

March 5, 2003

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of March 2003 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

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
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02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
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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;

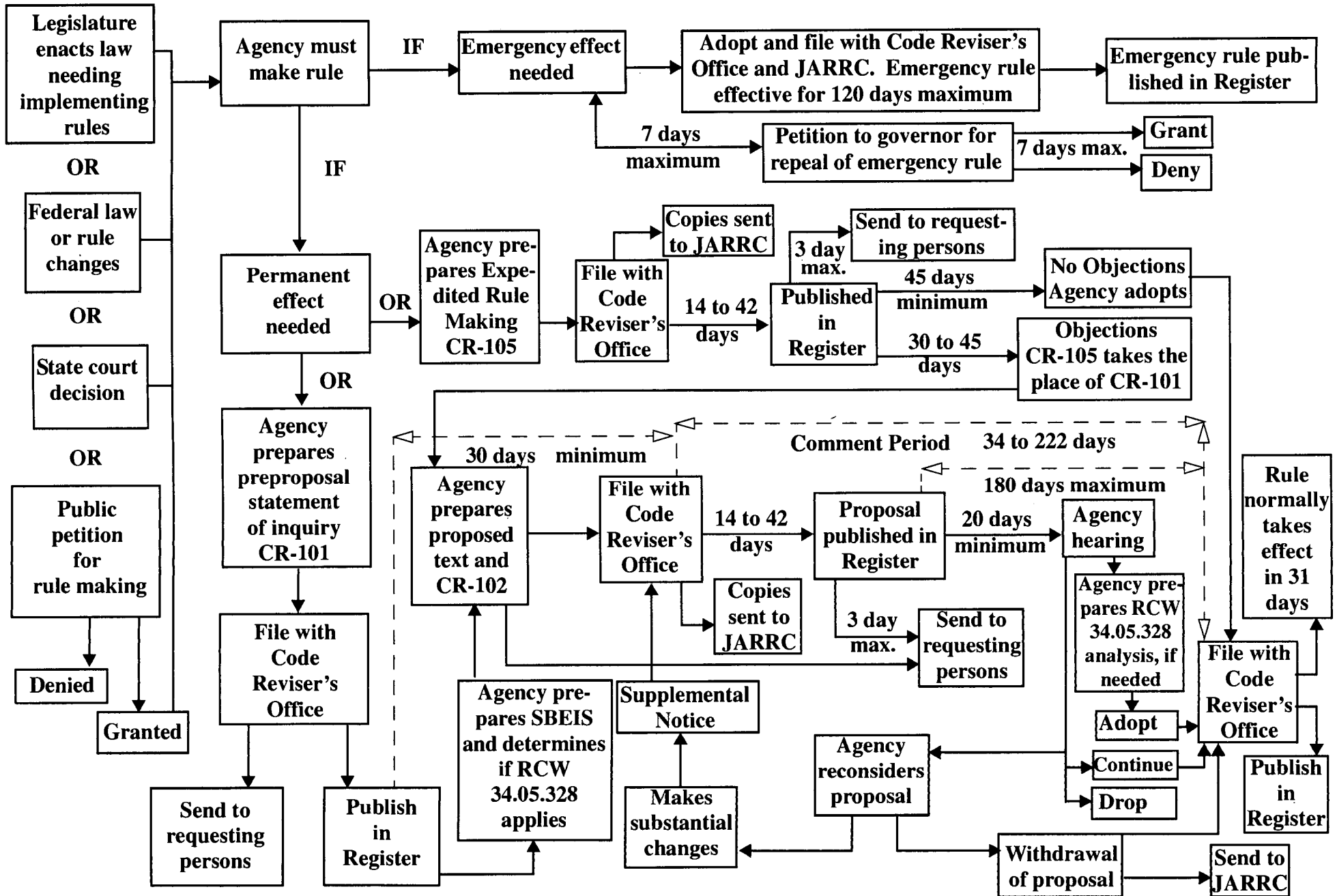
There is less than minor economic impact on business;

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 03-05-012**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY**

[Filed February 7, 2003, 2:21 p.m.]

Subject of Possible Rule Making: WAC 4-25-721 What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The uniform certified public accountant (CPA) examination is moving to a computer-based format. The rule making is necessary to transition to a computer-based format.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Dana M. McInturff, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 586-0163, (360) 664-9190, e-mail danam@cpaboard.wa.gov.

February 6, 2003

Dana M. McInturff, CPA
Executive Director

WSR 03-05-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed February 10, 2003, 1:20 p.m.]

Subject of Possible Rule Making: Amending WAC 246-924-354 Maintenance and retention of records, to establish standards reflective of today's practice and to ensure consumers appropriate access to these records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050(5) and 18.83.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Standards relating to the content and documentation of psychological services are specified in the current rule. However, the rule may be out-of-date given today's practice standards. In addition, the current rule does not address any actual time parameters for how long records need to be retained. The rule needs to be modified to reflect current practice and to provide retention time frames.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Insurance Portability and Accountability Act of 1996 (HIPAA), may have an impact and will be considered in the rule-making process. We will work closely with the Attorney General's Office.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to the Department of Health, Janice K. Boden, Program Manager, P.O. Box 47869, Olympia, WA 98504-7869, janice.boden@doh.wa.gov, phone (360) 236-4912, fax (360) 236-4909.

January 21, 2003

Janice K. Boden
Program Manager

WSR 03-05-035**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 11, 2003, 4:22 p.m.]

Subject of Possible Rule Making: Financial reporting requirements of licenses.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requesting an amendment to enable staff to be fully informed of all of a licensee's financing activities. This will enable staff to complete a more thorough financial investigation on persons involved in the financing of a gambling operation.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: Best Western Aladdin Motor Inn, 900 South Capitol Way, Olympia, WA 98501, (360) 352-7200, on March 13 and 14, 2003; at the Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on April 10 and 11, 2003; and at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711, on May 8 and 9, 2003.

February 10, 2003

Susan Arland
Rules Coordinator

PREPROPOSAL

WSR 03-05-052
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed February 14, 2003, 8:26 a.m.]

Correcting Withdrawal of WSR 01-06-027

In a memorandum filed January 21, 2002 [2003], and published as WSR 03-03-113, DSHS withdrew several inactive CR-101 Preproposal Statements of Inquiry. The memo included a CR-101 filed as WSR 01-06-027, which was withdrawn in error.

WSR 01-06-027, concerning amendments to food assistance rules in several chapters of Title 388 WAC, was cited in a proposed rule-making notice filed as WSR 01-16-088. The proposed rules were later adopted in the rule-making order filed as WSR 01-21-026 on October 9, 2001.

Bonita H. Jacques
 for Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 03-05-067
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed February 18, 2003, 12:08 p.m.]

Subject of Possible Rule Making: Chapter 260-24 WAC, Association officials and employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the chapter regarding authority of the stewards.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

February 14, 2003
 R. M. Leichner
 Executive Secretary

WSR 03-05-068
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed February 18, 2003, 12:09 p.m.]

Subject of Possible Rule Making: Chapter 260-48 WAC, Mutuels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the chapter to address issues related to trifecta, twin trifecta and super trifecta pools.

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 Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

February 14, 2003
 R. M. Leichner
 Executive Secretary

WSR 03-05-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 18, 2003, 12:33 p.m.]

Subject of Possible Rule Making: General reporting rules, classifications, audit and recordkeeping, rates and rating system for workers' compensation insurance, chapter 296-17 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation insurance classification plan that classifies all occupations or industries within the state and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.035). Business partners have expressed a need to update several of the existing rules. The department has conducted a review of various classification and reporting rules and determined that certain rules are in need of revision, such as, ownership coverage, reciprocal agreements and extraterritorial coverage, logging machine operations, and general housekeeping changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, focus meetings, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information on our process at the employer services website (www.lni.wa.gov/insurance_services/employer_services) and can submit comments electronically to woeh235@lni.wa.gov or by mail to Labor and Industries, Attention Classification Services, P.O. Box 44148, Olympia, WA 98504-4148 or by calling (360) 902-4776 or by fax (360) 902-4729.

February 19 [18], 2003

Paul Trause
Director

WSR 03-05-084

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed February 19, 2003, 9:44 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised every six months. The stumpage values are established by the department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request on or after April 10, 2003. Written comments on and/or requests for copies of the rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6126, fax (360) 664-0693, e-mail edr@dor.wa.gov.

Date and Location of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on April 15, 2003, at 10 a.m.

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

February 18, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

WSR 03-05-085

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed February 19, 2003, 10:45 a.m.]

Subject of Possible Rule Making: House-banked card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To require minimum capitalization and bankroll. Eliminate Phase II: Allow licensees to begin operation at \$100 betting limits rather than \$25 and waiting six months for Phase II review to increase betting limits to \$100. Would require all house-banked card rooms to have surveillance, not just the larger operations.

Financial Statements: Require financial audits or reviews of all house-banked card rooms, not just larger operations.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: Best Western Aladdin Motor Inn, 900 South Capitol Way, Olympia, WA 98501, (360) 352-7200, on March 13 and 14, 2003; at the Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on April 10 and 11, 2003; and at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711, on May 8 and 9, 2003.

February 19, 2003

Susan Arland

Rules Coordinator

WSR 03-05-086**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 19, 2003, 10:46 a.m.]

Subject of Possible Rule Making: Card rooms.**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 9.46.070.**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To require licensure of persons who install surveillance in card rooms. To clarify that only larger gambling equipment may be purchased on credit, not cards/chips, etc. Repeal Washington Blackjack because no card rooms offer this game any longer. Clarify procedures for reducing jackpots. Clarify reporting requirements. Several housekeeping changes.**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.**Process for Developing New Rule:** 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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; or Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: Best Western Aladdin Motor Inn, 900 South Capitol Way, Olympia, WA 98501, (360) 352-7200, on March 13 and 14, 2003; at the Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on April 10 and 11, 2003; and at the Red Lion Hotel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, (509) 663-0711, on May 8 and 9, 2003.

February 19, 2003

Susan Arland

Rules Coordinator

WSR 03-05-090**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed February 19, 2003, 10:56 a.m.]

Subject of Possible Rule Making: WAC 139-10-215 Basic corrections academy equivalency certification.**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Making this change will bring the corrections standard in line with the standard for the basic law enforcement academy. The current corrections statute does not address breaks in service. This equates to receiving lifetime certification upon completion of a basic correction academy. Requiring employees to obtain equivalency after a break in employment of two or more years will keep officers up to date on changes in laws and best practices in a quickly changing and

challenging field limiting liability for the commission and its stakeholders.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will increase equivalency student numbers by a very small amount. It will also provide a consistent standard of both the law enforcement and corrections academies.**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.

