | AMD | 02-16-014 |
| 388-550-6000 | AMD | 02-21-019 | 388-805-720 | AMD-E | 02-07-015 | 388-825-120 | AMD-E | 02-20-045 |
| 388-551-2000 | AMD-P | 02-08-089 | 388-805-720 | AMD-E | 02-15-015 | 388-825-170 | PREP | 02-07-107 |
| 388-551-2000 | AMD | 02-15-082 | 388-805-730 | AMD-E | 02-07-015 | 388-825-180 | PREP | 02-07-107 |
| 388-551-2010 | AMD-P | 02-08-089 | 388-805-730 | AMD-E | 02-15-015 | 388-825-180 | AMD-E | 02-14-064 |
| 388-551-2010 | AMD | 02-15-082 | 388-805-740 | AMD-E | 02-07-015 | 388-825-180 | AMD-E | 02-20-045 |
| 388-551-2020 | AMD-P | 02-08-089 | 388-805-740 | AMD-E | 02-15-015 | 388-825-190 | PREP | 02-07-107 |
| 388-551-2020 | AMD | 02-15-082 | 388-805-750 | AMD-E | 02-07-015 | 388-825-200 | PREP | 02-07-107 |
| 388-551-2030 | NEW-P | 02-08-089 | 388-805-750 | AMD-E | 02-15-015 | 388-825-205 | PREP | 02-07-107 |
| 388-551-2030 | NEW | 02-15-082 | 388-818 | PREP | 02-14-020 | 388-825-205 | AMD-P | 02-11-143 |
| 388-551-2100 | AMD-P | 02-08-089 | 388-820 | PREP | 02-17-068 | 388-825-205 | AMD-E | 02-14-064 |
| 388-551-2100 | AMD | 02-15-082 | 388-820-020 | AMD-E | 02-14-064 | 388-825-205 | AMD | 02-16-014 |
| 388-551-2110 | AMD-P | 02-08-089 | 388-820-020 | AMD-E | 02-20-045 | 388-825-205 | AMD-E | 02-20-045 |
| 388-551-2110 | AMD | 02-15-082 | 388-820-060 | AMD-E | 02-14-064 | 388-825-210 | PREP | 02-07-107 |
| 388-551-2120 | AMD-P | 02-08-089 | 388-820-060 | AMD-E | 02-20-045 | 388-825-210 | AMD-P | 02-11-143 |
| 388-551-2120 | AMD | 02-15-082 | 388-820-120 | AMD-E | 02-14-064 | 388-825-210 | AMD | 02-16-014 |
| 388-551-2130 | AMD-P | 02-08-089 | 388-820-120 | AMD-E | 02-20-045 | 388-825-220 | PREP | 02-07-107 |
| 388-551-2130 | AMD | 02-15-082 | 388-825 | PREP | 02-05-088 | 388-825-222 | PREP | 02-07-107 |
| 388-551-2200 | AMD-P | 02-08-089 | 388-825 | PREP | 02-07-107 | 388-825-224 | PREP | 02-07-107 |
| 388-551-2200 | AMD | 02-15-082 | 388-825 | PREP | 02-17-068 | 388-825-226 | PREP | 02-07-107 |
| 388-551-2210 | AMD-P | 02-08-089 | 388-825-020 | PREP | 02-07-107 | 388-825-228 | PREP | 02-07-107 |
| 388-551-2210 | AMD | 02-15-082 | 388-825-020 | AMD-P | 02-11-143 | 388-825-230 | PREP | 02-07-107 |
| 388-551-2220 | AMD-P | 02-08-089 | 388-825-020 | AMD-E | 02-14-064 | 388-825-232 | PREP | 02-07-107 |
| 388-551-2220 | AMD | 02-15-082 | 388-825-020 | AMD | 02-16-014 | 388-825-234 | PREP | 02-07-107 |
| 388-555 | PREP | 02-11-127 | 388-825-020 | AMD-E | 02-20-045 | 388-825-234 | AMD-P | 02-11-143 |
| 388-561-0100 | PREP | 02-07-109 | 388-825-025 | PREP | 02-07-107 | 388-825-234 | AMD | 02-16-014 |

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| 388-825-238 | PREP | 02-07-107 | 388-826-0005 | NEW-P | 02-16-061 | 388-853-035 | AMD | 02-16-014 |
| 388-825-240 | PREP | 02-07-107 | 388-826-0010 | NEW-P | 02-16-061 | 388-853-080 | AMD-P | 02-11-143 |
| 388-825-242 | PREP | 02-07-107 | 388-826-0015 | NEW-P | 02-16-061 | 388-853-080 | AMD | 02-16-014 |
| 388-825-244 | PREP | 02-07-107 | 388-826-0020 | NEW-P | 02-16-061 | 388-890-0005 | REP-P | 02-20-043 |
| 388-825-246 | PREP | 02-07-107 | 388-826-0025 | NEW-P | 02-16-061 | 388-890-0010 | REP-P | 02-20-043 |
| 388-825-248 | PREP | 02-07-107 | 388-826-0030 | NEW-P | 02-16-061 | 388-890-0015 | REP-P | 02-20-043 |
| 388-825-248 | AMD-P | 02-11-143 | 388-826-0035 | NEW-P | 02-16-061 | 388-890-0020 | REP-P | 02-20-043 |
| 388-825-248 | AMD | 02-16-014 | 388-826-0040 | NEW-P | 02-16-061 | 388-890-0025 | REP-P | 02-20-043 |
| 388-825-250 | PREP | 02-07-107 | 388-826-0045 | NEW-P | 02-16-061 | 388-890-0030 | REP-P | 02-20-043 |
| 388-825-250 | AMD-P | 02-11-143 | 388-826-0050 | NEW-P | 02-16-061 | 388-890-0035 | REP-P | 02-20-043 |
| 388-825-250 | AMD | 02-16-014 | 388-826-0055 | NEW-P | 02-16-061 | 388-890-0040 | REP-P | 02-20-043 |
| 388-825-252 | PREP | 02-07-107 | 388-826-0060 | NEW-P | 02-16-061 | 388-890-0045 | REP-P | 02-20-043 |
| 388-825-252 | AMD-P | 02-11-143 | 388-826-0065 | NEW-P | 02-16-061 | 388-890-0050 | REP-P | 02-20-043 |
| 388-825-252 | AMD-E | 02-14-064 | 388-826-0070 | NEW-P | 02-16-061 | 388-890-0055 | REP-P | 02-20-043 |
| 388-825-252 | AMD | 02-16-014 | 388-826-0075 | NEW-P | 02-16-061 | 388-890-0060 | REP-P | 02-20-043 |
| 388-825-252 | AMD-E | 02-20-045 | 388-826-0080 | NEW-P | 02-16-061 | 388-890-0065 | REP-P | 02-20-043 |
| 388-825-254 | PREP | 02-07-107 | 388-826-0085 | NEW-P | 02-16-061 | 388-890-0070 | REP-P | 02-20-043 |
| 388-825-254 | AMD-E | 02-14-064 | 388-826-0090 | NEW-P | 02-16-061 | 388-890-0071 | REP-P | 02-20-043 |
| 388-825-254 | AMD-E | 02-20-045 | 388-826-0095 | NEW-P | 02-16-061 | 388-890-0075 | REP-P | 02-20-043 |
| 388-825-256 | PREP | 02-07-107 | 388-826-0100 | NEW-P | 02-16-061 | 388-890-0080 | REP-P | 02-20-043 |
| 388-825-270 | AMD-P | 02-11-143 | 388-826-0105 | NEW-P | 02-16-061 | 388-890-0085 | REP-P | 02-20-043 |
| 388-825-270 | AMD | 02-16-014 | 388-826-0110 | NEW-P | 02-16-061 | 388-890-0090 | REP-P | 02-20-043 |
| 388-825-278 | AMD-P | 02-11-143 | 388-826-0115 | NEW-P | 02-16-061 | 388-890-0095 | REP-P | 02-20-043 |
| 388-825-278 | AMD | 02-16-014 | 388-826-0120 | NEW-P | 02-16-061 | 388-890-0100 | REP-P | 02-20-043 |
| 388-825-500 | NEW-E | 02-14-064 | 388-826-0125 | NEW-P | 02-16-061 | 388-890-0105 | REP-P | 02-20-043 |
| 388-825-500 | NEW-E | 02-20-045 | 388-830-015 | AMD-P | 02-11-143 | 388-890-0110 | REP-P | 02-20-043 |
| 388-825-505 | NEW-E | 02-14-064 | 388-830-015 | AMD | 02-16-014 | 388-890-0115 | REP-P | 02-20-043 |
| 388-825-505 | NEW-E | 02-20-045 | 388-830-020 | AMD-P | 02-11-143 | 388-890-0120 | REP-P | 02-20-043 |
| 388-825-510 | NEW-E | 02-14-064 | 388-830-020 | AMD | 02-16-014 | 388-890-0125 | REP-P | 02-20-043 |
| 388-825-510 | NEW-E | 02-20-045 | 388-830-025 | AMD-P | 02-11-143 | 388-890-0130 | REP-P | 02-20-043 |
| 388-825-515 | NEW-E | 02-14-064 | 388-830-025 | AMD | 02-16-014 | 388-890-0135 | REP-P | 02-20-043 |
| 388-825-515 | NEW-E | 02-20-045 | 388-830-035 | AMD-P | 02-11-143 | 388-890-0140 | REP-P | 02-20-043 |
| 388-825-520 | NEW-E | 02-14-064 | 388-830-035 | AMD | 02-16-014 | 388-890-0145 | REP-P | 02-20-043 |
| 388-825-520 | NEW-E | 02-20-045 | 388-835-0110 | AMD-P | 02-11-143 | 388-890-0150 | REP-P | 02-20-043 |
| 388-825-525 | NEW-E | 02-14-064 | 388-835-0110 | AMD | 02-16-014 | 388-890-0155 | REP-P | 02-20-043 |
| 388-825-525 | NEW-E | 02-20-045 | 388-835-0180 | AMD-P | 02-11-143 | 388-890-0160 | REP-P | 02-20-043 |
| 388-825-530 | NEW-E | 02-14-064 | 388-835-0180 | AMD | 02-16-014 | 388-890-0165 | REP-P | 02-20-043 |
| 388-825-530 | NEW-E | 02-20-045 | 388-835-0265 | AMD-P | 02-11-143 | 388-890-0170 | REP-P | 02-20-043 |
| 388-825-535 | NEW-E | 02-14-064 | 388-835-0265 | AMD | 02-16-014 | 388-890-0175 | REP-P | 02-20-043 |
| 388-825-535 | NEW-E | 02-20-045 | 388-835-0395 | AMD-P | 02-11-143 | 388-890-0180 | REP-P | 02-20-043 |
| 388-825-540 | NEW-E | 02-14-064 | 388-835-0395 | AMD | 02-16-014 | 388-890-0185 | REP-P | 02-20-043 |
| 388-825-540 | NEW-E | 02-20-045 | 388-835-0575 | AMD-P | 02-11-143 | 388-890-0190 | REP-P | 02-20-043 |
| 388-825-545 | NEW-E | 02-14-064 | 388-835-0575 | AMD | 02-16-014 | 388-890-0195 | REP-P | 02-20-043 |
| 388-825-545 | NEW-E | 02-20-045 | 388-835-0745 | AMD-P | 02-11-143 | 388-890-0200 | REP-P | 02-20-043 |
| 388-825-546 | NEW-E | 02-20-045 | 388-835-0745 | AMD | 02-16-014 | 388-890-0210 | REP-P | 02-20-043 |
| 388-825-550 | NEW-E | 02-14-064 | 388-835-0755 | AMD-P | 02-11-143 | 388-890-0220 | REP-P | 02-20-043 |