February 13, 2003

Sharon M. Tolton

Deputy Director

WSR 03-05-093**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed February 19, 2003, 11:09 a.m.]

Subject of Possible Rule Making: Chapter 392-139 WAC, Finance—Levies, school districts maintenance and operation levy authority and eligibility for local effort assistance (LEA).**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 84.52.0531(9), 28A.150.290.**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Changes are being proposed to eliminate the following:

- The practice of using school districts estimates of federal revenues received directly in determining the levy base.
- The inclusion of fiscal agent revenues, i.e. revenues that a district receives on behalf of other districts or other public entities, from the levy base.

Inclusion of these items can increase a district's levy amount and may not only affect its eligibility for levy equalization, but that of other districts as well.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.**Process for Developing New Rule:** Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. 47200, Olympia, WA 98504-7200, fax (360) 753-

4201, TTY (360) 664-3631. For telephone assistance contact
Calvin W. Brodie, (360) 725-6301.

February 11, 2003
Thomas J. Kelly
for Dr. Terry Bergeson
Superintendent of
Public Instruction



WSR 03-05-001
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed February 6, 2003, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-018.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.040, 46.16.216.

Summary: Amending WAC 308-56A-140 Department temporary permit, 308-56A-150 Certificate of vehicle inspection, 308-56A-160 Model year—How determined, 308-56A-200 Replacement Washington certificate of ownership, and 308-56A-215 Erasures, alterations, and incorrect information.

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

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

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

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 22, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by April 21, 2003, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 21, 2003.

Date of Intended Adoption: May 22, 2003.

February 5, 2003

Katherine Vasquez
 for D. McCurley, Administrator
 Title and Registration Services

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-140 Department temporary permit.

(1) **What is a department temporary permit?** A department temporary permit is a permit issued in lieu of registration and license plates when:

(a) ~~((The vehicle is not sold by a licensed Washington dealer;~~

(b)) The vehicle is not currently licensed in Washington; and

((e)) (b) Proper vehicle documentation is not available but is likely to be available within sixty days; or

(c) The vehicle is not sold by a licensed Washington dealer.

(2) **How long is a department temporary permit valid?** The department temporary permit is valid for no longer than sixty days.

(3) **If I am unable to obtain proper documentation within sixty days, what options are available to me?** When documents are not expected to be received within sixty days, you may choose to:

(a) Not ~~((obtain the department temporary permit))~~ operate your vehicle and wait to register the vehicle until all required documents are received ~~((to register your vehicle));~~ or

(b) Obtain the department temporary permit and if you do not receive the documentation within sixty days, ~~((you will be unable to use the vehicle after the department temporary permit expires))~~ discontinue using the vehicle until proper documentation is filed with the department.

((3)) (4) **May a department temporary permit be extended?** Yes, a department temporary permit may be extended on a case-by-case basis upon departmental approval.

(5) **Where do I obtain a department temporary permit?** Department temporary permits are available at all Washington vehicle license ~~((agencies))~~ offices.

((4)) (6) **What fees are required to be paid when applying for a department temporary permit?** In addition to other fees ~~((prescribed by law))~~ and applicable taxes, the department temporary permit fee, title application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.

((5)) (7) **How do I display the department temporary permit?** The ~~((hard))~~ cardboard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

((6)) (8) **How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight?** If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

PROPOSED

~~((7))~~ **(9) How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit?** You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license ~~((agency))~~ office.

~~((8))~~ **(10) What fees are required to be paid when clearing a department temporary permit?** In addition to other fees as prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.

~~((9))~~ **(11) How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit ~~((, if the original is not available))~~?** ~~((If the department temporary permit was issued at a vehicle licensing agency/subagency:~~

~~((a))~~ You may obtain a photocopy of the registration certificate portion of the department temporary permit ~~((only at))~~ through the county's auditor/agent office ~~((in the same county you obtained the original department temporary permit:~~

~~((b) If the department temporary permit was issued at a department staffed vehicle licensing office, you must obtain a replacement from that office))~~ or subagent. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

~~((10))~~ **(12) How do I obtain a replacement for the cardboard department temporary permit ~~((placard which))~~ that is displayed in the vehicle window?** You may obtain a replacement cardboard department temporary permit ~~((placard))~~ at any Washington vehicle services office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number.

~~((11) How do I obtain a replacement department permit if both the application/registration certificate and the display placard are lost, stolen, or destroyed? You may obtain a photocopy of the vehicle title application/registration certificate portion of the department temporary permit only at the issuing county's auditor/agent office. If the department temporary permit was issued at a department staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit placard may also be obtained at these locations.))~~

AMENDATORY SECTION (Amending WSR 01-20-010, filed 9/20/01, effective 10/21/01)

WAC 308-56A-150 Certificate of vehicle inspection.

(1) When is a certificate of vehicle inspection required? A certificate of vehicle inspection, ~~((signed by an))~~ completed by the Washington state patrol or other authorized inspector, must accompany the application for certificate of ownership

and include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) Reported destroyed since the last certificate of ownership was issued;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent ~~((, for example, if there is a reason to believe the vehicle identification number has been removed, defaced, altered, destroyed, or if it has become illegible or is missing));~~

(d) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

~~((A used vehicle and no Washington record can be found unless the vehicle is titled or registered in a state or jurisdiction other than Washington;~~

~~((f))~~ A kit vehicle not previously titled as such (if no vehicle identification number previously assigned);

~~((g))~~ (f) A street rod not previously titled as such;

~~((h))~~ (g) A glider kit not previously titled as such;

~~((i) Questionable as))~~ (h) Subject to ownership in doubt described in WAC 308-56A-210;

~~((j))~~ (i) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

~~((k))~~ (j) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

~~((What))~~ **Is there a fee ~~((is))~~ charged for a Washington state patrol VIN inspection?** ~~((The VIN inspection fee is fifty dollars as authorized by chapter 46.12 RCW unless:))~~ Yes, the amount of the fee is established in RCW 46.12.040. The fee is not due when:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) Who is authorized to perform a vehicle inspection? Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other ~~((competent inspecting agencies))~~ entities or individuals designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) How long is a vehicle certificate of inspection valid? The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) ~~((Thirty))~~ Sixty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

(iv) With structural change in, or modification of, body or frame changing the class designation or body type;

(v) Referred for inspection for any reason not listed.

~~((b) Sixty days for vehicles:~~

~~(i) From a foreign jurisdiction;~~

~~((ii)) (vi) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.~~

~~((e)) (b) One year for vehicles required to be inspected under subsection (1)(a) through ((k)) (j) of this section and held for sale by a licensed dealer.~~

~~((5) Is the vehicle identification number inspection certificate provided by the Washington state patrol (WSP) valid other than in Washington state? In accordance with WSP rules, the inspection certificate provided by the WSP is valid only in Washington state except as otherwise specified by the Washington state patrol.~~

~~(6) Why are the words "register" and "registered" used in place of "title" and "titled" in chapter 125, Laws of 2001? The words "register" and "registered" are used in place of "title" and "titled" in chapter 125, Laws of 2001 because RCW 46.12.010 requires vehicles registered in this state to also have a certificate of ownership. For the purposes of section 3, chapter 125, Laws of 2001, the registration process is not complete until it is confirmed that the vehicle is not stolen. Certificate of ownership will not be issued and the license tabs and registration certificate shall be invalid for vehicles which have been confirmed stolen.))~~

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-160 Model year—How determined.

(1) **How is a model year assigned to a vehicle?** The model year for a vehicle (~~(, as defined in RCW 46.04.251)~~) is the model year assigned by the manufacturer or in the case of homemade vehicles, it is the year the vehicle was built.

(2) **Are there standards for assigning model years that manufacturers must follow?** Manufacturers ~~((shall))~~ must adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards ~~((shall))~~ must be such that all vehicles assigned a model year that are manufactured in the same year with the same features are assigned the same model year. Manufacturers ~~((shall))~~ must designate the model year on the manufacturer's certificate of origin (MCO), manufacturer's statement of origin (MSO) or similar documents.

(3) **How are model years assigned to vehicles that are incomplete, such as certain recreational vehicles?** Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs/MSOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles ~~((shall))~~ must assign the model year as provided in subsection (2) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year ~~((shall))~~ will be used on the certificates of ownership and registration.

(4) **How will a model year be assigned to my vehicle if the manufacturer did not assign one?** If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, is a street rod, assembled or is a kit vehi-

cle, the Washington state patrol or other person authorized by the director to make vehicle inspections ~~((shall))~~ will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer ~~((shall))~~ must be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle ~~((which))~~ that the vehicle most closely resembles.

(d) The model year of a kit vehicle as defined in RCW 46.04.251 ~~((shall))~~ will not be the model year of the vehicle the kit replicates.

(5) For purposes of this section the following terms ~~((shall))~~ will have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactured vehicles. Manufacture ~~((shall))~~ includes the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO/MSO or similar documents.

(b) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

- (i) Frame and chassis structure;
- (ii) Power train;
- (iii) Steering system;
- (iv) Suspension system; and
- (v) Braking system.

To the extent that those systems are to be part of the completed vehicle that requires further manufacturing operation; other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name ~~((which))~~ that a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-200 Replacement Washington certificate of ownership. (1) **What is a replacement certificate of ownership?** A replacement certificate of ownership replaces certificates of ownership that are:

- (a) Lost;
- (b) Mutilated;
- (c) Stolen; or
- (d) Destroyed.

(2) **What documents and information do I need to provide to the department to obtain a replacement certifi-**

icate of ownership? A replacement certificate of ownership will be issued only to the owner(s) of record. You will need to provide an explanation of ~~((the disposition of))~~ what happened to the certificate of ownership that you are replacing and ((a) the vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. ((This information may)) A request for a replacement certificate of ownership must be presented to the department on a notarized or certified:

- (a) ~~((Approved))~~ Affidavit of loss form((:));
- (b) Letter of request from the owner(s) of record; or
- ~~((b))~~ (c) Affidavit in lieu of title.

(3) **Who needs to sign the request for a replacement certificate of ownership?** All legal owners shown on department records ~~((shall))~~ must sign the request for the replacement certificate of ownership. ((Their)) Signatures must be certified or notarized in accordance with WAC 308-56A-275.

(4) **What do I do if I find my certificate of ownership after I receive a replacement?** Once a replacement certificate of ownership is issued, any previously issued certificate of ownership is void and, if found, must be destroyed.

AMENDATORY SECTION (Amending WSR 99-12-031, filed 5/25/99, effective 6/25/99)

WAC 308-56A-215 Erasures ~~((and)), alterations, and incorrect information.~~ (1) **Will the department accept ~~((a certificate of ownership))~~ an application for certificate of ownership or supporting documents if ~~((it has))~~ they have been altered?** The department may refuse to accept any application for certificate of ownership or supporting documents when ownership or vehicle information has been altered. ~~((A replacement ownership document may be required.))~~

(2) **Will the department accept a certificate of ownership if it has been altered?** Any alteration or erasure voids the certificate of ownership unless documentation satisfactory to the department is submitted with the certificate.

(3) **What does the department require when a certificate of ownership, an application for certificate of ownership or supporting documents has been altered?**

(a) the department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vehicle dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure or other alteration has been made on a ~~((title))~~ certificate of ownership, an affidavit must be ~~((attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a release of interest))~~ completed and signed by the individual who made the erasure or alteration explaining why the erasure/alteration was made.

(d) A name erroneously shown on the ~~((title))~~ certificate of ownership as the purchaser must ~~((have))~~ be accompanied by either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed or other explanation for the erroneous designation.

WSR 03-05-008

PROPOSED RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Filed February 7, 2003, 10:48 a.m.]

Original Notice.

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

Title of Rule: WAC 136-161-080 Limitations on allocations of RATA funds to counties.

Purpose: Amends the NWR's ability to contribute on one project for each county a maximum RATA contribution of seven hundred fifty thousand dollars; 20% limit on percentage of the forecasted regional apportionment amount instead of 25% on all projects.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Randy Hart, 2404 Chandler Court S.W., Suite 240, 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The northwest region's maximum project RATA contribution is five hundred thousand dollars; 25% limit on percentage of the forecasted regional apportionment amount. The proposal replaces "twenty-five" with "except that on one project for each county there is a maximum RATA contribution of seven hundred fifty thousand dollars; twenty."

Proposal Changes the Following Existing Rules: The northwest region's maximum project RATA contribution is five hundred thousand dollars; 25% limit on percentage of the forecasted regional apportionment amount. The proposal replaces "twenty-five" with the following language "except that on one project for each county there is a maximum RATA contribution of seven hundred fifty thousand dollars; twenty."

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on April 17, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by April 11, 2003, TDD (800) 833-6384 or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by April 11, 2003.

Date of Intended Adoption: April 17, 2003.

February 4, 2003

Jay P. Weber

Executive Director

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

Title of Rule: Registration and renewal fees, WAC 246-927-990.

Purpose: To adopt registration and renewal fees for 2002 legislation requiring registration for recreational therapists.

Statutory Authority for Adoption: Chapter 18.230 RCW and RCW 43.70.250.

Statute Being Implemented: RCW 18.230.040.

Summary: This rule requires recreational therapists to obtain a registration. The statute requires registration and renewal fees to be established.

Reasons Supporting Proposal: Without establishing a fee, recreational therapists would either be forced to practice without a registration or stop treating patients.

Name of Agency Personnel Responsible for Drafting: Kris Waidely, Program Manager, 1112 S.E. Quince Street, (360) 236-4847; Implementation and Enforcement: Kristin Hamilton, Program Manager, 1112 S.E. Quince Street, (360) 236-4844.

Name of Proponent: Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Health professions must be self-supportive.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt registration and renewal fees for 2002 legislation requiring registration for recreational therapists. The legislation requires registration and renewal fees to be established in accordance with RCW 43.70.250.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement need not be prepared because it is exempt under RCW 34.05.310, as a rule establishing fees according to legislative standards.

RCW 34.05.328 does not apply to this rule adoption. The rule establishes a "qualification" for license (for the reasons described above) and is therefore a significant legislative rule by definition, but under RCW 34.05.328 it is exempt nonetheless because it sets fees according to legislative standards.

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on March 26, 2003, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Kris Waidely by March 19, 2003, TDD (800) 833-6388 or (360) 236-4847.

Submit Written Comments to: Department of Health, Kris Waidely, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, fax (360) 236-4922, by March 19, 2003.

Date of Intended Adoption: March 26, 2003.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-161-080 Limitations on allocations of RATA funds to counties. For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: No maximum project RATA contribution; 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: Maximum project RATA contribution is five hundred thousand dollars (~~(=twenty five)~~), except that on one project for each county there is a maximum RATA contribution of seven hundred fifty thousand dollars; twenty percent limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; twelve and one-half percent limit on percentage of the forecasted regional apportionment amount;

(4) SWR: No maximum project RATA contribution; fifteen percent limit on percentage of the forecasted regional apportionment amount;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

- (a) Asotin County ten percent
- (b) Benton County fourteen percent
- (c) Columbia County eleven percent
- (d) Franklin County thirteen percent
- (e) Garfield County ten percent
- (f) Kittitas County thirteen percent
- (g) Klickitat County fourteen percent
- (h) Walla Walla County fourteen percent
- (i) Yakima County twenty percent

WSR 03-05-022

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed February 10, 2003, 1:23 p.m.]

Original Notice.

PROPOSED

Chapter 246-927 WAC

RECREATION THERAPY

FEES

NEW SECTION

WAC 246-927-990 How often do I need to renew and what are the costs for registration? (1) Registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for registered recreational therapists:

Title of Fee	Fee
Application	\$110.00
Renewal	85.00
Late renewal penalty	50.00
Expired registration reissuance	50.00
Duplicate registration	15.00
Certification of certificate	25.00

WSR 03-05-023

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed February 10, 2003, 1:24 p.m.]

Original Notice.

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

Title of Rule: WAC 246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle.

Purpose: To register humane society and animal care and control agencies (entities) so they can provide limited veterinary services, such as vaccinations, electronic identification, and surgical sterilization, to low-income households.

Other Identifying Information: The proposed fees reflect the department's anticipated cost of registration and renewal as authorized under RCW 43.70.110.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 18.92.260.

Summary: 2002 legislation authorizes the veterinary board to adopt registration, renewal, late renewal penalty and expired license reissuance fees for entities that want to provide limited veterinary services, such as vaccination, surgical sterilization, and electronic identification, to low-income households.

Reasons Supporting Proposal: The fee is required by 2002 legislation, and will allow qualified animal control agencies and humane societies to provide limited veterinary services to low-income households.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Karen Kelley, 1112 S.E. Quince Street, Olympia, WA 98504-7868, 236-4876.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-933-590, this rule states fees for entity registration, renewal, late renewal penalty, and expired registration reissuance.

Entities that choose to offer limited services to low-income households, such as vaccinations, surgical sterilization, and electronic identification, will be able to register to provide those services.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule sets fees in accordance with legislative standards (RCW 19.85.025(3)).

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply because this rule is an exception as noted under RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, (253) 395-7731, fax (253) 395-6759, on March 26, 2003, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact (360) 236-4841 by March 19, 2003, TDD 711.

Submit Written Comments to: Karen Kelley, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, fax (360) 664-9077, by March 19, 2003.

Date of Intended Adoption: March 26, 2003.

M. C. Selecky
Secretary

NEW SECTION

WAC 246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle. (1) Registrations must be renewed every year on October 1 as provided in chapter 246-12 WAC, Part 3.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Entity registration	\$100.00
Entity renewal	75.00
Late renewal penalty	50.00
Expired registration reissuance	50.00

WSR 03-05-024

PROPOSED RULES

DEPARTMENT OF HEALTH

(Center for Health Statistics)

[Filed February 10, 2003, 1:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-106.

Title of Rule: Chapter 246-455 WAC, Hospital patient discharge information reporting.

PROPOSED

Purpose: The establishment of the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

Statutory Authority for Adoption: RCW 43.70.040 and [43.]70.170.

Statute Being Implemented: RCW 43.70.040.

Summary: The proposed rule amendment will shorten the correction and certification time for hospitals as a result of electronic submission of data and online correction. The proposal will change the data quality requirements to be reviewed on a more aggregate basis. Rule amendment also responds to current and pending Federal UB92/UB02 Center for Medicare and Medicaid Services (CMS) reporting requirements.

Reasons Supporting Proposal: Recommended changes will improve both timeliness and data quality. Rule amendments will also facilitate the modernization of a secure, Internet application.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Hettick, Department of Health, Center for Health Statistics, (360) 236-4210.

Name of Proponent: Center for Health Statistics, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides for the collection and maintenance of inpatient discharge records from Washington hospitals. This information is useful for the general public to help understand health care issues and to become better consumers. Purchasers, payers and providers use this information to make health care choices and to negotiate payments. Public officials use this data to develop state health policy and to analyze health care issues. Researchers use this information for disease surveillance, medical efficiencies, and to monitor hospitalizations and disease outbreaks. This information aids in the delivery of more efficient and cost-effective health care in the state.

Proposal Changes the Following Existing Rules: The proposed amendments to WAC 246-455-010 allows for the pending federal change in the uniform billing document from UB-92 to UB-02.

The proposed amendments to WAC 246-455-020 places the data element definitions in the CHARS (comprehensive hospital abstract reporting system) procedure manual rather than in WAC.

The proposed amendment to WAC 246-455-070 reduces the number of days from fourteen to seven to make corrections and return them to the department.

The proposed amendments to WAC 246-455-090 reduces the number of days from fourteen to seven that the hospital has to certify in writing that their data is accurate. This also changes the accuracy rate from within 95% for total discharges and total charges to an aggregate error rate not to exceed 1.0%.

The proposed amendment to WAC 246-455-100 removes the monetary penalty for reporting violations since the statutory authority of RCW 70.170.100 has been repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments to chapter 246-455 WAC do not require hospitals to submit any additional information or incur any additional expense. Furthermore, all hospitals in the state have more than fifty employees, and as such do not qualify as a small business under the Regulatory Fairness Act, RCW 19.85.020 (1).

RCW 34.05.328 does not apply to this rule adoption. This is not a significant rule since it imposes no penalty for violation, it does not set qualifications for a license or permit and it does not significantly amend a policy or regulatory program.

Hearing Location: Eastside Plaza, 1101 S.E. Quince Street, Conference Room 6, Olympia, WA 98504, on April 2, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Larry Hettick by March 19, 2003, TDD (800) 833-6388.

Submit Written Comments to: Larry Hettick, 1102 S.E. Quince Street, P.O. Box 47811, Olympia, WA 98504-7811, fax (360) 664-8579, by March 19, 2003.