| 388-825-550 | NEW-E | 02-20-045 | 388-835-0755 | AMD | 02-16-014 | 388-890-0225 | REP-P | 02-20-043 |
| 388-825-555 | NEW-E | 02-14-064 | 388-850 | AMD-P | 02-11-143 | 388-890-0230 | REP-P | 02-20-043 |
| 388-825-555 | NEW-E | 02-20-045 | 388-850 | AMD | 02-16-014 | 388-890-0235 | REP-P | 02-20-043 |
| 388-825-560 | NEW-E | 02-14-064 | 388-850-015 | AMD-P | 02-11-143 | 388-890-0240 | REP-P | 02-20-043 |
| 388-825-560 | NEW-E | 02-20-045 | 388-850-015 | AMD | 02-16-014 | 388-890-0245 | REP-P | 02-20-043 |
| 388-825-565 | NEW-E | 02-14-064 | 388-850-025 | AMD-P | 02-11-143 | 388-890-0250 | REP-P | 02-20-043 |
| 388-825-565 | NEW-E | 02-20-045 | 388-850-025 | AMD | 02-16-014 | 388-890-0255 | REP-P | 02-20-043 |
| 388-825-570 | NEW-E | 02-14-064 | 388-850-035 | AMD-E | 02-14-064 | 388-890-0260 | REP-P | 02-20-043 |
| 388-825-570 | NEW-E | 02-20-045 | 388-850-035 | AMD-E | 02-20-045 | 388-890-0265 | REP-P | 02-20-043 |
| 388-825-571 | NEW-E | 02-20-045 | 388-850-050 | AMD-P | 02-11-143 | 388-890-0270 | REP-P | 02-20-043 |
| 388-825-575 | NEW-E | 02-14-064 | 388-850-050 | AMD | 02-16-014 | 388-890-0275 | REP-P | 02-20-043 |
| 388-825-575 | NEW-E | 02-20-045 | 388-853-010 | AMD-P | 02-11-143 | 388-890-0280 | REP-P | 02-20-043 |
| 388-825-580 | NEW-E | 02-14-064 | 388-853-010 | AMD | 02-16-014 | 388-890-0285 | REP-P | 02-20-043 |
| 388-825-580 | NEW-E | 02-20-045 | 388-853-030 | AMD-P | 02-11-143 | 388-890-0290 | REP-P | 02-20-043 |
| 388-825-585 | NEW-E | 02-20-045 | 388-853-030 | AMD | 02-16-014 | 388-890-0295 | REP-P | 02-20-043 |

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| 388-891-0625 | NEW-P | 02-20-043 | 388-891-1010 | NEW-P | 02-20-043 | 390-18-025 | NEW-P | 02-09-080 |
| 388-891-0630 | NEW-P | 02-20-043 | 388-891-1015 | NEW-P | 02-20-043 | 390-18-025 | NEW | 02-12-007 |
| 388-891-0635 | NEW-P | 02-20-043 | 388-891-1020 | NEW-P | 02-20-043 | 390-18-040 | AMD | 02-03-018 |
| 388-891-0640 | NEW-P | 02-20-043 | 388-891-1025 | NEW-P | 02-20-043 | 390-20-020 | AMD | 02-03-018 |
| 388-891-0645 | NEW-P | 02-20-043 | 388-891-1030 | NEW-P | 02-20-043 | 390-20-105 | AMD | 02-03-018 |
| 388-891-0650 | NEW-P | 02-20-043 | 388-891-1035 | NEW-P | 02-20-043 | 390-20-110 | AMD | 02-03-018 |
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| 388-891-0830 | NEW-P | 02-20-043 | 390-16-032 | AMD | 02-03-018 | 391-25-217 | NEW-E | 02-21-071 |
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| 388-891-0860 | NEW-P | 02-20-043 | 390-16-055 | AMD-P | 02-09-080 | 391-25-476 | NEW-E | 02-21-071 |
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| 415-104-0113 | REP-P | 02-15-153 | 415-108-425 | NEW | 02-03-120 | 415-110-0110 | PREP | 02-06-041 |
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| 415-104-0117 | REP | 02-18-046 | 415-108-570 | AMD | 02-03-120 | 415-110-340 | PREP | 02-11-078 |
| 415-104-0118 | PREP | 02-05-025 | 415-108-640 | AMD | 02-03-120 | 415-110-340 | AMD-P | 02-15-154 |
| 415-104-0118 | PREP | 02-06-041 | 415-108-679 | AMD | 02-03-120 | 415-110-340 | AMD | 02-18-048 |
| 415-104-0118 | REP-P | 02-15-153 | 415-108-680 | AMD-P | 02-15-153 | 415-110-680 | AMD-P | 02-15-153 |
| 415-104-0118 | REP | 02-18-046 | 415-108-680 | AMD | 02-18-046 | 415-110-680 | AMD | 02-18-046 |
| 415-104-0120 | PREP | 02-05-025 | 415-108-690 | AMD | 02-03-120 | 415-110-690 | AMD-P | 02-15-153 |
| 415-104-0120 | PREP | 02-06-041 | 415-108-700 | AMD-P | 02-15-153 | 415-110-690 | AMD | 02-18-046 |
| 415-104-0120 | REP-P | 02-15-153 | 415-108-700 | AMD | 02-18-046 | 415-110-700 | AMD-P | 02-15-153 |
| 415-104-0120 | REP | 02-18-046 | 415-108-710 | AMD-P | 02-15-153 | 415-110-700 | AMD | 02-18-046 |
| 415-104-0121 | PREP | 02-05-025 | 415-108-710 | AMD | 02-18-046 | 415-110-725 | AMD-P | 02-15-153 |
| 415-104-0121 | PREP | 02-06-041 | 415-108-720 | AMD | 02-03-120 | 415-110-725 | AMD | 02-18-046 |
| 415-104-0121 | REP-P | 02-15-153 | 415-108-725 | AMD-P | 02-15-153 | 415-110-728 | AMD-P | 02-15-153 |
| 415-104-0121 | REP | 02-18-046 | 415-108-725 | AMD | 02-18-046 | 415-110-728 | AMD | 02-18-046 |
| 415-104-0122 | PREP | 02-05-025 | 415-108-726 | AMD-P | 02-15-153 | 415-110-815 | NEW | 02-03-120 |
| 415-104-0122 | PREP | 02-06-041 | 415-108-726 | AMD | 02-18-046 | 415-110-910 | AMD | 02-03-120 |
| 415-104-0122 | REP-P | 02-15-153 | 415-108-727 | NEW | 02-03-120 | 415-111-100 | AMD | 02-03-120 |
| 415-104-0122 | REP | 02-18-046 | 415-108-727 | AMD-P | 02-18-074 | 415-111-110 | AMD | 02-03-120 |
| 415-104-0125 | PREP | 02-05-025 | 415-108-728 | AMD-P | 02-15-153 | 415-111-220 | PREP | 02-08-063 |
| 415-104-0125 | PREP | 02-06-041 | 415-108-728 | AMD | 02-18-046 | 415-111-310 | AMD | 02-03-120 |
| 415-104-0125 | REP-P | 02-15-153 | 415-108-815 | NEW | 02-03-120 | 415-111-400 | NEW | 02-03-120 |

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| 415-111-410 | NEW | 02-03-120 | 415-112-060 | NEW-P | 02-10-098 | 415-113-055 | AMD-P | 02-15-153 |
| 415-111-440 | NEW | 02-03-120 | 415-112-060 | NEW | 02-14-009 | 415-113-055 | AMD | 02-18-046 |
| 415-111-450 | NEW | 02-03-120 | 415-112-070 | NEW-P | 02-10-098 | 415-113-057 | AMD-P | 02-15-153 |
| 415-111-450 | AMD-P | 02-09-055 | 415-112-070 | NEW | 02-14-009 | 415-113-057 | AMD | 02-18-046 |
| 415-111-450 | AMD | 02-12-084 | 415-112-125 | AMD-P | 02-15-153 | 415-113-065 | AMD | 02-03-120 |
| 415-112-015 | PREP | 02-05-025 | 415-112-125 | AMD | 02-18-046 | 415-113-065 | AMD-P | 02-15-153 |
| 415-112-015 | PREP | 02-06-041 | 415-112-130 | AMD-P | 02-15-153 | 415-113-065 | AMD | 02-18-046 |
| 415-112-015 | AMD-P | 02-15-153 | 415-112-130 | AMD | 02-18-046 | 415-113-070 | AMD | 02-03-120 |
| 415-112-015 | AMD | 02-18-046 | 415-112-135 | AMD-P | 02-15-153 | 415-113-070 | AMD-P | 02-15-153 |
| 415-112-0151 | PREP | 02-05-025 | 415-112-135 | AMD | 02-18-046 | 415-113-070 | AMD | 02-18-046 |
| 415-112-0151 | PREP | 02-06-041 | 415-112-155 | AMD-P | 02-15-153 | 415-113-080 | AMD-P | 02-15-153 |
| 415-112-0151 | REP-P | 02-15-153 | 415-112-155 | AMD | 02-18-046 | 415-113-080 | AMD | 02-18-046 |
| 415-112-0151 | REP | 02-18-046 | 415-112-156 | AMD-P | 02-15-153 | 415-113-082 | AMD-P | 02-15-153 |
| 415-112-0154 | PREP | 02-05-025 | 415-112-156 | AMD | 02-18-046 | 415-113-082 | AMD | 02-18-046 |
| 415-112-0154 | PREP | 02-06-041 | 415-112-230 | AMD-X | 02-21-025 | 415-113-084 | AMD-P | 02-15-153 |
| 415-112-0154 | REP-P | 02-15-153 | 415-112-250 | AMD | 02-03-120 | 415-113-084 | AMD | 02-18-046 |
| 415-112-0154 | REP | 02-18-046 | 415-112-400 | AMD | 02-03-120 | 415-113-090 | AMD | 02-03-120 |
| 415-112-0156 | PREP | 02-05-025 | 415-112-412 | AMD | 02-03-120 | 415-113-090 | AMD-P | 02-15-153 |
| 415-112-0156 | PREP | 02-06-041 | 415-112-413 | AMD | 02-03-120 | 415-113-090 | AMD | 02-18-046 |
| 415-112-0156 | REP-P | 02-15-153 | 415-112-541 | AMD-P | 02-15-153 | 415-113-100 | AMD-P | 02-15-153 |
| 415-112-0156 | REP | 02-18-046 | 415-112-541 | AMD | 02-18-046 | 415-113-100 | AMD | 02-18-046 |
| 415-112-0157 | PREP | 02-05-025 | 415-112-725 | AMD | 02-03-120 | 415-113-200 | AMD | 02-03-120 |
| 415-112-0157 | PREP | 02-06-041 | 415-113-030 | PREP | 02-06-041 | 415-200-030 | AMD | 02-03-120 |
| 415-112-0157 | REP-P | 02-15-153 | 415-113-030 | AMD-P | 02-15-153 | 415-501-305 | REP-W | 02-11-028 |
| 415-112-0157 | REP | 02-18-046 | 415-113-030 | AMD | 02-18-046 | 415-501-495 | AMD-P | 02-09-055 |
| 415-112-0158 | PREP | 02-05-025 | 415-113-0301 | PREP | 02-06-041 | 415-501-495 | AMD | 02-12-084 |
| 415-112-0158 | PREP | 02-06-041 | 415-113-0301 | REP-P | 02-15-153 | 420- 12-060 | AMD | 02-05-050 |