Date of Intended Adoption: April 16, 2003.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-001 Purpose. This chapter is adopted ((by the Washington state department of health pursuant to)) under RCW ((70.170.100)) 43.70.040 relating to the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-010 Definitions. As used in this chapter, unless the context requires otherwise,

(1) "Department" means department of health.

(2) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria.

(3) "Hospital" means any health care institution ((which is required to qualify for a license)) licensed under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

(4) Uniform Billing "UB-92/UB-02 data set" means the data element specifications developed by the ((Washington state)) National Uniform Billing Committee ((and set forth in the state of Washington UB-92 Procedure Manual, which is available to the public upon request)) which can be found at www.NUBC.org.

(5) "Patient discharge" means the termination of an inpatient admission or stay, including an admission as a result of a birth, in a Washington hospital.

(6) "HMO" means a health maintenance organization.

PROPOSED

- (7) "SNF" means a skilled nursing facility.
- (8) "HCF" means a health care facility.
- (9) (~~("ICF" means an intermediate care facility.~~
- ~~(10))~~ "HHA" means a home health agency.
- ~~((11))~~ (10) "IV" means intravenous.
- ~~((12))~~ (11) "UPIN" means unique physician identification number.
- ~~((13))~~ (12) "CHARS" means comprehensive hospital abstract reporting system.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-020 Reporting of UB-92/UB-02 data set information. ~~((1))~~ Effective with all hospital patient discharges on or after April 1, 1994, hospitals shall collect and report the following UB-92 or UB-02 data set elements to the department ~~((:))~~ as prescribed and defined by the department in the *CHARS Procedure Manual*. A copy of the *CHARS Procedure Manual* may be obtained by contacting the department or on the department's website. Proposed changes to the manual will be addressed annually. Each hospital will be notified ninety days prior to the effective date of any changes and will be provided an opportunity to comment.

~~((a))~~ (1) Patient control number.
~~((Patient's unique alpha numeric number assigned by the hospital to facilitate retrieval of individual patient records. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification.~~

~~((b))~~ (2) Type of bill.
~~((This three digit code requires 1 digit each, in the following sequence form: Type of facility, bill classification, frequency:~~

- Digit #1 must be "1" to indicate a hospital.
- Digit #2 must be a "1," a "2" or an "8" to indicate an inpatient.
- Digit #3 must be a "1" to indicate admit through discharge claim.

~~((c))~~ (3) Medicare provider number.
~~((This is the number assigned to the provider by Medicare.~~

~~((d))~~ (4) Statement covers period: The beginning and ending dates of the period included on the UB-92/UB-02 (MMDDYYYY).

(5) Patient identifier.
~~((The patient identifier shall be composed of the first two letters of the patient's last name, the first two letters of the patient's first name, or one or two initials if no first name is available, or when the last name is a single letter add three letters of first name, and the patient's birthdate.~~

~~((e))~~ (6) Patient ZIP Code.
~~((Patient's five or nine digit ZIP Code. In the case of a foreign country, enter the first nine characters of the name.~~

~~((f))~~ (7) Patient birthdate.
~~((The patient's date of birth in MMDDYYYY format.~~

~~((g))~~ (8) Patient sex.
~~((Patient's sex in M/F format.~~

~~((h))~~ (9) Admission date.
~~((Admission date in MMDDYY format.~~

~~((i))~~ (10) Type of admission.
~~((This field is filled with one of the following codes:~~

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn

~~((j))~~ (11) Source of admission.
~~((This field is completed with one of the following codes:~~

- 1 Physician referral
- 2 Clinic referral
- 3 HMO referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF
- 6 Transfer from another HCF
- 7 Emergency room
- 8 Court/law enforcement
- 9 Other

When type of admission is a "4 newborn," enter one of the following for source of admission:

- 1 Normal delivery
- 2 Premature delivery
- 3 Sick baby
- 4 Extramural birth
- 5 Multiple birth

~~((k))~~ (12) Patient status.
~~((Patient discharge disposition in one of the following codes:~~

- 01 Discharged home or self care
- 02 Discharged to another short term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 08 Discharged/transferred to home under care of home IV provider
- 20 Expired

(1) Statement covers period
 This is the beginning and ending dates for which the UB-92 covers.

~~((m))~~ (13) Revenue codes.
~~((The Medicare required revenue code (as defined in the UB-92 Procedure Manual), which identifies a specific accommodation, ancillary service or billing calculation.~~

~~((n))~~ (14) Units of service.
~~((The Medicare required units of service (as defined in the UB-92 Procedure Manual) which provide a quantitative measure of services rendered by revenue category to or for the patient. Where no units of service are required by Medicare, the units of service may be those used by the hospital.~~

~~((o))~~ (15) Total charges by revenue code category.
~~((Total charges pertaining to the related revenue code.~~

~~(p)) (16) Payer identification #1.~~~~((Enter the three digit code that identifies the primary payer. The required code options include:~~

- ~~001 for Medicare~~
- ~~002 for Medicaid~~
- ~~004 for health maintenance organizations~~
- ~~006 for commercial insurance~~
- ~~008 for workers' compensation which includes state fund, self-insured employers, and labor and industries crime victims claims~~
- ~~009 for self pay~~
- ~~610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service~~
- ~~625 for other sponsored patients, e.g., CHAMPUS, Indian health~~
- ~~630 charity care, as defined in chapter 70.170 RCW~~

~~(q)) (17) Payer identification #2.~~~~((Same requirements as in payer identification #1. This field should only be completed when a secondary payer has been identified.~~~~(r)) (18) Principal diagnosis code.~~~~((ICD-9-CM code describing the principal diagnosis (the condition established after study to be chiefly responsible for causing the admission of the patient for care).~~~~(s)) (19) Other diagnoses codes.~~~~((ICD-9-CM codes identifying up to eight additional conditions that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay).~~~~(t)) (20) Principal procedure code.~~~~((The ICD-9-CM code that identifies the principal procedure performed during the patient admission.~~~~(u)) (21) Other procedure codes.~~~~((ICD-9-CM codes identifying up to five significant procedures other than the principal procedure performed during the admission.~~~~(v)) (22) Attending physician identification.~~~~((The UPIN number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used.~~~~(w)) (23) Other physician identification.~~~~((The UPIN number of the licensed physician who performed the principal procedure. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used. If no principal procedure was performed, this field should be left blank.~~~~(2) The hospital shall report all inpatients discharge data described in WAC 246-455-020. Each patient discharge must carry a separate, unique patient control number on a separate UB-92 record. For example, a mother and her newborn require separate UB-92s, each with a separate, unique patient control number.)~~AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)**WAC 246-455-030 Reporting of E-Codes.** Effective with hospital patient discharges occurring on or after January 1, 1989, hospitals shall collect and report ~~((up to two))~~ one ICD-9-CM code~~(s)~~ identifying the external cause of injury and poisoning (E-Codes), when applicable.AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)**WAC 246-455-040 Acceptable media for submission of data.** Hospitals shall submit data in the form prescribed by the department in the *CHARS Procedure Manual*. A copy of the *CHARS Procedure Manual* may be obtained by contacting the department or on the department's website.AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)**WAC 246-455-070 Revisions to submitted data.** ~~((1))~~ All data revisions required as a result of the edits performed pursuant to WAC 246-455-020 shall be corrected and returned to the department or its designee within ~~((fourteen))~~ seven working days.~~((2) The department may assess a civil penalty as provided in RCW 70.170.070 and WAC 246-455-100 for the costs associated with more than one cycle of edits as described in WAC 246-455-060.)~~AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)**WAC 246-455-080 Confidentiality of data.** (1) The department and any of its contractors or agents shall maintain the confidentiality of any information which may in any manner identify individual patients~~(-)~~ per RCW 70.170.090 and federal regulations implementing the Health Insurance Portability and Accountability Act.

The following confidential data elements are not public data: Patient control number, patient identifier, patient birthdate, admission date, discharge day, and nine-digit ZIP Code. The following data elements are public data: Patient's age at admission, discharge month and year, length of stay, and a five-digit ZIP Code.

(2) Records containing confidential data elements may be disclosed for research purposes after approval from the ~~((human research))~~ Washington state institutional review board in accordance with RCW 42.48.020.AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)**WAC 246-455-090 Certification of data accuracy.** The department shall furnish each hospital a report of its quarterly discharge data contained in the department's discharge data system. The chief executive officer of the hospital shall, within ~~((fourteen calendar))~~ seven working days of receipt of the report, certify that the information contained in

the department's discharge data system is complete and accurate ~~((to within ninety five percent of the total discharges and total charges))~~ with an aggregate error rate not to exceed 1.00% experienced at the hospital during that quarter, or submit the necessary corrections to the data to permit such certification.

AMENDATORY SECTION (Amending WSR 94-12-090, filed 6/1/94, effective 7/2/94)

WAC 246-455-100 ~~((Penalties for))~~ **Violation.** ~~((RCW 70.170.070 describes the penalty for violation of any valid orders, rules, regulations, and reporting requirements.))~~ If a hospital violates the reporting requirements in this chapter, the department may proceed with legal action under RCW 43.70.190 to compel compliance. The department may grant extensions of time to file the information ~~((, in which cases))~~ upon written request by the hospital. If an extension is granted, failure to file the information shall not ~~((constitute))~~ be considered a violation until the extension period has expired.

WSR 03-05-041
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed February 12, 2003, 1:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-15-031 and 02-22-061.

Title of Rule: WAC 415-108-550 Elected officials—Eligibility and application for retirement service membership, 415-108-560 Appointed officials—Eligibility and application for retirement service membership, 415-108-575 How is the compensation adjustment for elected officials computed?, and 415-110-575 How is the compensation adjustment for elected officials computed?

Purpose: Adopt WACs to clarify certain rules related to elected or appointed officials.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.40.023, 41.40.-037.

Summary: Amended and new WACs will clarify certain rules related to elected or appointed officials.

Reasons Supporting Proposal: The existing WACs have become outdated and do not cover all circumstances that must be covered by rule.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Lucille Christenson, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7069.

Name of Proponent: Department of Retirement Systems (DRS), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules explain how elected and appointed officials may qualify for retirement benefits. The existing ones have not been updated since June 1994. DRS reviewed them under its ongoing regulatory reform review. The proposed amendments attempt to make the rules more clear and to more clearly reflect current law. The two new WAC put long-standing practice into rule, explaining how DRS computes the threshold salary.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on March 27, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on March 27, 2003.

Date of Intended Adoption: No sooner than the day after the hearing.

February 11, 2003
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-12-014, filed 5/23/94, effective 6/23/94)

WAC 415-108-550 Elected officials—Eligibility and application for retirement service membership. (1) **Definition:** For the purposes of this section and WAC 415-108-570, and pursuant to RCW ~~((41.40.023,))~~ 41.40.010 (25)(b), 41.40.010 (9)(a), 41.40.023 and 41.40.035, "elected" officials means individuals elected to any state, local or political subdivision office or individuals appointed to any vacant elective office.

(2) ~~((Pursuant to))~~ **Voluntary application for membership:** Under RCW 41.40.023 (3)(a), elected officials are ~~((exempted))~~ exempt from mandatory retirement system membership ~~((but may)).~~ You have the option to apply for membership during ~~((the official's))~~ your current term of elected office. To apply for membership, ~~((the official shall))~~ submit a written application directly to the department. ~~((If))~~ When the department approves ~~((the))~~ your application, ~~((the elected official is))~~ you will be entitled to establish membership ~~((and service credit retroactive to))~~ effective the first day of ~~((the official's))~~ your current term of elected service. ~~((To establish such membership, the official shall))~~ Once membership is established, you will be required to pay the

~~((required))~~ employee contributions ~~((for the official's))~~ from the first day of your current term of elected service with interest as determined by the department.

(3) ~~((Upon establishing membership for the official's current term of elected office, the official is entitled to establish membership and service credit))~~ If you are not currently a retiree and when the department approves your application, you may establish membership retroactive to the first day of any previous elected term or terms of office. Your plan membership that you established under subsection (2) of this section remains the same. To exercise this option, ~~((the official shall))~~ you must apply to the department pursuant to subsection (2) of this section. ~~((If))~~ When the department approves the application, ~~((the official shall))~~ you must:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, ~~((at))~~ in its discretion, pay the required employer contributions plus interest in lieu of ~~((the employee making payment of))~~ your paying this amount.

(4)(a) If you are a retiree and you become an elected official, you may establish membership prospectively from the first day of the month following the date the department accepts your application.

(b) If you chose not to establish membership, the reemployment provisions of RCW 41.40.037 and WAC 415-108-710 will apply to you.

(5) **Multiple positions:** If ~~((an official is))~~ you are employed in an eligible position at the time of election to office and will hold multiple positions concurrently, ~~((the official))~~ you may:

(a) Apply to the department to participate in membership pursuant to ~~((the official's))~~ your elected position as provided in subsection ~~((3))~~ (2) of this section; or

(b) Choose not to participate pursuant to ~~((the official's))~~ your elected position while continuing membership through the nonelected position.

~~((5))~~ (6) **Membership length:** Except as provided under RCW 41.40.023 (3)(b), once ~~((an elected official has exercised the option of becoming))~~ you become a member of the retirement system ~~((the official))~~ you shall ~~((be))~~ remain a member until ~~((the official))~~ you separate(s) from all eligible public employment pursuant to RCW 41.40.150. ~~((An official does not separate from public employment when that official's))~~ It is not a separation if:

(a) Your term of office ends and ~~((the official commences))~~ you begin another term of office in the same or a different position for the same employer without a break in service~~((An official does not separate from service if the official));~~ or

(b) You resign(s) from ~~((the official's))~~ your elected position and ~~((is))~~ you are later reappointed to the same position during the same term.

~~((6))~~ (7) This section codifies the department's long-standing administrative practice in relation to elected officials. The department will apply this section to service by

elected officials which occurred prior to the effective date of this section.

AMENDATORY SECTION (Amending WSR 94-12-014, filed 5/23/94, effective 6/23/94)

WAC 415-108-560 Appointed officials—Eligibility and application for retirement service membership. (1) For the purposes of this section and WAC 415-108-570, ~~((and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "appointed" officials means only those individuals appointed directly by the governor to any position, including but not limited to agency directorships and memberships on a state committee, board or commission))~~ an "appointed" official is a person who meets the criteria in RCW 41.40.010 (25)(b) and is not excluded by the criteria in RCW 41.40.035.

(2) ~~((An individual must be a gubernatorial appointee or be appointed to serve in a position that meets the requirements of RCW 41.40.010 (25)(a) in order to be eligible for membership and service credit.~~

(3) Pursuant to) **Voluntary application for membership:** Under RCW 41.40.023 (3)(a), appointed officials are ~~((exempted))~~ exempt from mandatory retirement system membership ~~((but may)).~~ You have the option to apply for membership during ~~((the official's))~~ your current ~~((appointed))~~ term of ~~((office))~~ appointed service. To apply for membership, ~~((the official shall))~~ submit a written application directly to the department. ~~((If))~~ When the department approves ~~((the))~~ your application ~~((the official is))~~ you will be entitled to establish membership ~~((and service credit retroactive to))~~ effective the first day of ~~((the official's))~~ your current term of appointed service. ~~((To establish such membership, the official shall))~~ Once membership is established, you will be required to pay the ~~((required))~~ employee contributions for ~~((the official's))~~ your current term of appointed service with interest as determined by the department.

~~((4))~~ ~~((Upon establishing membership for the official's current term of appointed service, the official is entitled to establish membership))~~ (3) If you are not currently a retiree and when the department approves your application, you may establish membership retroactive to the first day of any previous ~~((elected))~~ appointed term or terms of office. Your plan membership that you established under subsection (2) of this section remains the same. To exercise this option, ~~((the official shall))~~ you must apply to the department pursuant to subsection (3) of this section. ~~((If))~~ When the department approves the application ~~((the official shall))~~ you must:

(a) Pay the required employee contributions for such previous term or terms of ~~((elected))~~ appointed service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of ~~((elected))~~ appointed service with interest as determined by the department. The employer may, ~~((at))~~ in its discretion, pay the required employer contributions plus interest in lieu of ~~((the employee making payment of))~~ your paying this amount.

(c) "Current term of appointed service" includes an appointed official's entire current term of service. If ~~((the~~

~~official has~~) you have not been appointed to a position with a set term of office, "current term of appointed service" includes all uninterrupted service in ~~((the official's))~~ your current appointed position.

~~((5))~~ (4)(a) If you are a retiree and you become an appointed official, you may establish membership prospectively from the first day of the month following the date the department accepts your application.

(b) If you choose not to establish membership, the reemployment provisions of RCW 41.40.037 and WAC 415-108-710 will apply to you.

(5) **Multiple positions:** If ~~((an appointed official is))~~ you are employed in an eligible position at the time of appointment to office and will hold the two positions concurrently ~~((the official))~~ you may:

(a) Apply to the department to participate in membership pursuant to ~~((the))~~ your appointed position as provided in subsection ~~((3))~~ (2) of this section; or

(b) Choose not to participate pursuant to ~~((the official's))~~ your appointed position while continuing membership through the nonappointive position.

(6) **Membership length:** Once ~~((an appointed official has exercised the option of becoming))~~ you become a member of the retirement system ~~((either at the start of the official's initial term or at a successive term, the official))~~ you shall ~~((be))~~ remain a member until ~~((the official))~~ you separate~~((s))~~ from all eligible public employment pursuant to RCW 41.40.150. ~~((An appointed official does not separate from public employment when that official's term of office ends and the official commences))~~ It is not a separation if:

(a) Your term of office ends, and you begin another term of office in the same or a different position for the same employer without a break in service~~((An appointed official does not separate from service if the official));~~ or

(b) You resign(s) from ((the)) your appointed position and ~~((is))~~ you are later reappointed to the position during the same term.

(7) This section codifies the department's long-standing administrative practice in relation to appointed officials. The department will apply this section to service by appointed officials which occurred prior to the effective date of this section.

NEW SECTION

WAC 415-108-575 How is the compensation adjustment for elected officials computed? (1) This section provides the department's inflation adjustment under RCW 41.40.023 (3)(b) regarding elected officials.

(2) The department uses the criteria in RCW 41.26.240¹ in making annual inflation adjustments to the fifteen thousand dollar compensation threshold stated in RCW 41.40.023 (3)(b).

(3) The department adjusts the compensation threshold on April 1st of each year.²

(4) The department makes this information available upon request. For further information, please contact the department. Please see WAC 415-06-100 for contact information.

Footnotes to section:

¹ The department uses this LEOFF statute because the statute explains how to use the Consumer Price Index for Seattle in making these annual adjustments.

² In 2001 the threshold was \$19,263. In 2002 the threshold was \$19,948.

NEW SECTION

WAC 415-110-575 How is the compensation adjustment for elected officials computed? (1) This section provides the department's inflation adjustment under RCW 41.35.030 (2)(b) regarding elected officials.

(2) The department uses the criteria in RCW 41.26.240¹ in making annual inflation adjustments to the fifteen thousand dollar compensation threshold stated in RCW 41.35.030 (2)(b).

(3) The department adjusts the compensation threshold on April 1st of each year.²

(4) The department makes this information available upon request. For further information, please contact the department. Please see WAC 415-06-100 for contact information.

Footnotes to section:

¹ The department uses this LEOFF statute because the statute explains how to use the Consumer Price Index for Seattle in making these annual adjustments.

² In 2001 the threshold was \$19,263. In 2002 the threshold was \$19,948.

WSR 03-05-042
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed February 12, 2003, 1:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-031.

Title of Rule: Property division in dissolution orders; LEOFF Plan 1 Flexible survivor options.

Purpose: Implementation of ESB 6380 (chapter 158, Laws of 2002), (Retirement systems—Benefits options), also known as the "Survivor Bill." The legislature has required that the Department of Retirement Systems (DRS) adopt rules to implement ESB 6380 and make these rules effective no later than July 1, 2003.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented:

WAC	TYPE OF ADOPTION	TITLE	STATUTE(S) THAT WAC IS IMPLEMENTING
415-111-450	Repeal	How does a court-ordered division of property affect my Plan 3 account?	RCW 41.50.670
415-02-500	New	Property division in dissolution orders.	RCW 41.50.500, [41.50.]670 - [41.50.]710 ¹ ,
415-02-510	New	How can a property division dissolution order give my ex-spouse an interest in my Plan 1 or Plan 2 retirement account?	[41.50.]790; ESB 6380 (2002)
415-02-520	New	How can my Plan 1 or Plan 2 retirement account be split by a property division dissolution order?	
415-02-530	New	How can a property division dissolution order give my ex-spouse an interest in part of my Plan 3 retirement account?	
415-02-540	New	How can my Plan 3 retirement account be split by a property division dissolution order?	
415-02-550	New	Survivor option factors.	
415-02-380	Amend	New LEOFF Plan 1 flexible survivor actuarial factors added into existing WAC.	RCW 41.26.162, 41.26.164, chapter 41.45 RCW
415-104-202	New	Survivor benefit options—LEOFF Plan 1.	
415-104-211	Amend	Married LEOFF Plan 2 member's benefit selection—Spousal consent required.	RCW 41.26.460
415-104-215	Amend	Retirement benefit options — LEOFF Plan 2.	