| 415-112-0158 | REP-P | 02-15-153 | 415-113-0301 | REP | 02-18-046 | 434-208-060 | AMD-P | 02-11-133 |
| 415-112-0158 | REP | 02-18-046 | 415-113-0302 | PREP | 02-06-041 | 434-208-060 | AMD-E | 02-14-088 |
| 415-112-0159 | PREP | 02-05-025 | 415-113-0302 | REP-P | 02-15-153 | 434-208-060 | AMD | 02-15-156 |
| 415-112-0159 | PREP | 02-06-041 | 415-113-0302 | REP | 02-18-046 | 434-215-005 | RECOD | 02-09-007 |
| 415-112-0159 | REP-P | 02-15-153 | 415-113-0303 | AMD | 02-03-120 | 434-215-012 | RECOD | 02-09-007 |
| 415-112-0159 | REP | 02-18-046 | 415-113-0303 | PREP | 02-06-041 | 434-215-012 | AMD-P | 02-11-133 |
| 415-112-0160 | PREP | 02-05-025 | 415-113-0303 | REP-P | 02-15-153 | 434-215-012 | AMD-E | 02-14-088 |
| 415-112-0160 | PREP | 02-06-041 | 415-113-0303 | REP | 02-18-046 | 434-215-012 | AMD | 02-15-156 |
| 415-112-0160 | REP-P | 02-15-153 | 415-113-0304 | PREP | 02-06-041 | 434-215-020 | RECOD | 02-09-007 |
| 415-112-0160 | REP | 02-18-046 | 415-113-0304 | REP-P | 02-15-153 | 434-215-050 | RECOD | 02-09-007 |
| 415-112-0161 | PREP | 02-05-025 | 415-113-0304 | REP | 02-18-046 | 434-215-060 | RECOD | 02-09-007 |
| 415-112-0161 | PREP | 02-06-041 | 415-113-0305 | PREP | 02-06-041 | 434-215-070 | NEW-P | 02-11-133 |
| 415-112-0161 | REP-P | 02-15-153 | 415-113-0305 | REP-P | 02-15-153 | 434-215-070 | NEW-E | 02-14-088 |
| 415-112-0161 | REP | 02-18-046 | 415-113-0305 | REP | 02-18-046 | 434-215-070 | NEW | 02-15-156 |
| 415-112-0162 | PREP | 02-05-025 | 415-113-0306 | PREP | 02-06-041 | 434-215-080 | NEW-P | 02-11-133 |
| 415-112-0162 | PREP | 02-06-041 | 415-113-0306 | REP-P | 02-15-153 | 434-215-080 | NEW-E | 02-14-088 |
| 415-112-0162 | REP-P | 02-15-153 | 415-113-0306 | REP | 02-18-046 | 434-215-080 | NEW | 02-15-156 |
| 415-112-0162 | REP | 02-18-046 | 415-113-0307 | PREP | 02-06-041 | 434-215-090 | NEW-P | 02-11-133 |
| 415-112-0163 | PREP | 02-05-025 | 415-113-0307 | REP-P | 02-15-153 | 434-215-090 | NEW-E | 02-14-088 |
| 415-112-0163 | PREP | 02-06-041 | 415-113-0307 | REP | 02-18-046 | 434-215-090 | NEW | 02-15-156 |
| 415-112-0163 | REP-P | 02-15-153 | 415-113-0308 | PREP | 02-06-041 | 434-215-110 | NEW-P | 02-11-133 |
| 415-112-0163 | REP | 02-18-046 | 415-113-0308 | REP-P | 02-15-153 | 434-215-110 | NEW-E | 02-14-088 |
| 415-112-0165 | PREP | 02-05-025 | 415-113-0308 | REP | 02-18-046 | 434-215-110 | NEW | 02-15-156 |
| 415-112-0165 | PREP | 02-06-041 | 415-113-0309 | PREP | 02-06-041 | 434-228-005 | DECOD | 02-09-007 |
| 415-112-0165 | REP-P | 02-15-153 | 415-113-0309 | REP-P | 02-15-153 | 434-228-012 | DECOD | 02-09-007 |
| 415-112-0165 | REP | 02-18-046 | 415-113-0309 | REP | 02-18-046 | 434-228-020 | DECOD | 02-09-007 |
| 415-112-0167 | PREP | 02-05-025 | 415-113-0310 | REP | 02-03-120 | 434-228-050 | DECOD | 02-09-007 |
| 415-112-0167 | PREP | 02-06-041 | 415-113-041 | AMD | 02-03-120 | 434-228-060 | DECOD | 02-09-007 |
| 415-112-0167 | REP-P | 02-15-153 | 415-113-041 | AMD-P | 02-15-153 | 434-230-140 | NEW-P | 02-03-134 |
| 415-112-0167 | REP | 02-18-046 | 415-113-041 | AMD | 02-18-046 | 434-230-140 | NEW | 02-07-029 |
| 415-112-040 | PREP | 02-11-078 | 415-113-042 | AMD | 02-03-120 | 434-236-010 | DECOD | 02-09-007 |
| 415-112-040 | AMD-P | 02-15-154 | 415-113-042 | AMD-P | 02-15-153 | 434-236-020 | DECOD | 02-09-007 |
| 415-112-040 | AMD | 02-18-048 | 415-113-042 | AMD | 02-18-046 | 434-236-025 | NEW-P | 02-03-133 |
| 415-112-050 | NEW-P | 02-10-098 | 415-113-045 | AMD-P | 02-15-153 | 434-236-025 | NEW | 02-07-028 |
| 415-112-050 | NEW | 02-14-009 | 415-113-045 | AMD | 02-18-046 | 434-236-025 | DECOD | 02-09-007 |

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| 434-236-030 | AMD-P | 02-03-133 | 434-240-020 | AMD | 02-07-028 | 434-333-030 | RECOD | 02-09-007 |
| 434-236-030 | AMD | 02-07-028 | 434-240-025 | REP-P | 02-03-133 | 434-333-035 | RECOD | 02-09-007 |
| 434-236-030 | DECOD | 02-09-007 | 434-240-025 | REP | 02-07-028 | 434-333-040 | RECOD | 02-09-007 |
| 434-236-040 | REP-P | 02-03-133 | 434-240-027 | NEW-P | 02-03-133 | 434-333-045 | RECOD | 02-09-007 |
| 434-236-040 | REP | 02-07-028 | 434-240-027 | NEW | 02-07-028 | 434-333-050 | RECOD | 02-09-007 |
| 434-236-050 | REP-P | 02-03-133 | 434-240-060 | AMD-P | 02-03-133 | 434-333-055 | RECOD | 02-09-007 |
| 434-236-050 | REP | 02-07-028 | 434-240-060 | AMD | 02-07-028 | 434-333-060 | RECOD | 02-09-007 |
| 434-236-055 | NEW-P | 02-03-133 | 434-240-080 | NEW-P | 02-03-133 | 434-333-063 | RECOD | 02-09-007 |
| 434-236-055 | NEW | 02-07-028 | 434-240-080 | NEW | 02-07-028 | 434-333-065 | RECOD | 02-09-007 |
| 434-236-055 | DECOD | 02-09-007 | 434-240-090 | AMD-P | 02-03-133 | 434-333-070 | RECOD | 02-09-007 |
| 434-236-060 | AMD-P | 02-03-133 | 434-240-090 | AMD | 02-07-028 | 434-333-075 | RECOD | 02-09-007 |
| 434-236-060 | AMD | 02-07-028 | 434-240-120 | AMD-P | 02-03-133 | 434-333-082 | RECOD | 02-09-007 |
| 434-236-060 | DECOD | 02-09-007 | 434-240-120 | AMD | 02-07-028 | 434-333-085 | RECOD | 02-09-007 |
| 434-236-070 | AMD-P | 02-03-133 | 434-240-130 | AMD-P | 02-03-133 | 434-333-090 | RECOD | 02-09-007 |
| 434-236-070 | AMD | 02-07-028 | 434-240-130 | AMD | 02-07-028 | 434-333-095 | RECOD | 02-09-007 |
| 434-236-070 | DECOD | 02-09-007 | 434-240-150 | AMD-P | 02-03-133 | 434-333-100 | RECOD | 02-09-007 |
| 434-236-080 | AMD-P | 02-03-133 | 434-240-150 | AMD | 02-07-028 | 434-333-105 | RECOD | 02-09-007 |
| 434-236-080 | AMD | 02-07-028 | 434-240-160 | REP-P | 02-03-133 | 434-333-110 | RECOD | 02-09-007 |
| 434-236-080 | DECOD | 02-09-007 | 434-240-160 | REP | 02-07-028 | 434-333-120 | RECOD | 02-09-007 |
| 434-236-090 | AMD-P | 02-03-134 | 434-240-190 | AMD-P | 02-03-133 | 434-333-125 | RECOD | 02-09-007 |
| 434-236-090 | AMD | 02-07-029 | 434-240-190 | AMD | 02-07-028 | 434-333-127 | RECOD | 02-09-007 |
| 434-236-090 | DECOD | 02-09-007 | 434-240-190 | AMD-E | 02-14-017 | 434-333-130 | RECOD | 02-09-007 |
| 434-236-100 | AMD-P | 02-03-133 | 434-240-200 | AMD-P | 02-03-134 | 434-333-135 | RECOD | 02-09-007 |
| 434-236-100 | AMD | 02-07-028 | 434-240-200 | AMD | 02-07-029 | 434-333-140 | RECOD | 02-09-007 |
| 434-236-100 | DECOD | 02-09-007 | 434-240-205 | AMD-P | 02-03-133 | 434-333-145 | RECOD | 02-09-007 |
| 434-236-110 | AMD-P | 02-03-133 | 434-240-205 | AMD | 02-07-028 | 434-333-150 | RECOD | 02-09-007 |
| 434-236-110 | AMD | 02-07-028 | 434-240-230 | AMD-P | 02-03-133 | 434-333-155 | RECOD | 02-09-007 |
| 434-236-110 | DECOD | 02-09-007 | 434-240-230 | AMD | 02-07-028 | 434-333-160 | RECOD | 02-09-007 |
| 434-236-120 | DECOD | 02-09-007 | 434-240-235 | AMD-P | 02-03-133 | 434-333-165 | RECOD | 02-09-007 |
| 434-236-140 | AMD-P | 02-03-133 | 434-240-235 | AMD | 02-07-028 | 434-333-170 | RECOD | 02-09-007 |
| 434-236-140 | AMD | 02-07-028 | 434-240-240 | AMD-P | 02-03-134 | 434-333-175 | RECOD | 02-09-007 |
| 434-236-140 | DECOD | 02-09-007 | 434-240-240 | AMD | 02-07-029 | 434-334-010 | DECOD | 02-09-007 |
| 434-236-160 | DECOD | 02-09-007 | 434-240-250 | AMD-P | 02-03-133 | 434-334-015 | DECOD | 02-09-007 |
| 434-236-170 | DECOD | 02-09-007 | 434-240-250 | AMD | 02-07-028 | 434-334-020 | DECOD | 02-09-007 |
| 434-236-180 | AMD-P | 02-03-133 | 434-240-320 | AMD-P | 02-03-133 | 434-334-025 | DECOD | 02-09-007 |
| 434-236-180 | AMD | 02-07-028 | 434-240-320 | AMD | 02-07-028 | 434-334-030 | DECOD | 02-09-007 |
| 434-236-180 | DECOD | 02-09-007 | 434-253-043 | NEW-P | 02-03-134 | 434-334-035 | DECOD | 02-09-007 |