¹ Note: DRS is assuming that the 2003 legislature will pass SB 5101/HB 1200 (technical corrections bill), and specifically, the amendment to RCW 41.50.700. If this amendment fails to pass, DRS will make changes to the proposed rules, as necessary, prior to adoption of the final rules.

Summary: DRS must implement ESB 6380 by July 1, 2003. To implement these rules, DRS developed WACs covering property division in dissolution, which include the ESB 6380 mandates, and the new LEOFF Plan 1 flexible survivor options.

Reasons Supporting Proposal: Legislature required implementation.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation 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: These rules explain how DRS will divide retirement contributions and benefits under a dissolution order. They explain the various options, the effects of dissolution before or after retirement, what language to use in court orders, and so forth.

Proposal Changes the Following Existing Rules: WAC 415-02-380 is being amended to include new actuarial factors for LEOFF Plan 1.

WAC 415-104-211 and 415-104-215 are being amended to clarify that these rules apply to LEOFF Plan 1.

WAC 415-111-450 is being repealed, because the subject matter will be covered more comprehensively within the new rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on May 1, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possible, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on May 1, 2003.

Date of Intended Adoption: No sooner than the day after the hearing.

February 11, 2003
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-02-087, filed 12/31/02, effective 2/1/03)

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 (except in LEOFF Plan 1). 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:

<u>LEOFF Plan 1:</u>	<u>RCW 41.26.162</u>	<u>WAC 415-104-202</u>
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 beneficiary, the longer he or she is expected to receive payments. The monthly benefit must be reduced accordingly.

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

(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 multiplied 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

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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%
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
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

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%
-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
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

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(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
-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 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

PROPOSED

(12) Table - Member 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
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

PROPOSED

(13) Table - Member younger (LEOFF Plan 1)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-20	0.958	0.978	0.971
-19	0.955	0.977	0.969
-18	0.952	0.975	0.967
-17	0.949	0.974	0.965
-16	0.946	0.972	0.963
-15	0.942	0.970	0.961
-14	0.939	0.969	0.959
-13	0.935	0.967	0.956
-12	0.932	0.965	0.953
-11	0.928	0.963	0.951
-10	0.924	0.960	0.948
-9	0.920	0.958	0.945
-8	0.916	0.956	0.942
-7	0.911	0.954	0.939
-6	0.907	0.951	0.936
-5	0.902	0.949	0.933
-4	0.898	0.946	0.929
-3	0.893	0.943	0.926
-2	0.888	0.941	0.922
-1	0.883	0.938	0.919

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
14	0.813	0.897	0.867
15	0.809	0.894	0.864
16	0.805	0.892	0.861
17	0.801	0.889	0.858
18	0.797	0.887	0.855
19	0.793	0.885	0.852
20	0.790	0.882	0.849
21	0.786	0.880	0.847
22	0.783	0.878	0.844
23	0.780	0.876	0.841
24	0.777	0.874	0.839
25	0.774	0.872	0.837
26	0.771	0.871	0.834
27	0.768	0.869	0.832
28	0.765	0.867	0.830
29	0.763	0.865	0.828
30	0.760	0.864	0.826
31	0.758	0.862	0.824
32	0.756	0.861	0.823
33	0.753	0.859	0.821
34	0.751	0.858	0.819
35	0.749	0.857	0.818
36	0.747	0.855	0.816
37	0.745	0.854	0.815
38	0.744	0.853	0.813
39	0.742	0.852	0.812
40	0.740	0.851	0.810

PROPOSED

(14) Table - Member older (LEOFF Plan 1)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
0	0.878	0.935	0.915
1	0.873	0.932	0.912
2	0.868	0.930	0.908
3	0.864	0.927	0.905
4	0.859	0.924	0.901
5	0.854	0.921	0.898
6	0.849	0.918	0.894
7	0.844	0.915	0.890
8	0.839	0.913	0.887
9	0.835	0.910	0.883
10	0.830	0.907	0.880
11	0.826	0.905	0.877
12	0.821	0.902	0.873
13	0.817	0.899	0.870

NEW SECTION

WAC 415-02-500 Property division in dissolution orders¹. This section applies to all retirement plans that the department of retirement systems (department) administers. This section also directs you to additional sections as needed for your particular situation.

(1) **What can a court do?** A court can divide your retirement account between you and your ex-spouse through a property division dissolution order or later amendment. A court can do this by either:

(a) Awarding an interest² in your account to your ex-spouse by using WAC 415-02-510 or 415-02-530; or

(b) Splitting³ your account into two separate accounts (one for you and one for your ex-spouse) by using WAC 415-02-520 or 415-02-540, but only if you are vested, that is, have enough service credit to receive a service retirement when you meet the age requirement for your retirement system and plan.

PROPOSED

(2) **Which section should I use?** Consult the following table for direction to the section to use in developing your property division dissolution order. Different sections are provided depending on whether your property division dissolution order is going to provide an interest to your ex-spouse or whether you are splitting your retirement account with your ex-spouse.

If you are in this system and plan:	And the following is true:	Use this section:
Any	You need general information and rules about drafting dissolution orders related to your retirement plan and system.	415-02-500
JRF, JRS, LEOFF Plan 1, and WSPRS Plan 1	You are drafting a dissolution order. (We recommend that you contact the department for assistance because some exceptions may apply.)	415-02-510
LEOFF Plan 2, PERS Plan 1 or 2, SERS Plan 2, and TRS Plan 1 or 2, WSPRS Plan 2	You are not vested and you are drafting a dissolution order; or You are vested and you are drafting a dissolution order that awards an interest in your account to your ex-spouse.	415-02-510
	You are vested and you are drafting a dissolution order that splits your benefit into two separate accounts (for you and your ex-spouse).	415-02-520
PERS Plan 3, SERS Plan 3, and TRS Plan 3	You do not have enough service credit to receive a service retirement, when eligible, and you are drafting a dissolution order; or You have enough service credit to receive a service retirement, when eligible, and you are drafting a dissolution order that awards an interest in your account to your ex-spouse.	415-02-530
	You are vested and you are drafting a dissolution order that splits your benefit into two separate accounts (for you and your ex-spouse).	415-02-540
PERS Plan 2, SERS Plan 2, and TRS Plan 2	The department has already accepted your property division order, and you are considering a transfer to Plan 3.	415-02-550

(3) **What are the requirements for dissolution orders and amendments that provide for a property division of my retirement account?** The order must:

- (a) Be entered by a court of competent jurisdiction;
- (b) Be filed with the department within ninety days of the court's entry of the order;
- (c) Establish the right of your ex-spouse to a portion of your retirement;
- (d) Provide the name and date of birth of your ex-spouse;
- (e) Incorporate the applicable language in this section and one of the following: WAC 415-02-510, 415-02-540, 415-02-520, or 415-02-550; and

(f) Indicate which WAC section was used in support of the order.

(4) **What else, besides a copy of the dissolution order, must my ex-spouse and I provide to the department?** You must provide address(es) and Social Security numbers for both you and your ex-spouse before the department will honor a dissolution order or amendment. This information can be submitted in a cover letter, in another document, or by other means arranged with the department.

(5) **I belong to more than one retirement plan. Does the order have to be written any differently?** The order must include specific provisions for each plan.

(a) Example for providing an interest to an ex-spouse (RCW 41.50.670 and WAC 415-02-510): Paul belongs to both TRS Plan 2 and PERS Plan 2. His preretirement dissolution order gives an interest in his retirement accounts to his ex-spouse. The order should include the language provided in:

(i) WAC 415-02-510(2) and 415-02-510 to divide Paul's TRS Plan 2 monthly retirement benefits and accumulated contributions.

(ii) WAC 415-02-510(2) and 415-02-510 to divide Paul's PERS Plan 2 monthly retirement benefits and accumulated contributions.

(b) Example for splitting an account with an ex-spouse: Mary belongs to both TRS Plan 2 and PERS Plan 2. Her preretirement dissolution order provides for splitting her retirement accounts with her ex-spouse. The order should include the language provided in:

(i) WAC 415-02-520 (5)(a) for preretirement splits to divide Mary's TRS Plan 2 retirement account.

(ii) WAC 415-02-520 (5)(a) for preretirement splits to divide Mary's PERS Plan 2 retirement account.

(6) **What happens if my ex-spouse misses the ninety-day deadline for filing a copy of the dissolution order with the department?**

(a) RCW 51.50.670(6) requires the "obligee" (ex-spouse) to file a copy of the dissolution order with the department within ninety days of the order's entry with court of record.

(b) The department will accept an order after the ninety-day deadline but will not make retroactive payments or split your defined contribution account retroactively.

(7) **How will the department divide the "after-tax" and "tax-deferred" dollars in my retirement account between my ex-spouse and me?** Depending on your plan and how long you have been a member, your retirement account may include both "after-tax" and "tax-deferred" dollars. The department will divide the "after-tax" and "tax-deferred" dollars based on the amount(s) awarded to your ex-spouse, unless the dissolution order states otherwise.

Example: At the time of John's marriage dissolution, he had \$50,000 total contributions in his retirement account with \$20,000 in after-taxed dollars and \$30,000 in tax-deferred dollars. The dissolution order awards 50% of his accumulated contributions to his ex-spouse, Susan. Therefore, the department will give Susan

\$10,000 of after-tax dollars and \$15,000 of tax-deferred dollars.

(8) **If I am in a retirement plan that offers survivor options, can the court order me to name my ex-spouse as a survivor to receive survivor benefits?** Yes. To do so, the dissolution order must include the language in RCW 41.50.790(1).

(9) **Is there a minimum benefit amount that the department will pay to my ex-spouse if the property division dissolution order splits my retirement account with my ex-spouse?** The answer is different depending on if the department accepts the property division dissolution order **BEFORE** or **AFTER** you retire.