| 434-236-200 | DECOD | 02-09-007 | 434-253-043 | NEW | 02-07-029 | 434-334-040 | DECOD | 02-09-007 |
| 434-236-210 | REP-P | 02-03-133 | 434-253-045 | NEW-P | 02-03-134 | 434-334-045 | DECOD | 02-09-007 |
| 434-236-210 | REP | 02-07-028 | 434-253-045 | NEW | 02-07-029 | 434-334-050 | DECOD | 02-09-007 |
| 434-238-010 | RECOD | 02-09-007 | 434-253-047 | NEW-P | 02-03-134 | 434-334-055 | DECOD | 02-09-007 |
| 434-238-020 | RECOD | 02-09-007 | 434-253-047 | NEW | 02-07-029 | 434-334-060 | DECOD | 02-09-007 |
| 434-238-025 | RECOD | 02-09-007 | 434-253-049 | NEW-P | 02-03-134 | 434-334-063 | DECOD | 02-09-007 |
| 434-238-030 | RECOD | 02-09-007 | 434-253-049 | NEW | 02-07-029 | 434-334-065 | DECOD | 02-09-007 |
| 434-238-055 | RECOD | 02-09-007 | 434-261-005 | AMD-P | 02-03-134 | 434-334-070 | DECOD | 02-09-007 |
| 434-238-060 | RECOD | 02-09-007 | 434-261-005 | AMD | 02-07-029 | 434-334-075 | DECOD | 02-09-007 |
| 434-238-070 | RECOD | 02-09-007 | 434-261-070 | AMD-P | 02-03-134 | 434-334-082 | DECOD | 02-09-007 |
| 434-238-080 | RECOD | 02-09-007 | 434-261-070 | AMD | 02-07-029 | 434-334-085 | DECOD | 02-09-007 |
| 434-238-090 | RECOD | 02-09-007 | 434-261-075 | NEW-P | 02-03-134 | 434-334-090 | DECOD | 02-09-007 |
| 434-238-100 | RECOD | 02-09-007 | 434-261-075 | NEW | 02-07-029 | 434-334-095 | DECOD | 02-09-007 |
| 434-238-110 | RECOD | 02-09-007 | 434-261-085 | NEW-P | 02-03-134 | 434-334-100 | DECOD | 02-09-007 |
| 434-238-120 | RECOD | 02-09-007 | 434-261-085 | NEW | 02-07-029 | 434-334-105 | DECOD | 02-09-007 |
| 434-238-140 | RECOD | 02-09-007 | 434-262-020 | AMD-P | 02-03-133 | 434-334-110 | DECOD | 02-09-007 |
| 434-238-160 | RECOD | 02-09-007 | 434-262-020 | AMD | 02-07-028 | 434-334-120 | DECOD | 02-09-007 |
| 434-238-170 | RECOD | 02-09-007 | 434-262-150 | AMD-P | 02-03-134 | 434-334-125 | DECOD | 02-09-007 |
| 434-238-180 | RECOD | 02-09-007 | 434-262-150 | AMD | 02-07-029 | 434-334-127 | DECOD | 02-09-007 |
| 434-238-200 | RECOD | 02-09-007 | 434-332-010 | REP-X | 02-09-008 | 434-334-130 | DECOD | 02-09-007 |
| 434-240-010 | AMD-P | 02-03-133 | 434-332-010 | REP | 02-13-097 | 434-334-135 | DECOD | 02-09-007 |
| 434-240-010 | AMD | 02-07-028 | 434-333-010 | RECOD | 02-09-007 | 434-334-140 | DECOD | 02-09-007 |
| 434-240-010 | AMD-X | 02-15-157 | 434-333-015 | RECOD | 02-09-007 | 434-334-145 | DECOD | 02-09-007 |
| 434-240-010 | AMD | 02-20-037 | 434-333-020 | RECOD | 02-09-007 | 434-334-150 | DECOD | 02-09-007 |
| 434-240-020 | AMD-P | 02-03-133 | 434-333-025 | RECOD | 02-09-007 | 434-334-155 | DECOD | 02-09-007 |

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| 434-334-160 | DECOD | 02-09-007 | 458- 19-055 | PREP | 02-10-110 | 458- 30-700 | NEW | 02-05-043 |
| 434-334-165 | DECOD | 02-09-007 | 458- 19-055 | AMD-P | 02-16-055 | 458- 30-700 | AMD-X | 02-15-107 |
| 434-334-170 | DECOD | 02-09-007 | 458- 19-060 | PREP | 02-10-110 | 458- 30-700 | AMD | 02-20-041 |
| 434-334-175 | DECOD | 02-09-007 | 458- 19-060 | AMD-P | 02-16-055 | 458- 40-610 | PREP | 02-08-068 |
| 434-670-010 | NEW-X | 02-17-009 | 458- 19-065 | PREP | 02-10-110 | 458- 40-610 | AMD-P | 02-15-079 |
| 434-670-020 | NEW-X | 02-17-009 | 458- 19-065 | AMD-P | 02-16-055 | 458- 40-610 | AMD | 02-21-005 |
| 434-670-030 | NEW-X | 02-17-009 | 458- 19-070 | PREP | 02-10-110 | 458- 40-660 | PREP | 02-06-031 |
| 434-670-040 | NEW-X | 02-17-009 | 458- 19-070 | AMD-P | 02-16-055 | 458- 40-660 | AMD-P | 02-10-136 |
| 434-670-050 | NEW-X | 02-17-009 | 458- 19-075 | PREP | 02-10-110 | 458- 40-660 | AMD | 02-14-019 |
| 434-670-060 | NEW-X | 02-17-009 | 458- 19-075 | AMD-P | 02-16-055 | 458- 40-660 | PREP | 02-17-078 |
| 434-670-070 | NEW-X | 02-17-009 | 458- 19-080 | PREP | 02-10-110 | 458- 53-030 | PREP | 02-06-108 |
| 434-670-080 | NEW-X | 02-17-009 | 458- 19-080 | AMD-P | 02-16-055 | 458- 53-030 | AMD-P | 02-10-032 |
| 434-670-090 | NEW-X | 02-17-009 | 458- 19-085 | PREP | 02-10-110 | 458- 53-030 | AMD | 02-14-031 |
| 446- 20-285 | PREP | 02-19-052 | 458- 19-085 | NEW-P | 02-16-055 | 458- 53-050 | PREP | 02-06-108 |
| 456- 09-950 | AMD-P | 02-09-029 | 458- 19-550 | PREP | 02-10-110 | 458- 53-050 | AMD-P | 02-10-032 |
| 456- 09-950 | AMD | 02-14-034 | 458- 19-550 | AMD-P | 02-16-055 | 458- 53-050 | AMD | 02-14-031 |
| 456- 10-750 | AMD-P | 02-09-029 | 458- 20-122 | PREP | 02-11-123 | 458- 53-090 | PREP | 02-06-108 |
| 456- 10-750 | AMD | 02-14-034 | 458- 20-135 | PREP | 02-11-148 | 458- 53-090 | REP-P | 02-10-032 |
| 458- 12-090 | REP-P | 02-09-020 | 458- 20-141 | PREP | 02-15-185 | 458- 53-090 | REP | 02-14-031 |
| 458- 12-090 | REP-S | 02-14-056 | 458- 20-151 | PREP | 02-04-054 | 458- 53-140 | PREP | 02-06-108 |
| 458- 12-090 | REP | 02-19-004 | 458- 20-151 | AMD-P | 02-16-015 | 458- 53-140 | AMD-P | 02-10-032 |
| 458- 12-135 | REP-X | 02-09-018 | 458- 20-151 | AMD | 02-21-080 | 458- 53-140 | AMD | 02-14-031 |
| 458- 12-135 | REP | 02-14-011 | 458- 20-165 | AMD-P | 02-17-079 | 458- 57-005 | PREP | 02-12-122 |
| 458- 12-140 | AMD-P | 02-09-019 | 458- 20-17803 | NEW-E | 02-12-063 | 458- 57-005 | AMD-P | 02-15-142 |
| 458- 12-140 | AMD | 02-14-011 | 458- 20-17803 | PREP | 02-15-184 | 458- 57-005 | AMD | 02-18-078 |
| 458- 12-270 | REP-P | 02-09-020 | 458- 20-17803 | NEW-E | 02-20-061 | 458- 57-015 | PREP | 02-12-122 |
| 458- 12-270 | REP-S | 02-14-056 | 458- 20-185 | PREP | 02-13-081 | 458- 57-015 | AMD-P | 02-15-142 |
| 458- 12-270 | REP | 02-19-004 | 458- 20-185 | AMD-E | 02-13-082 | 458- 57-015 | AMD | 02-18-078 |
| 458- 12-275 | REP-P | 02-09-020 | 458- 20-192 | AMD-X | 02-10-033 | 458- 57-017 | PREP | 02-12-122 |
| 458- 12-275 | REP-S | 02-14-056 | 458- 20-192 | AMD | 02-14-133 | 458- 57-017 | NEW-P | 02-15-142 |
| 458- 12-275 | REP | 02-19-004 | 458- 20-208 | PREP | 02-09-068 | 458- 57-017 | NEW | 02-18-078 |
| 458- 12-280 | REP-P | 02-09-020 | 458- 20-208 | AMD-P | 02-18-035 | 458- 57-025 | PREP | 02-12-122 |
| 458- 12-280 | REP-S | 02-14-056 | 458- 20-209 | PREP | 02-11-123 | 458- 57-025 | AMD-P | 02-15-142 |
| 458- 12-280 | REP | 02-19-004 | 458- 20-210 | PREP | 02-11-123 | 458- 57-025 | AMD | 02-18-078 |
| 458- 16-115 | AMD-P | 02-09-020 | 458- 20-217 | AMD-X | 02-11-044 | 458- 57-035 | PREP | 02-12-122 |
| 458- 16-115 | AMD-S | 02-14-056 | 458- 20-217 | AMD | 02-15-158 | 458- 57-035 | AMD-P | 02-15-142 |
| 458- 16-115 | AMD | 02-19-004 | 458- 20-24003 | PREP | 02-15-078 | 458- 57-035 | AMD | 02-18-078 |
| 458- 16-560 | PREP | 02-07-077 | 458- 20-251 | PREP | 02-20-096 | 458- 57-045 | PREP | 02-12-122 |
| 458- 16-560 | NEW-P | 02-11-051 | 458- 20-252 | PREP | 02-06-030 | 458- 57-045 | AMD-P | 02-15-142 |
| 458- 16-560 | NEW | 02-15-020 | 458- 20-260 | AMD-W | 02-02-088 | 458- 57-045 | AMD | 02-18-078 |
| 458- 18-220 | AMD | 02-03-039 | 458- 20-260 | AMD-P | 02-06-032 | 460- 10A-215 | NEW-P | 02-13-050 |
| 458- 18-220 | AMD-X | 02-19-096 | 458- 20-260 | AMD | 02-16-016 | 460- 10A-215 | NEW | 02-18-044 |
| 458- 19-005 | PREP | 02-10-110 | 458- 20-265 | PREP | 02-06-030 | 460- 12A-010 | NEW-P | 02-07-027 |
| 458- 19-005 | AMD-P | 02-16-055 | 458- 29A-400 | PREP | 02-08-067 | 460- 12A-010 | NEW | 02-10-103 |
| 458- 19-010 | PREP | 02-10-110 | 458- 29A-400 | AMD-P | 02-13-106 | 460- 16A-205 | PREP | 02-15-069 |
| 458- 19-010 | AMD-P | 02-16-055 | 458- 29A-400 | AMD | 02-18-036 | 460- 16A-205 | AMD-P | 02-19-092 |
| 458- 19-015 | PREP | 02-10-110 | 458- 30-200 | AMD-X | 02-15-107 | 460- 21B-060 | AMD-X | 02-14-057 |
| 458- 19-015 | REP-P | 02-16-055 | 458- 30-200 | AMD | 02-20-041 | 460- 21B-060 | AMD | 02-19-093 |