(a) **BEFORE** retirement split: Yes. If the court order splits your account with your ex-spouse, and your ex-spouse's monthly benefit is less than the monthly minimum benefit amount for your retirement plan, the department may make a lump sum payment in the amount of the present value of the monthly benefit to the ex-spouse instead of paying monthly benefits. The department will **NOT** make the lump sum payment until your ex-spouse meets the age requirement for a normal retirement for your system and plan.

(b) **AFTER** retirement split: No. The department will pay the amount specified in the dissolution order as the ex-spouse's monthly benefit amount even if it is less than the minimum monthly benefit amount for your system and plan.

(10) **Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. A court may not order the department to pay more than seventy-five per-

Defined Benefits:

RCW 41.50.670(2), paragraph two, and WAC 415-02-510(2)

Accumulated Contributions:

RCW 41.50.670(2), paragraph three, and WAC 415-02-510(2)

cent of your monthly retirement payments to your ex-spouse. See RCW 41.50.670(4).

(11) **How much is the fee the department charges for making payments directly to my ex-spouse?** The department charges seventy-five dollars for making the first disbursement and six dollars for each subsequent disbursement. The department will divide the fees evenly between you and your ex-spouse. See RCW 41.50.680.

(12) **What happens to my account if I return to retirement system membership?** Please contact the department for information if you are in this situation.

(13) **What language should the property division order use to divide my deferred compensation program (DCP) account?** Refer to WAC 415-501-495 or contact DCP for information about your DCP account and your marriage dissolution.

(14) **How do I contact the department for additional assistance?** Complete information is available in WAC 415-06-100 (How do I contact the department?).

(15) **Where can I find examples of completed property division dissolution orders?** Following are examples of the required language from the statutes and WAC sections that must be used in a dissolution order. The information in *bold italics* will be dictated by your own circumstances.

(a) **Example 1.** Jane Doe (a nonvested member of PERS Plan 2) and her husband, John Doe, decide to divorce. **WAC 415-02-510** applies to Jane's membership status. Jane and John complete the paragraphs in RCW 41.50.670(2) and WAC 415-02-510(2) as follows:

If *Jane Doe* (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to *John Doe* (the obligee), *N/A* dollars from such payments or *a fraction where the numerator is equal to 24 (the number of months in which service credit was earned while the marital community was in existence), and the denominator is equal to the number of months of service credit earned by the obligor at the time of retirement X 50* percent of such payments.

If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If *Jane Doe* (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to *John Doe* (the obligee) *\$5,700* dollars plus interest at the rate paid by the Department of Retirement Systems on member contributions. Such interest will accrue from the date of this order's entry with court of record.

(b) **Example 2:** Binh Nguyen (a TRS Plan 3 retiree) and his wife, Lan Nguyen, are obtaining a property division dissolution order that splits his retirement account. When he retired, Binh had selected Lan to receive survivor benefits. WAC 415-02-540 applies, and the couple completes the required paragraphs.

PROPOSED

Defined Benefits:

WAC 415-02-540(12)

The Department of Retirement Systems (department) shall create a **defined benefit account** for Lan Nguyen (ex-spouse) in the Teachers' Retirement System Plan 3 (name of retirement system and plan) and pay him or her \$350 (amount) for his or her life. To pay for this benefit, Binh Nguyen's (member's) **monthly defined benefit** payment will be reduced for life. This provision shall become effective no more than 30 days after the department's acceptance of the order.

Defined Contributions:

WAC 415-02-540(9)

The Department of Retirement Systems (department) shall split Binh Nguyen's (member's) **defined contribution account** in the Teachers' Retirement System Plan 3 (name of retirement system and plan) and create a separate account for Lan Nguyen (ex-spouse). The amount of \$25,000 (amount) shall be transferred from Binh Nguyen's (member's) **defined contribution account** to Lan Nguyen's (ex-spouse's) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

- (16) **Terms used:**
- (a) Department's acceptance - A dissolution order that fully complies with the department of retirement systems' requirements and with chapter 41.50 RCW.
 - (b) Dissolution order - RCW 41.50.500.
 - (c) Ex-spouse - WAC 415-02-030.
 - (d) JRF - Judicial retirement fund.
 - (e) JRS - Judicial retirement system.
 - (f) LEOFF - Law enforcement officers' and fire fighters' system.
 - (g) Obligee - RCW 41.50.500(5).
 - (h) Obligor - RCW 41.50.500(6).
 - (i) PERS - Public employees' retirement system.
 - (j) Plan 3 retirement systems - WAC 415-111-100.
 - (k) SERS - School employees' retirement system.
 - (l) Split account - WAC 415-02-030.
 - (m) Survivor benefits - WAC 415-02-030.
 - (n) TRS - Teachers' retirement system.
 - (o) Vested - The length of service by system and plan required for a service retirement when the age requirement is met.
 - (p) WSPRS - Washington state patrol retirement system.

Footnotes for section:

- ¹ "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state. RCW 41.50.500(3) (2002).
- ² When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement benefit payments or a portion of your contributions to your ex-spouse.
- ³ When a court splits your retirement account, the department will establish a separate account for

your ex-spouse. Once the account has been established, your account and your ex-spouse's account are not tied in any way.

NEW SECTION

WAC 415-02-510 How can a property division dissolution order give my ex-spouse an interest¹ in my Plan 1 or Plan 2 retirement account? (1) Who may use this section?

(a) You **MUST** use this section if you are a member of LEOFF Plan 1, WSPRS Plan 1, JRF or JRS, or a nonvested member of LEOFF Plan 2, PERS Plans 1 or 2, SERS Plan 2, TRS Plans 1 or 2, or WSPRS Plan 2.

(b) You **MAY** use this section if you are a vested member of LEOFF Plan 2, PERS Plans 1 or 2, SERS Plan 2, TRS Plans 1 or 2, or WSPRS Plan 2. If you are splitting your retirement account with your ex-spouse, use WAC 415-02-520.

(2) What language must the property division dissolution order or amendment include? The order must include the language in RCW 41.50.670(2), provided below. The order or amendment must state either a specific dollar amount or percentage of the benefit. It cannot state both. (See example in WAC 415-02-500(15).)

If _____ (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to _____ (the obligee) _____ dollars from such payments or percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If _____ (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to _____ (the obligee) _____ dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(3) How will my account be affected if the department accepts the property division dissolution order *BEFORE* I retire?

(a) Your ex-spouse will not receive any payments from the department until you terminate your employment or retire.

(b) If you terminate your employment and request a withdrawal of your accumulated contributions, the department will pay your ex-spouse his or her share when you receive your payment. If you terminate your employment and do not request a withdrawal of contributions, your ex-spouse will be unable to receive his or her share until you withdraw your accumulated contributions.

(c) If you die before retirement, the department will pay your ex-spouse his or her share of your accumulated contributions in a lump-sum payment.

(4) How will my account be affected if the department accepts the property division dissolution order *AFTER* I retire?

(a) If included in the dissolution order, the department will begin paying your ex-spouse his or her portion of your monthly retirement benefit the first month after the department has accepted the order.

(b) If your ex-spouse dies before you, the portion of your monthly benefit being paid to him or her will be paid to you.

(c) If you die before your ex-spouse, payments to your ex-spouse stop unless the department accepted the order at least thirty days before you retired and the order required the department to name your ex-spouse as a survivor beneficiary (if allowed by your retirement system and plan). See RCW 41.50.700(1) and 41.50.790.

(d) If you are a member of LEOFF Plan 1 or WSPRS Plan 1 and if one of the provisions in RCW 41.50.700(3) applies:

(i) Your ex-spouse may be eligible to receive payments for the life of your surviving spouse; or

(ii) If you are a member of LEOFF Plan 1, your ex-spouse may be eligible to receive payments for his or her lifetime.

(5) Is there a maximum payment amount that a property division dissolution order can award to my ex-spouse? Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(6) If the property division dissolution order directs the department to make payments to my ex-spouse, how will the payments be made? The department will make the required payments as specified in the dissolution order directly to your ex-spouse.

(7) How much is the fee the department charges for making payments directly to my ex-spouse? See RCW 41.50.680 and WAC 415-02-500(11) for information.

(8) What happens if I transfer to Plan 3 after the department has accepted my property division dissolution order or most recent amendment? See WAC 415-02-550 for information.

(9) Terms used:

(a) Department's acceptance - Order that fully complies with the department of retirement systems' requirements and with chapter 41.50 RCW.

(b) Accumulated contributions - WAC 415-02-030.

(c) Dissolution order - RCW 41.50.500.

(d) Ex-spouse - WAC 415-02-030.

(e) JRF - Judicial retirement fund.

(f) JRS - Judicial retirement system.

(g) LEOFF - Law enforcement officers' and fire fighters' retirement system.

(h) Obligee - RCW 41.50.500(5).

(i) Obligor - RCW 41.50.500(6).

(j) PERS - Public employees' retirement system.

(k) Plan 3 retirement systems - WAC 415-111-100.

(l) SERS - School employees' retirement system.

(m) Split accounts - WAC 415-02-030.

(n) Survivor benefits - WAC 415-02-030.

(o) TRS - Teachers' retirement system.

(p) Vested - The length of service by system and plan required for a service retirement when the age requirement is met.

(q) WSPRS - Washington state patrol retirement system.

Footnote to section:

¹ When a court awards an interest in your retirement account, the department is required to pay a portion of our monthly retirement benefit payments or a portion of your contributions to your ex-spouse.

NEW SECTION

WAC 415-02-520 How can my Plan 1 or Plan 2 retirement account be split¹ by a property division dissolution order? (1) Who may use this section? Vested members of LEOFF Plan 2, PERS Plans 1 or 2, TRS Plans 1 or 2, SERS Plan 2, or WSPRS Plan 2 who have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-510.

(2) What are the rules for splitting my account? If you and your ex-spouse are eligible, the department will split *your* retirement account into two separate accounts—one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *BEFORE* or *AFTER* retirement.

(3) How will my account be affected if the department accepts the property division dissolution order *BEFORE* my retirement?

(a) The department will split your retirement account into two completely separate accounts and create an account

for your ex-spouse under his or her Social Security number for the amount awarded in the dissolution order.

(b) The department will pay each of you out of your separate accounts either a monthly retirement benefit payment or a withdrawal of contributions.

(c) If you retire and receive a monthly retirement benefit payment, your monthly payment will have a permanent reduction to account for the amount awarded as a monthly payment to your ex-spouse.

(d) Your monthly benefit payment will be payable over your lifetime, and your ex-spouse's monthly payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your monthly benefit payment.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her monthly payment but may name a beneficiary to receive any final death payment that may be due.