| 458- 19-020 | PREP | 02-10-110 | 458- 30-210 | AMD-X | 02-15-107 | 460- 22B-090 | AMD-X | 02-14-057 |
| 458- 19-020 | AMD-P | 02-16-055 | 458- 30-210 | AMD | 02-20-041 | 460- 22B-090 | AMD | 02-19-093 |
| 458- 19-025 | PREP | 02-10-110 | 458- 30-232 | AMD-X | 02-15-107 | 460- 24A-145 | AMD-X | 02-14-057 |
| 458- 19-025 | AMD-P | 02-16-055 | 458- 30-232 | AMD | 02-20-041 | 460- 24A-145 | AMD | 02-19-093 |
| 458- 19-030 | PREP | 02-10-110 | 458- 30-262 | AMD | 02-03-040 | 461- 08-320 | AMD | 02-06-008 |
| 458- 19-030 | AMD-P | 02-16-055 | 458- 30-262 | AMD-X | 02-19-095 | 461- 08-355 | AMD | 02-06-009 |
| 458- 19-035 | PREP | 02-10-110 | 458- 30-275 | AMD-X | 02-15-107 | 461- 08-500 | AMD | 02-06-010 |
| 458- 19-035 | AMD-P | 02-16-055 | 458- 30-275 | AMD | 02-20-041 | 461- 08-505 | AMD | 02-06-010 |
| 458- 19-040 | PREP | 02-10-110 | 458- 30-325 | AMD-X | 02-15-107 | 465- 10-010 | NEW-X | 02-13-092 |
| 458- 19-040 | AMD-P | 02-16-055 | 458- 30-325 | AMD | 02-20-041 | 465- 10-010 | NEW | 02-20-024 |
| 458- 19-045 | PREP | 02-10-110 | 458- 30-500 | AMD-X | 02-15-107 | 465- 10-020 | NEW-X | 02-13-092 |
| 458- 19-045 | AMD-P | 02-16-055 | 458- 30-500 | AMD | 02-20-041 | 465- 10-020 | NEW | 02-20-024 |
| 458- 19-050 | PREP | 02-10-110 | 458- 30-590 | AMD | 02-03-041 | 465- 10-030 | NEW-X | 02-13-092 |
| 458- 19-050 | AMD-P | 02-16-055 | 458- 30-590 | AMD-X | 02-20-097 | 465- 10-030 | NEW | 02-20-024 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 465- 10-040 | NEW-X | 02-13-092 | 478-108-010 | AMD | 02-08-023 | 478-117-250 | NEW | 02-08-023 |
| 465- 10-040 | NEW | 02-20-024 | 478-108-010 | AMD-P | 02-08-066 | 478-117-260 | NEW-P | 02-03-085 |
| 465- 10-050 | NEW-X | 02-13-092 | 478-108-010 | AMD-C | 02-13-066 | 478-117-260 | NEW-E | 02-04-087 |
| 465- 10-050 | NEW | 02-20-024 | 478-108-010 | AMD | 02-15-174 | 478-117-260 | NEW | 02-08-023 |
| 465- 10-060 | NEW-X | 02-13-092 | 478-116-131 | PREP | 02-06-045 | 478-117-270 | NEW-P | 02-03-085 |
| 465- 10-060 | NEW | 02-20-024 | 478-116-131 | AMD-P | 02-10-080 | 478-117-270 | NEW-E | 02-04-087 |
| 465- 10-070 | NEW-X | 02-13-092 | 478-116-131 | AMD-E | 02-11-045 | 478-117-270 | NEW | 02-08-023 |
| 465- 10-070 | NEW | 02-20-024 | 478-116-131 | AMD-C | 02-15-012 | 478-117-280 | NEW-P | 02-03-085 |
| 465- 10-080 | NEW-X | 02-13-092 | 478-116-131 | AMD | 02-20-044 | 478-117-280 | NEW-E | 02-04-087 |
| 465- 10-080 | NEW | 02-20-024 | 478-117-005 | NEW-P | 02-03-085 | 478-117-280 | NEW | 02-08-023 |
| 465- 10-090 | NEW-X | 02-13-092 | 478-117-005 | NEW-E | 02-04-087 | 478-117-300 | NEW-P | 02-03-085 |
| 465- 10-090 | NEW | 02-20-024 | 478-117-005 | NEW | 02-08-023 | 478-117-300 | NEW-E | 02-04-087 |
| 465- 10-100 | NEW-X | 02-13-092 | 478-117-010 | NEW-P | 02-03-085 | 478-117-300 | NEW | 02-08-023 |
| 465- 10-100 | NEW | 02-20-024 | 478-117-010 | NEW-E | 02-04-087 | 478-117-310 | NEW-P | 02-03-085 |
| 465- 10-110 | NEW-X | 02-13-092 | 478-117-010 | NEW | 02-08-023 | 478-117-310 | NEW-E | 02-04-087 |
| 465- 10-110 | NEW | 02-20-024 | 478-117-020 | NEW-P | 02-03-085 | 478-117-310 | NEW | 02-08-023 |
| 465- 20-010 | NEW-X | 02-13-093 | 478-117-020 | NEW-E | 02-04-087 | 478-117-320 | NEW-P | 02-03-085 |
| 465- 20-010 | NEW | 02-20-025 | 478-117-020 | NEW | 02-08-023 | 478-117-320 | NEW-E | 02-04-087 |
| 465- 20-020 | NEW-X | 02-13-093 | 478-117-030 | NEW-P | 02-03-085 | 478-117-320 | NEW | 02-08-023 |
| 465- 20-020 | NEW | 02-20-025 | 478-117-030 | NEW-E | 02-04-087 | 478-117-400 | NEW-P | 02-03-085 |
| 465- 20-030 | NEW-X | 02-13-093 | 478-117-030 | NEW | 02-08-023 | 478-117-400 | NEW-E | 02-04-087 |
| 465- 20-030 | NEW | 02-20-025 | 478-117-040 | NEW-P | 02-03-085 | 478-117-400 | NEW | 02-08-023 |
| 465- 30-010 | NEW-X | 02-13-094 | 478-117-040 | NEW-E | 02-04-087 | 478-117-410 | NEW-P | 02-03-085 |
| 465- 30-010 | NEW | 02-20-026 | 478-117-040 | NEW | 02-08-023 | 478-117-410 | NEW-E | 02-04-087 |
| 465- 40-010 | NEW-X | 02-13-095 | 478-117-050 | NEW-P | 02-03-085 | 478-117-410 | NEW | 02-08-023 |
| 465- 40-010 | NEW | 02-20-027 | 478-117-050 | NEW-E | 02-04-087 | 478-118 | PREP | 02-04-037 |
| 468- 06-040 | AMD | 02-10-021 | 478-117-050 | NEW | 02-08-023 | 478-118 | NEW-C | 02-13-066 |
| 468- 15 | PREP | 02-20-023 | 478-117-060 | NEW-P | 02-03-085 | 478-118-010 | NEW-E | 02-06-042 |
| 468- 38-075 | AMD-P | 02-03-049 | 478-117-060 | NEW-E | 02-04-087 | 478-118-010 | NEW-P | 02-08-066 |
| 468- 38-075 | AMD | 02-06-106 | 478-117-060 | NEW | 02-08-023 | 478-118-010 | NEW | 02-15-174 |
| 468- 38-120 | PREP | 02-10-058 | 478-117-070 | NEW-P | 02-03-085 | 478-118-020 | NEW-E | 02-06-042 |
| 468- 38-120 | AMD-E | 02-10-059 | 478-117-070 | NEW-E | 02-04-087 | 478-118-020 | NEW-P | 02-08-066 |
| 468- 38-120 | AMD-P | 02-14-024 | 478-117-070 | NEW | 02-08-023 | 478-118-020 | NEW | 02-15-174 |
| 468- 38-120 | AMD | 02-17-004 | 478-117-080 | NEW-P | 02-03-085 | 478-118-030 | NEW-E | 02-06-042 |
| 468- 38-250 | AMD-X | 02-21-070 | 478-117-080 | NEW-E | 02-04-087 | 478-118-030 | NEW-P | 02-08-066 |
| 468- 38-340 | AMD-E | 02-15-110 | 478-117-080 | NEW | 02-08-023 | 478-118-030 | NEW | 02-15-174 |
| 468- 38-340 | PREP | 02-15-111 | 478-117-090 | NEW-P | 02-03-085 | 478-118-040 | NEW-E | 02-06-042 |
| 468- 38-390 | AMD-P | 02-03-049 | 478-117-090 | NEW-E | 02-04-087 | 478-118-040 | NEW-P | 02-08-066 |
| 468- 38-390 | AMD | 02-06-106 | 478-117-090 | NEW | 02-08-023 | 478-118-040 | NEW | 02-15-174 |
| 468-300-010 | AMD-P | 02-05-062 | 478-117-100 | NEW-P | 02-03-085 | 478-118-050 | NEW-E | 02-06-042 |
| 468-300-010 | AMD | 02-09-010 | 478-117-100 | NEW-E | 02-04-087 | 478-118-050 | NEW-P | 02-08-066 |
| 468-300-020 | AMD-P | 02-05-062 | 478-117-100 | NEW | 02-08-023 | 478-118-050 | NEW | 02-15-174 |
| 468-300-020 | AMD | 02-09-010 | 478-117-110 | NEW-P | 02-03-085 | 478-118-060 | NEW-E | 02-06-042 |
| 468-300-040 | AMD-P | 02-05-062 | 478-117-110 | NEW-E | 02-04-087 | 478-118-060 | NEW-P | 02-08-066 |
| 468-300-040 | AMD | 02-09-010 | 478-117-110 | NEW | 02-08-023 | 478-118-060 | NEW | 02-15-174 |
| 468-300-220 | AMD-P | 02-05-062 | 478-117-200 | NEW-P | 02-03-085 | 478-118-070 | NEW-E | 02-06-042 |
| 468-300-220 | AMD | 02-09-010 | 478-117-200 | NEW-E | 02-04-087 | 478-118-070 | NEW-P | 02-08-066 |
| 468-550 | PREP | 02-06-004 | 478-117-200 | NEW | 02-08-023 | 478-118-070 | NEW | 02-15-174 |
| 468-550-030 | AMD-P | 02-10-020 | 478-117-210 | NEW-P | 02-03-085 | 478-118-080 | NEW-E | 02-06-042 |
| 468-550-030 | AMD | 02-13-004 | 478-117-210 | NEW-E | 02-04-087 | 478-118-080 | NEW-P | 02-08-066 |
| 468-550-040 | AMD-P | 02-10-020 | 478-117-210 | NEW | 02-08-023 | 478-118-080 | NEW | 02-15-174 |
| 468-550-040 | AMD | 02-13-004 | 478-117-220 | NEW-P | 02-03-085 | 478-118-090 | NEW-E | 02-06-042 |
| 468-550-050 | AMD-P | 02-10-020 | 478-117-220 | NEW-E | 02-04-087 | 478-118-090 | NEW-P | 02-08-066 |
| 468-550-060 | AMD-P | 02-10-020 | 478-117-220 | NEW | 02-08-023 | 478-118-090 | NEW | 02-15-174 |
| 468-550-060 | AMD | 02-13-004 | 478-117-230 | NEW-P | 02-03-085 | 478-118-100 | NEW-E | 02-06-042 |
| 468-550-070 | AMD-P | 02-10-020 | 478-117-230 | NEW-E | 02-04-087 | 478-118-100 | NEW-P | 02-08-066 |
| 468-550-070 | AMD | 02-13-004 | 478-117-230 | NEW | 02-08-023 | 478-118-100 | NEW | 02-15-174 |
| 468-550-080 | AMD-P | 02-10-020 | 478-117-240 | NEW-P | 02-03-085 | 478-118-200 | NEW-E | 02-06-042 |
| 468-550-080 | AMD | 02-13-004 | 478-117-240 | NEW-E | 02-04-087 | 478-118-200 | NEW-P | 02-08-066 |
| 478-108-010 | AMD-P | 02-03-085 | 478-117-240 | NEW | 02-08-023 | 478-118-200 | NEW | 02-15-174 |
| 478-108-010 | AMD-E | 02-04-087 | 478-117-250 | NEW-P | 02-03-085 | 478-118-210 | NEW-E | 02-06-042 |
| 478-108-010 | AMD-E | 02-06-042 | 478-117-250 | NEW-E | 02-04-087 | 478-118-210 | NEW-P | 02-08-066 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 478-118-210 | NEW | 02-15-174 | 480- 40-999 | AMD | 02-18-033 | 480- 75-420 | NEW | 02-18-032 |
| 478-118-220 | NEW-E | 02-06-042 | 480- 51 | PREP | 02-20-105 | 480- 75-430 | NEW-P | 02-12-132 |
| 478-118-220 | NEW-P | 02-08-066 | 480- 62-240 | AMD-X | 02-12-131 | 480- 75-430 | NEW | 02-18-032 |
| 478-118-220 | NEW | 02-15-174 | 480- 62-240 | AMD | 02-18-033 | 480- 75-430 | NEW | 02-20-015 |
| 478-118-230 | NEW-E | 02-06-042 | 480- 62-999 | AMD-X | 02-12-131 | 480- 75-440 | NEW-P | 02-12-132 |
| 478-118-230 | NEW-P | 02-08-066 | 480- 62-999 | AMD | 02-18-033 | 480- 75-440 | NEW | 02-18-032 |
| 478-118-230 | NEW | 02-15-174 | 480- 70 | PREP | 02-10-055 | 480- 75-450 | NEW-P | 02-12-132 |
| 478-118-240 | NEW-E | 02-06-042 | 480- 70 | PREP | 02-20-105 | 480- 75-450 | NEW | 02-18-032 |
| 478-118-240 | NEW-P | 02-08-066 | 480- 70-411 | AMD-P | 02-17-088 | 480- 75-460 | NEW-P | 02-12-132 |
| 478-118-240 | NEW | 02-15-174 | 480- 70-411 | AMD | 02-21-066 | 480- 75-460 | NEW | 02-18-032 |
| 478-118-250 | NEW-E | 02-06-042 | 480- 70-999 | AMD-X | 02-12-131 | 480- 75-500 | NEW-P | 02-12-132 |
| 478-118-250 | NEW-P | 02-08-066 | 480- 70-999 | AMD | 02-18-033 | 480- 75-500 | NEW | 02-18-032 |
| 478-118-250 | NEW | 02-15-174 | 480- 75 | AMD-P | 02-12-132 | 480- 75-510 | NEW-P | 02-12-132 |
| 478-118-260 | NEW-E | 02-06-042 | 480- 75 | AMD | 02-18-032 | 480- 75-510 | NEW | 02-18-032 |
| 478-118-260 | NEW-P | 02-08-066 | 480- 75 | PREP | 02-20-105 | 480- 75-520 | NEW-P | 02-12-132 |
| 478-118-260 | NEW | 02-15-174 | 480- 75-002 | REP-P | 02-12-132 | 480- 75-520 | NEW | 02-18-032 |
| 478-118-270 | NEW-E | 02-06-042 | 480- 75-002 | REP | 02-18-032 | 480- 75-530 | NEW-P | 02-12-132 |
| 478-118-270 | NEW-P | 02-08-066 | 480- 75-005 | REP-P | 02-12-132 | 480- 75-530 | NEW | 02-18-032 |
| 478-118-270 | NEW | 02-15-174 | 480- 75-005 | REP | 02-18-032 | 480- 75-540 | NEW-P | 02-12-132 |
| 478-118-280 | NEW-E | 02-06-042 | 480- 75-010 | REP-P | 02-12-132 | 480- 75-540 | NEW | 02-18-032 |
| 478-118-280 | NEW-P | 02-08-066 | 480- 75-010 | REP | 02-18-032 | 480- 75-550 | NEW-P | 02-12-132 |
| 478-118-280 | NEW | 02-15-174 | 480- 75-100 | NEW-P | 02-12-132 | 480- 75-550 | NEW | 02-18-032 |
| 478-118-280 | NEW-E | 02-06-042 | 480- 75-100 | NEW | 02-18-032 | 480- 75-600 | NEW-P | 02-12-132 |
| 478-118-400 | NEW-P | 02-08-066 | 480- 75-200 | NEW-P | 02-12-132 | 480- 75-600 | NEW | 02-18-032 |
| 478-118-400 | NEW | 02-15-174 | 480- 75-200 | NEW | 02-18-032 | 480- 75-610 | NEW-P | 02-12-132 |
| 478-118-410 | NEW-E | 02-06-042 | 480- 75-210 | NEW-P | 02-12-132 | 480- 75-610 | NEW | 02-18-032 |
| 478-118-410 | NEW-P | 02-08-066 | 480- 75-210 | NEW | 02-18-032 | 480- 75-620 | NEW-P | 02-12-132 |
| 478-118-410 | NEW | 02-15-174 | 480- 75-220 | NEW-P | 02-12-132 | 480- 75-620 | NEW | 02-18-032 |
| 478-118-420 | NEW-E | 02-06-042 | 480- 75-220 | NEW | 02-18-032 | 480- 75-630 | NEW-P | 02-12-132 |
| 478-118-420 | NEW-P | 02-08-066 | 480- 75-223 | REP-P | 02-12-132 | 480- 75-630 | NEW | 02-18-032 |
| 478-118-420 | NEW | 02-15-174 | 480- 75-223 | REP | 02-18-032 | 480- 75-640 | NEW-P | 02-12-132 |
| 478-118-500 | NEW-E | 02-06-042 | 480- 75-230 | REP-P | 02-12-132 | 480- 75-640 | NEW | 02-18-032 |
| 478-118-500 | NEW-P | 02-08-066 | 480- 75-230 | REP | 02-18-032 | 480- 75-650 | NEW-P | 02-12-132 |
| 478-118-500 | NEW | 02-15-174 | 480- 75-240 | NEW | 02-03-016 | 480- 75-650 | NEW | 02-18-032 |
| 478-118-510 | NEW-E | 02-06-042 | 480- 75-250 | NEW-P | 02-12-132 | 480- 75-660 | NEW-P | 02-12-132 |
| 478-118-510 | NEW-P | 02-08-066 | 480- 75-250 | NEW | 02-18-032 | 480- 75-660 | NEW | 02-18-032 |
| 478-118-510 | NEW | 02-15-174 | 480- 75-260 | NEW-P | 02-12-132 | 480- 75-999 | AMD-P | 02-12-132 |
| 478-136-012 | AMD | 02-06-020 | 480- 75-260 | NEW | 02-18-032 | 480- 75-999 | AMD | 02-18-032 |
| 478-136-015 | AMD | 02-06-020 | 480- 75-300 | NEW-P | 02-12-132 | 480- 80-010 | AMD | 02-11-081 |
| 478-136-030 | AMD-E | 02-03-102 | 480- 75-300 | NEW | 02-18-032 | 480- 80-015 | NEW | 02-11-081 |
| 478-136-030 | AMD | 02-06-020 | 480- 75-310 | NEW-P | 02-12-132 | 480- 80-020 | AMD | 02-11-081 |
| 478-160-125 | AMD | 02-06-021 | 480- 75-310 | NEW | 02-18-032 | 480- 80-025 | NEW | 02-11-081 |
| 478-160-130 | AMD | 02-06-021 | 480- 75-320 | NEW-P | 02-12-132 | 480- 80-030 | AMD | 02-11-081 |
| 478-160-140 | AMD | 02-06-021 | 480- 75-320 | NEW | 02-18-032 | 480- 80-031 | NEW | 02-11-081 |
| 478-160-163 | NEW | 02-06-021 | 480- 75-330 | NEW-P | 02-12-132 | 480- 80-035 | REP | 02-11-081 |
| 478-160-175 | AMD | 02-06-021 | 480- 75-330 | NEW | 02-18-032 | 480- 80-040 | REP | 02-11-081 |
| 479- 11-005 | NEW-E | 02-21-011 | 480- 75-340 | NEW-P | 02-12-132 | 480- 80-041 | REP | 02-11-081 |
| 479- 11-008 | NEW-E | 02-21-011 | 480- 75-340 | NEW | 02-18-032 | 480- 80-045 | REP | 02-11-081 |
| 479- 11-100 | NEW-E | 02-21-011 | 480- 75-350 | NEW-P | 02-12-132 | 480- 80-050 | REP | 02-11-081 |
| 479- 11-110 | NEW-E | 02-21-011 | 480- 75-350 | NEW | 02-18-032 | 480- 80-060 | REP | 02-11-081 |
| 479- 11-140 | NEW-E | 02-21-011 | 480- 75-360 | NEW-P | 02-12-132 | 480- 80-070 | REP | 02-11-081 |
| 479- 11-180 | NEW-E | 02-21-011 | 480- 75-360 | NEW | 02-18-032 | 480- 80-080 | REP | 02-11-081 |
| 480- 14-999 | AMD-X | 02-12-131 | 480- 75-370 | NEW-P | 02-12-132 | 480- 80-090 | REP | 02-11-081 |
| 480- 14-999 | AMD | 02-18-033 | 480- 75-370 | NEW | 02-18-032 | 480- 80-100 | REP | 02-11-081 |
| 480- 15 | PREP | 02-20-105 | 480- 75-380 | NEW-P | 02-12-132 | 480- 80-101 | NEW | 02-11-081 |
| 480- 15-999 | AMD-X | 02-12-131 | 480- 75-380 | NEW | 02-18-032 | 480- 80-102 | NEW | 02-11-081 |
| 480- 15-999 | AMD | 02-18-033 | 480- 75-390 | NEW-P | 02-12-132 | 480- 80-103 | NEW | 02-11-081 |
| 480- 30-999 | AMD-X | 02-12-131 | 480- 75-400 | NEW-P | 02-12-132 | 480- 80-104 | NEW | 02-11-081 |
| 480- 30-999 | AMD | 02-18-033 | 480- 75-400 | NEW | 02-18-032 | 480- 80-105 | NEW | 02-11-081 |
| 480- 31-999 | AMD-X | 02-12-131 | 480- 75-410 | NEW-P | 02-12-132 | 480- 80-110 | REP | 02-11-081 |
| 480- 31-999 | AMD | 02-18-033 | 480- 75-410 | NEW | 02-18-032 | 480- 80-111 | NEW | 02-11-081 |
| 480- 40-999 | AMD-X | 02-12-131 | 480- 75-420 | NEW-P | 02-12-132 | 480- 80-112 | NEW | 02-11-081 |

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| 480-80-121 | NEW | 02-11-081 | 480-90-203 | AMD | 02-18-033 | 480-120-061 | AMD-P | 02-12-055 |
| 480-80-122 | NEW | 02-11-081 | 480-90-208 | AMD-X | 02-12-131 | 480-120-081 | REP-P | 02-12-055 |
| 480-80-123 | NEW | 02-11-081 | 480-90-208 | AMD | 02-18-033 | 480-120-087 | REP-P | 02-12-055 |
| 480-80-124 | NEW | 02-11-081 | 480-90-999 | AMD-X | 02-12-131 | 480-120-088 | REP-P | 02-12-055 |
| 480-80-125 | REP | 02-11-081 | 480-90-999 | AMD | 02-18-033 | 480-120-089 | REP-P | 02-12-055 |
| 480-80-130 | REP | 02-11-081 | 480-92 | PREP | 02-20-105 | 480-120-101 | REP-P | 02-12-055 |
| 480-80-131 | NEW | 02-11-081 | 480-93-240 | NEW | 02-03-016 | 480-120-102 | NEW-P | 02-12-055 |
| 480-80-132 | NEW | 02-11-081 | 480-100 | PREP | 02-10-055 | 480-120-103 | NEW-P | 02-12-055 |
| 480-80-133 | NEW | 02-11-081 | 480-100 | PREP | 02-20-105 | 480-120-104 | NEW-P | 02-12-055 |
| 480-80-134 | NEW | 02-11-081 | 480-100-113 | AMD-P | 02-17-088 | 480-120-105 | NEW-P | 02-12-055 |
| 480-80-140 | REP | 02-11-081 | 480-100-113 | AMD | 02-21-066 | 480-120-106 | REP-P | 02-12-055 |
| 480-80-141 | NEW | 02-11-081 | 480-100-118 | AMD-P | 02-17-088 | 480-120-107 | NEW-P | 02-12-055 |
| 480-80-142 | NEW | 02-11-081 | 480-100-118 | AMD | 02-21-066 | 480-120-108 | NEW-P | 02-12-055 |
| 480-80-143 | NEW | 02-11-081 | 480-100-148 | PREP | 02-10-055 | 480-120-112 | NEW-P | 02-12-055 |
| 480-80-150 | REP | 02-11-081 | 480-100-148 | AMD-P | 02-17-088 | 480-120-116 | REP-P | 02-12-055 |
| 480-80-160 | REP | 02-11-081 | 480-100-148 | AMD | 02-21-066 | 480-120-121 | REP-P | 02-12-055 |
| 480-80-170 | REP | 02-11-081 | 480-100-163 | AMD-X | 02-12-131 | 480-120-122 | NEW-P | 02-12-055 |
| 480-80-180 | REP | 02-11-081 | 480-100-163 | AMD | 02-18-033 | 480-120-123 | NEW-P | 02-12-055 |
| 480-80-190 | REP | 02-11-081 | 480-100-193 | AMD | 02-11-081 | 480-120-124 | NEW-P | 02-12-055 |
| 480-80-200 | REP | 02-11-081 | 480-100-194 | NEW | 02-11-081 | 480-120-125 | NEW-P | 02-12-055 |
| 480-80-201 | NEW | 02-11-081 | 480-100-195 | NEW | 02-11-081 | 480-120-125 | NEW | 02-21-067 |
| 480-80-202 | NEW | 02-11-081 | 480-100-197 | NEW | 02-11-081 | 480-120-126 | REP-P | 02-12-055 |
| 480-80-203 | NEW | 02-11-081 | 480-100-198 | NEW | 02-11-081 | 480-120-127 | NEW | 02-11-080 |
| 480-80-204 | NEW | 02-11-081 | 480-100-199 | NEW | 02-11-081 | 480-120-128 | NEW-P | 02-12-055 |
| 480-80-205 | NEW | 02-11-081 | 480-100-203 | AMD-X | 02-12-131 | 480-120-131 | REP-P | 02-12-055 |
| 480-80-206 | NEW | 02-11-081 | 480-100-203 | AMD | 02-18-033 | 480-120-132 | NEW-P | 02-12-055 |
| 480-80-210 | REP | 02-11-081 | 480-100-208 | AMD-X | 02-12-131 | 480-120-133 | NEW-P | 02-12-055 |
| 480-80-220 | REP | 02-11-081 | 480-100-208 | AMD | 02-18-033 | 480-120-136 | REP-P | 02-12-055 |
| 480-80-230 | REP | 02-11-081 | 480-100-999 | AMD-X | 02-12-131 | 480-120-138 | REP-P | 02-12-055 |
| 480-80-240 | REP | 02-11-081 | 480-100-999 | AMD | 02-18-033 | 480-120-139 | REP-P | 02-12-055 |
| 480-80-241 | NEW | 02-11-081 | 480-110 | PREP | 02-10-055 | 480-120-141 | REP-P | 02-12-055 |
| 480-80-242 | NEW | 02-11-081 | 480-110 | PREP | 02-20-105 | 480-120-144 | REP-P | 02-08-081 |
| 480-80-250 | REP | 02-11-081 | 480-110-275 | AMD-X | 02-12-131 | 480-120-146 | NEW-P | 02-12-055 |
| 480-80-260 | REP | 02-11-081 | 480-110-275 | AMD | 02-18-033 | 480-120-147 | NEW-P | 02-12-055 |
| 480-80-270 | REP | 02-11-081 | 480-110-335 | AMD-P | 02-17-088 | 480-120-148 | NEW-P | 02-12-055 |
| 480-80-280 | REP | 02-11-081 | 480-110-335 | AMD | 02-21-066 | 480-120-151 | REP-P | 02-08-081 |
| 480-80-290 | REP | 02-11-081 | 480-110-485 | AMD-X | 02-12-131 | 480-120-152 | REP-P | 02-08-081 |
| 480-80-300 | REP | 02-11-081 | 480-110-485 | AMD | 02-18-033 | 480-120-153 | REP-P | 02-08-081 |
| 480-80-310 | REP | 02-11-081 | 480-110-999 | NEW-X | 02-12-131 | 480-120-154 | REP-P | 02-08-081 |
| 480-80-320 | REP | 02-11-081 | 480-110-999 | NEW | 02-18-033 | 480-120-161 | NEW-P | 02-12-055 |
| 480-80-325 | REP | 02-11-081 | 480-120 | PREP | 02-20-105 | 480-120-162 | NEW-P | 02-12-055 |
| 480-80-326 | REP | 02-11-081 | 480-120-011 | AMD-P | 02-12-055 | 480-120-163 | NEW-P | 02-12-055 |
| 480-80-330 | REP | 02-11-081 | 480-120-015 | AMD-P | 02-12-055 | 480-120-164 | NEW-P | 02-12-055 |
| 480-80-335 | REP | 02-11-081 | 480-120-017 | NEW-P | 02-12-055 | 480-120-165 | NEW-P | 02-12-055 |
| 480-80-340 | REP | 02-11-081 | 480-120-019 | NEW-P | 02-12-055 | 480-120-166 | NEW-P | 02-12-055 |
| 480-80-350 | REP | 02-11-081 | 480-120-021 | AMD-P | 02-12-055 | 480-120-167 | NEW-P | 02-12-055 |
| 480-80-360 | REP | 02-11-081 | 480-120-029 | REP-P | 02-12-055 | 480-120-171 | NEW-P | 02-12-055 |
| 480-80-370 | REP | 02-11-081 | 480-120-031 | REP-P | 02-12-055 | 480-120-172 | NEW-P | 02-12-055 |
| 480-80-380 | REP | 02-11-081 | 480-120-032 | REP-P | 02-12-055 | 480-120-173 | NEW-P | 02-12-055 |
| 480-90 | PREP | 02-10-055 | 480-120-033 | REP-P | 02-12-055 | 480-120-174 | NEW-P | 02-12-055 |
| 480-90 | PREP | 02-20-105 | 480-120-041 | REP-P | 02-12-055 | 480-120-193 | NEW | 02-11-081 |
| 480-90-113 | AMD-P | 02-17-088 | 480-120-042 | REP-P | 02-12-055 | 480-120-194 | NEW | 02-11-081 |
| 480-90-113 | AMD | 02-21-066 | 480-120-043 | REP | 02-11-081 | 480-120-195 | NEW | 02-11-081 |
| 480-90-118 | AMD-P | 02-17-088 | 480-120-043 | REP-P | 02-12-055 | 480-120-196 | NEW | 02-11-081 |
| 480-90-118 | AMD | 02-21-066 | 480-120-045 | REP-P | 02-12-055 | 480-120-197 | NEW | 02-11-081 |
| 480-90-193 | AMD | 02-11-081 | 480-120-046 | REP-P | 02-12-055 | 480-120-198 | NEW | 02-11-081 |
| 480-90-194 | NEW | 02-11-081 | 480-120-051 | REP-P | 02-12-055 | 480-120-199 | NEW | 02-11-081 |
| 480-90-195 | NEW | 02-11-081 | 480-120-052 | REP | 02-11-080 | 480-120-201 | NEW-P | 02-08-081 |
| 480-90-197 | NEW | 02-11-081 | 480-120-056 | REP-P | 02-12-055 | 480-120-202 | NEW-P | 02-08-081 |
| 480-90-198 | NEW | 02-11-081 | 480-120-057 | REP-P | 02-12-055 | 480-120-203 | NEW-P | 02-08-081 |
| 480-90-199 | NEW | 02-11-081 | 480-120-057 | REP | 02-21-067 | 480-120-204 | NEW-P | 02-08-081 |
| 480-90-203 | AMD-X | 02-12-131 | 480-120-058 | REP | 02-11-080 | 480-120-205 | NEW-P | 02-08-081 |

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| 480-120-206 | NEW-P | 02-08-081 | 480-121-010 | REP | 02-11-080 | 504- 25-004 | NEW-P | 02-11-093 |
| 480-120-207 | NEW-P | 02-08-081 | 480-121-011 | NEW | 02-11-080 | 504- 25-004 | NEW | 02-15-075 |
| 480-120-208 | NEW-P | 02-08-081 | 480-121-015 | AMD | 02-11-080 | 504- 25-005 | REP-P | 02-11-093 |
| 480-120-209 | NEW-P | 02-08-081 | 480-121-016 | NEW | 02-11-080 | 504- 25-005 | REP | 02-15-075 |
| 480-120-211 | NEW-P | 02-08-081 | 480-121-017 | NEW | 02-11-080 | 504- 25-010 | REP-P | 02-11-093 |
| 480-120-212 | NEW-P | 02-08-081 | 480-121-018 | NEW | 02-11-080 | 504- 25-010 | REP | 02-15-075 |
| 480-120-213 | NEW-P | 02-08-081 | 480-121-020 | AMD-S | 02-07-041 | 504- 25-011 | NEW-P | 02-11-093 |
| 480-120-214 | NEW-P | 02-08-081 | 480-121-020 | AMD | 02-11-080 | 504- 25-011 | NEW | 02-15-075 |
| 480-120-215 | NEW-P | 02-08-081 | 480-121-023 | REP | 02-11-080 | 504- 25-012 | NEW-P | 02-11-093 |
| 480-120-216 | NEW-P | 02-08-081 | 480-121-026 | AMD | 02-11-080 | 504- 25-012 | NEW | 02-15-075 |
| 480-120-251 | NEW-P | 02-12-055 | 480-121-030 | REP | 02-11-080 | 504- 25-013 | NEW-P | 02-11-093 |
| 480-120-252 | NEW-P | 02-12-055 | 480-121-040 | AMD | 02-11-080 | 504- 25-013 | NEW | 02-15-075 |
| 480-120-253 | NEW-P | 02-12-055 | 480-121-050 | REP | 02-11-080 | 504- 25-014 | NEW-P | 02-11-093 |
| 480-120-254 | NEW-P | 02-12-055 | 480-121-060 | AMD | 02-11-080 | 504- 25-014 | NEW | 02-15-075 |
| 480-120-255 | NEW-P | 02-12-055 | 480-121-061 | AMD | 02-11-080 | 504- 25-015 | AMD-P | 02-11-093 |
| 480-120-256 | NEW-P | 02-12-055 | 480-121-062 | AMD | 02-11-080 | 504- 25-015 | AMD | 02-15-075 |
| 480-120-257 | NEW-P | 02-12-055 | 480-121-063 | AMD-S | 02-07-041 | 504- 25-018 | NEW-P | 02-11-093 |
| 480-120-261 | NEW-P | 02-12-055 | 480-121-063 | AMD | 02-11-080 | 504- 25-018 | NEW | 02-15-075 |
| 480-120-262 | NEW-P | 02-12-055 | 480-121-064 | AMD | 02-11-080 | 504- 25-020 | AMD-P | 02-11-093 |
| 480-120-263 | NEW-P | 02-12-055 | 480-121-065 | NEW | 02-11-081 | 504- 25-020 | AMD | 02-15-075 |
| 480-120-264 | NEW | 02-11-080 | 480-121-070 | REP | 02-11-080 | 504- 25-025 | AMD-P | 02-11-093 |
| 480-120-265 | NEW-P | 02-12-055 | 480-122-010 | AMD | 02-03-017 | 504- 25-025 | AMD | 02-15-075 |
| 480-120-301 | NEW-P | 02-12-055 | 480-122-020 | AMD | 02-03-017 | 504- 25-030 | AMD-P | 02-11-093 |
| 480-120-302 | NEW-P | 02-12-055 | 480-122-030 | REP | 02-03-017 | 504- 25-030 | AMD | 02-15-075 |
| 480-120-303 | NEW-P | 02-12-055 | 480-122-040 | REP | 02-03-017 | 504- 25-035 | AMD-P | 02-11-093 |
| 480-120-304 | NEW-P | 02-12-055 | 480-122-060 | AMD | 02-03-017 | 504- 25-035 | AMD | 02-15-075 |
| 480-120-305 | NEW-P | 02-12-055 | 480-122-070 | REP | 02-03-017 | 504- 25-040 | AMD-P | 02-11-093 |
| 480-120-311 | NEW-P | 02-12-055 | 480-122-080 | AMD | 02-03-017 | 504- 25-040 | AMD | 02-15-075 |
| 480-120-312 | NEW-P | 02-12-055 | 480-122-090 | REP | 02-03-017 | 504- 25-041 | NEW-P | 02-11-093 |
| 480-120-321 | NEW-P | 02-12-055 | 480-140 | PREP | 02-20-105 | 504- 25-041 | NEW | 02-15-075 |
| 480-120-322 | NEW-P | 02-12-055 | 480-146 | PREP | 02-20-105 | 504- 25-042 | NEW-P | 02-11-093 |
| 480-120-323 | NEW-P | 02-12-055 | 495C-120-040 | AMD | 02-04-022 | 504- 25-042 | NEW | 02-15-075 |
| 480-120-340 | REP-P | 02-12-055 | 495C-120-041 | AMD | 02-04-022 | 504- 25-045 | AMD-P | 02-11-093 |
| 480-120-350 | REP-P | 02-12-055 | 495D-325-010 | AMD-X | 02-20-014 | 504- 25-045 | AMD | 02-15-075 |
| 480-120-401 | NEW-P | 02-12-055 | 504- 15-060 | REP-P | 02-11-092 | 504- 25-050 | AMD-P | 02-11-093 |
| 480-120-402 | NEW-P | 02-12-055 | 504- 15-060 | REP | 02-14-071 | 504- 25-050 | AMD | 02-15-075 |
| 480-120-411 | NEW-P | 02-12-055 | 504- 15-100 | AMD-P | 02-11-092 | 504- 25-055 | AMD-P | 02-11-093 |
| 480-120-412 | NEW-P | 02-12-055 | 504- 15-100 | AMD | 02-14-071 | 504- 25-055 | AMD | 02-15-075 |
| 480-120-414 | NEW-P | 02-12-055 | 504- 15-200 | AMD-P | 02-11-092 | 504- 25-060 | AMD-P | 02-11-093 |
| 480-120-436 | NEW-P | 02-12-055 | 504- 15-200 | AMD | 02-14-071 | 504- 25-060 | AMD | 02-15-075 |
| 480-120-437 | NEW-P | 02-12-055 | 504- 15-210 | AMD-P | 02-11-092 | 504- 25-065 | AMD-P | 02-11-093 |
| 480-120-438 | NEW-P | 02-12-055 | 504- 15-210 | AMD | 02-14-071 | 504- 25-065 | AMD | 02-15-075 |
| 480-120-439 | NEW-P | 02-12-055 | 504- 15-460 | AMD-P | 02-11-092 | 504- 25-075 | AMD-P | 02-11-093 |
| 480-120-440 | NEW-P | 02-12-055 | 504- 15-460 | AMD | 02-14-071 | 504- 25-075 | AMD | 02-15-075 |
| 480-120-450 | NEW-P | 02-12-055 | 504- 15-540 | AMD-P | 02-11-092 | 504- 25-080 | AMD-P | 02-11-093 |
| 480-120-451 | NEW-P | 02-12-055 | 504- 15-540 | AMD | 02-14-071 | 504- 25-080 | AMD | 02-15-075 |
| 480-120-452 | NEW-P | 02-12-055 | 504- 15-580 | AMD-P | 02-11-092 | 504- 25-085 | AMD-P | 02-11-093 |
| 480-120-500 | REP-P | 02-12-055 | 504- 15-580 | AMD | 02-14-071 | 504- 25-085 | AMD | 02-15-075 |
| 480-120-505 | REP-P | 02-12-055 | 504- 15-600 | AMD-P | 02-11-092 | 504- 25-090 | AMD-P | 02-11-093 |
| 480-120-510 | REP-P | 02-12-055 | 504- 15-600 | AMD | 02-14-071 | 504- 25-090 | AMD | 02-15-075 |
| 480-120-515 | REP-P | 02-12-055 | 504- 15-650 | AMD-P | 02-11-092 | 504- 25-095 | AMD-P | 02-11-093 |
| 480-120-520 | REP-P | 02-12-055 | 504- 15-650 | AMD | 02-14-071 | 504- 25-095 | AMD | 02-15-075 |
| 480-120-525 | REP-P | 02-12-055 | 504- 15-810 | AMD-P | 02-11-092 | 504- 25-100 | AMD-P | 02-11-093 |
| 480-120-530 | REP-P | 02-12-055 | 504- 15-810 | AMD | 02-14-071 | 504- 25-100 | AMD | 02-15-075 |
| 480-120-531 | REP-P | 02-12-055 | 504- 15-830 | AMD-P | 02-11-092 | 504- 25-115 | AMD-P | 02-11-093 |
| 480-120-535 | REP-P | 02-12-055 | 504- 15-830 | AMD | 02-14-071 | 504- 25-115 | AMD | 02-15-075 |
| 480-120-541 | REP-P | 02-12-055 | 504- 25-001 | NEW-P | 02-11-093 | 504- 25-120 | AMD-P | 02-11-093 |
| 480-120-542 | REP-P | 02-12-055 | 504- 25-001 | NEW | 02-15-075 | 504- 25-120 | AMD | 02-15-075 |
| 480-120-543 | REP-P | 02-12-055 | 504- 25-002 | NEW-P | 02-11-093 | 504- 25-125 | AMD-P | 02-11-093 |
| 480-120-544 | REP-P | 02-12-055 | 504- 25-002 | NEW | 02-15-075 | 504- 25-125 | AMD | 02-15-075 |
| 480-120-545 | REP-P | 02-12-055 | 504- 25-003 | NEW-P | 02-11-093 | 504- 25-130 | AMD-P | 02-11-093 |
| 480-120-999 | NEW-P | 02-12-055 | 504- 25-003 | NEW | 02-15-075 | 504- 25-130 | AMD | 02-15-075 |

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| 504- 25-135 | AMD-P | 02-11-093 | 516- 13-030 | AMD | 02-07-045 | 516- 23-490 | NEW-P | 02-16-088 |
| 504- 25-135 | AMD | 02-15-075 | 516- 13-080 | AMD | 02-07-045 | 516- 23-500 | NEW-P | 02-16-088 |
| 504- 25-137 | NEW-P | 02-11-093 | 516- 13-090 | AMD | 02-07-045 | 516- 23-510 | NEW-P | 02-16-088 |
| 504- 25-137 | NEW | 02-15-075 | 516- 14-200 | AMD | 02-07-045 | 516- 23-520 | NEW-P | 02-16-088 |
| 504- 25-138 | AMD-P | 02-11-093 | 516- 23-005 | REP-P | 02-16-088 | 516- 23-530 | NEW-P | 02-16-088 |
| 504- 25-138 | AMD | 02-15-075 | 516- 23-010 | REP-P | 02-16-088 | 516- 23-540 | NEW-P | 02-16-088 |
| 504- 25-139 | NEW-P | 02-11-093 | 516- 23-015 | REP-P | 02-16-088 | 516- 23-550 | NEW-P | 02-16-088 |
| 504- 25-139 | NEW | 02-15-075 | 516- 23-020 | REP-P | 02-16-088 | 516- 23-560 | NEW-P | 02-16-088 |
| 504- 25-140 | AMD-P | 02-11-093 | 516- 23-025 | REP-P | 02-16-088 | 516- 23-570 | NEW-P | 02-16-088 |
| 504- 25-140 | AMD | 02-15-075 | 516- 23-030 | REP-P | 02-16-088 | | | |
| 504- 25-200 | AMD-P | 02-11-093 | 516- 23-035 | REP-P | 02-16-088 | | | |
| 504- 25-200 | AMD | 02-15-075 | 516- 23-040 | REP-P | 02-16-088 | | | |
| 504- 25-201 | NEW-P | 02-11-093 | 516- 23-045 | REP-P | 02-16-088 | | | |
| 504- 25-201 | NEW | 02-15-075 | 516- 23-050 | REP-P | 02-16-088 | | | |
| 504- 25-202 | NEW-P | 02-11-093 | 516- 23-055 | REP-P | 02-16-088 | | | |
| 504- 25-202 | NEW | 02-15-075 | 516- 23-060 | REP-P | 02-16-088 | | | |
| 504- 25-203 | NEW-P | 02-11-093 | 516- 23-065 | REP-P | 02-16-088 | | | |
| 504- 25-203 | NEW | 02-15-075 | 516- 23-070 | REP-P | 02-16-088 | | | |
| 504- 25-205 | AMD-P | 02-11-093 | 516- 23-075 | REP-P | 02-16-088 | | | |
| 504- 25-205 | AMD | 02-15-075 | 516- 23-080 | REP-P | 02-16-088 | | | |
| 504- 25-210 | REP-P | 02-11-093 | 516- 23-085 | REP-P | 02-16-088 | | | |
| 504- 25-210 | REP | 02-15-075 | 516- 23-090 | REP-P | 02-16-088 | | | |
| 504- 25-215 | AMD-P | 02-11-093 | 516- 23-095 | REP-P | 02-16-088 | | | |
| 504- 25-215 | AMD | 02-15-075 | 516- 23-100 | REP-P | 02-16-088 | | | |
| 504- 25-220 | REP-P | 02-11-093 | 516- 23-105 | REP-P | 02-16-088 | | | |
| 504- 25-220 | REP | 02-15-075 | 516- 23-110 | REP-P | 02-16-088 | | | |
| 504- 25-221 | NEW-P | 02-11-093 | 516- 23-115 | REP-P | 02-16-088 | | | |
| 504- 25-221 | NEW | 02-15-075 | 516- 23-120 | REP-P | 02-16-088 | | | |
| 504- 25-222 | NEW-P | 02-11-093 | 516- 23-125 | REP-P | 02-16-088 | | | |
| 504- 25-222 | NEW | 02-15-075 | 516- 23-130 | REP-P | 02-16-088 | | | |
| 504- 25-223 | NEW-P | 02-11-093 | 516- 23-135 | REP-P | 02-16-088 | | | |
| 504- 25-223 | NEW | 02-15-075 | 516- 23-140 | REP-P | 02-16-088 | | | |
| 504- 25-224 | NEW-P | 02-11-093 | 516- 23-145 | REP-P | 02-16-088 | | | |
| 504- 25-224 | NEW | 02-15-075 | 516- 23-200 | NEW-P | 02-16-088 | | | |
| 504- 25-225 | REP-P | 02-11-093 | 516- 23-210 | NEW-P | 02-16-088 | | | |
| 504- 25-225 | REP | 02-15-075 | 516- 23-220 | NEW-P | 02-16-088 | | | |
| 504- 25-226 | NEW-P | 02-11-093 | 516- 23-230 | NEW-P | 02-16-088 | | | |
| 504- 25-226 | NEW | 02-15-075 | 516- 23-240 | NEW-P | 02-16-088 | | | |
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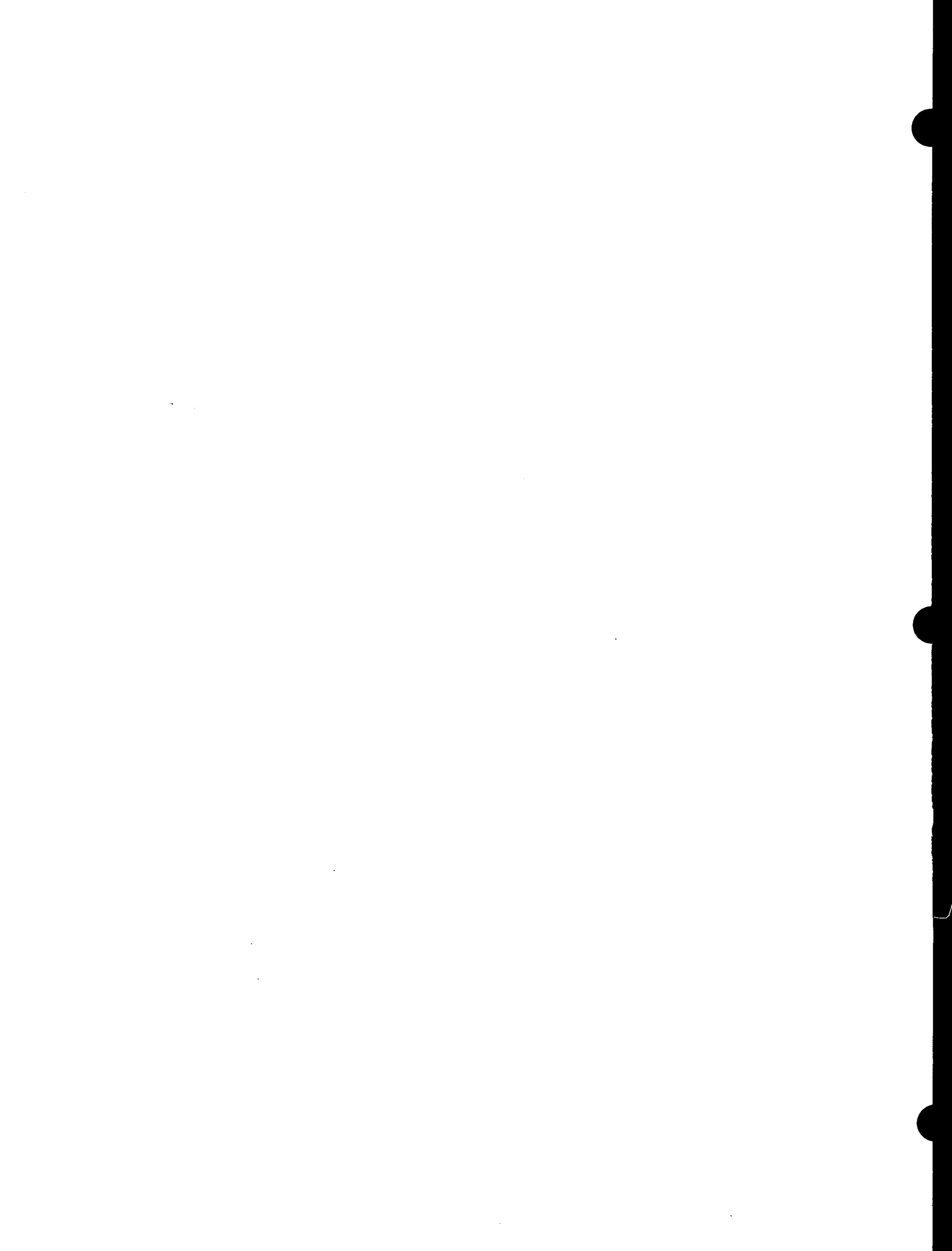
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