(g) If you terminate employment, whatever decision you make about your accumulated contributions will have no effect upon your ex-spouse's separate account.

(h) When you or your ex-spouse dies, there will be no impact to the other person's retirement account because the accounts are independent from one another.

(i) Your ex-spouse may begin receiving monthly payments when he or she reaches retirement age for your retirement plan, or the first day of the month following the department's acceptance of the order, whichever is later.

Your defined benefit before ERF is applied:

ERF (factor for retiring two years early)

Your base benefit:

Adjustment for divorce split:

The defined benefit you will receive:

Your ex-spouse will receive the full monthly amount (\$500) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(5) What language must be used for a property division dissolution order or amendment that is accepted by the department BEFORE my retirement?

(a) The order must include the language provided below. Do *not* use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____(ex-spouse) in the _____(name of retirement system and plan) and transfer \$_____from

_____ 's (member's) accumulated contributions account into _____ 's (ex-spouse's) account. If (ex-spouse) does not withdraw the contributions and becomes eligible, the department will pay him or her \$_____(amount) as a monthly payment for his or her life. If _____(member) retires and receives a monthly retirement benefit payment, the payment will be permanently reduced to account for _____ 's (ex-spouse's) monthly payment. This provision shall become effective no more than 30 days after the department's acceptance of the order.

ment's acceptance of the order, whichever is later. Your ex-spouse must apply for his or her monthly payment according to the rules for your system and plan.

(j) Your ex-spouse may withdraw his or her share of the accumulated contributions at any time before receiving a monthly retirement benefit. Regardless of whether your ex-spouse withdraws or receives a monthly payment, your monthly benefit payment will be permanently reduced to account for your ex-spouse's share of your retirement account.

(4) What happens if my retirement account was split and then I retire early?

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of PERS Plan 2 and retire for disability two years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of five hundred dollars.

\$2,500	
0.82	
\$2,050	(2500×0.82 ERF)
- \$410	(ex-spouse's 500×0.82 (ERF))
\$1640	($2050 - 410$)

(b) If you are a member of PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to your ex-spouse must be specified in the order if he or she is awarded a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____(ex-spouse) receives a monthly retirement payment, the department shall use _____(number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(6) How will my account be affected if the department accepts the property division dissolution order AFTER my retirement?

(a) The department will split your retirement account *only if* you selected your ex-spouse to receive survivor benefits at the time you retired. If you did not select your ex-spouse to receive survivor benefits at the time you retired, you cannot use this section. You *must* use WAC 415-02-510.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

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(c) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit the first month after the department has accepted the dissolution order.

(7) If the property division dissolution order is dated AFTER my retirement, how will my monthly retirement benefit payment be calculated after the split?

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated, assuming your ex-spouse was awarded a monthly benefit of one thousand dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your current monthly benefit payment by the survivor option factor (see WAC 415-02-380) used to reduce your benefit when you retired.

Example:

Current monthly benefit = \$1679.38

Option factor = 0.9400000

Single life benefit amount =

$$\$1679.38/0.9400000 = \$1786.57$$

Step 2 The single life benefit (\$1786.57) is divided by your annuity factor (see WAC 415-02-360) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old

Annuity factor for age 61 = 0.0084149

Present value of single life benefit =

$$\$1786.57/0.0084149 = \$212,310.31$$

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$1000

Ex-spouse's age at time of the split = 67

Annuity factor for age 67 = 0.0095028

Present value of your ex-spouse's monthly benefit

$$= \$1000/0.0095028 = \$105,232.14$$

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$212,310.31

Less present value of ex-spouse's benefit = -105,232.14

Your present value = \$107,078.17

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$107,078.17

Annuity factor = 0.0084149

Your new monthly benefit amount =

$$\$107,078.17 \times 0.0084149 = \$901.05$$

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value:
 $\$107,078.17/\$212,310.31 = .5043$

Your ex-spouse's percentage of the single life benefit present value:
 $\$105,232.14/\$212,310.31 = .4957$

(8) What language must be used for property division dissolution order or amendment that is accepted by the department AFTER my retirement?

(a) The order must include the language provided below. Do **not** use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for _____ (ex-spouse) in the _____ (name of retirement system and plan) and pay him or her \$ _____ (amount) as a monthly benefit payment for his or her life. To pay for this benefit, _____'s (retiree's) monthly retirement benefit payment will be reduced for his or her life. If (retiree) has any unused contributions remaining in his or her account, \$ _____ (amount) shall be transferred to _____'s (ex-spouse's) account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If the member is in PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to the ex-spouse must be specified in the order if he or she is entitled to a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If _____ (ex-spouse) receives a monthly retirement payment, the department shall use _____ (number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(9) **Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. See RCW 41.50.670(4) or WAC 415-02-500(10) for information.

(10) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(11) **What happens if I transfer to Plan 3 after the property division dissolution order has been filed with the department?** See WAC 415-02-550 for information.

(12) **Terms used:**

(a) Department's acceptance - Order that fully complies with the department of retirement systems requirements and RCW 41.50.500.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) LEOFF - Law enforcement officers' and fire fighters' system.

(e) PERS - Public employees' retirement system.

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) Present value -

(h) SERS - School employees' retirement system.

(i) Split account - WAC 415-02-030.

(j) Survivor benefits - WAC 415-02-030

(k) TRS - Teachers' retirement system.

(l) Vested - The length of service, by system and plan, required to receive a service retirement when age requirements are met.

(m) WSPRS - Washington state patrol retirement system.

Footnotes to section:

¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division dissolution order (or postretirement amendment) may split the member's retirement account using WAC 415-02-520.

NEW SECTION

WAC 415-02-530 How can a property division dissolution order give my ex-spouse an interest¹ in part of my Plan 3 retirement account? (1) Who may use this section?

(a) You *MUST* use this section if you are a member of TRS Plan 3, PERS Plan 3 or SERS Plan 3 and do not have enough service credit to receive a service retirement from the defined benefit portion of your retirement plan when you meet the age requirement.

(b) You *MAY* use this section if you are a member of TRS Plan 3, PERS Plan 3 or SERS Plan 3, and have earned enough service to receive a service retirement from the defined benefit portion of your retirement plan when you meet the age requirement. If you are splitting your retirement account with your ex-spouse, use WAC 415-02-540.

(2) **What language must the property division dissolution order or amendment include to pay a portion of my defined monthly retirement benefit to my ex-spouse?** The order must use the language in RCW 41.50.670(2), provided below. The order or amendment must state either a specific dollar amount or percentage of the benefit. It cannot state both.

If _____ (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to _____ (the obligee) _____ dollars from such payments or percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

(3) How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order BEFORE I retire?

(a) Your ex-spouse will not receive any payments from your defined benefit portion until you retire.

(b) If you or your ex-spouse dies before you retire, the portion of your defined benefit account awarded to your ex-spouse in the dissolution order ends.

(4) How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order AFTER I retire?

(a) If included in the dissolution order, the department will begin paying your ex-spouse his or her portion of your defined benefit payment the first month after the department has accepted the order.

(b) If your ex-spouse dies before you, the portion of your defined benefit payment being paid to him or her will be paid to you.

(c) If you die before your ex-spouse, payments to your ex-spouse stop unless the department accepted the order at least thirty days before you retired and it required the department to name your ex-spouse as a survivor beneficiary. See RCW 41.50.700(1) and 41.50.790.

(5) Is there a maximum payment amount of the defined benefit portion of my retirement account that the property division dissolution order can award to my ex-spouse? Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(6) If the property division dissolution order directs the department to make payments to my ex-spouse, how will the payments be made? The department will make the required payments as specified in the dissolution order directly to your ex-spouse.

(7) How much is the fee the department charges for making payment directly to my ex-spouse? See RCW 41.50.680 and WAC 415-02-500(11).

(8) If the department accepts the property division dissolution order BEFORE I retire, how will the department divide my defined contribution account with my ex-spouse?

(a) The amount the dissolution order awards to *your ex-spouse* will be deducted from *your* account and set up in a separate account for your ex-spouse under his or her Social Security number.

(b) *You and your ex-spouse* will manage your individual portions of the account independently from one another.

(c) *You* must continue to contribute to your account during your employment.

(d) *Your ex-spouse* may not contribute to his or her account.

(9) **What options does my ex-spouse have in managing his or her separate defined contribution account?** Your ex-spouse may:

(a) Transfer money between the state-managed (WSIB) or the self-directed (SELF) investment programs; and

(b) Transfer money among the investment options in the SELF-directed program.

(10) **How will the department make distributions to both my ex-spouse and me on each of our defined contribution accounts?**

(a) When you separate from employment or retire, the funds in your defined contribution account will be disbursed to you according to your distribution choice.

(b) Your ex-spouse must begin distribution from his or her account at the same time that you request distribution from your account.

(c) Both you and your ex-spouse have the same distribution options as outlined in WAC 415-111-310.

(d) If *you die before* a distribution has been made from your defined contribution account, your beneficiary(ies) must apply for a lump sum distribution of the funds in your account.

(e) If *you die before* a distribution has been made from your defined contribution account, your ex-spouse must begin receiving distribution of his or her funds at that time according to the distribution options in WAC 415-111-310.

(f) If *your ex-spouse dies before* a distribution has been made from his or her defined contribution account, your ex-spouse's beneficiary(ies) must apply for a lump sum distribution of the funds in his or her account.

(g) If *you die after* you begin receiving funds from your defined contribution account but before your funds have been exhausted, the remaining balance of the funds will be disbursed to your designated beneficiary(ies).

(h) If *your ex-spouse dies after* receiving funds from his or her account but before the funds have been exhausted, the remaining balance of the funds will be disbursed to your ex-spouse's designated beneficiary.

(11) **What language must the dissolution order or most recent amendment include to pay a portion of my defined contribution account to my ex-spouse?** The language provided in the following paragraph must be used. The order or amendment must state a specific dollar amount.

The Department of Retirement Systems (department) shall divide _____'s (member's) **defined contribution account** in the _____ (retirement system and plan) and create a separate account for (ex-spouse). The amount of \$ _____ shall be transferred from _____'s (member's) **defined contribution account** to _____'s (ex-spouse) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(12) **If the department accepts the property division dissolution order AFTER I retire, how will the department divide my defined contribution account with my ex-spouse?** If your defined contribution account has not been exhausted at the time the department accepts the dissolution order, the department will divide the remaining funds as specified in the dissolution order according to subsections (8) through (11) of this section.

(13) **Terms used:**

(a) Department's acceptance - Order that fully complies with the department of retirement systems' requirements and chapter 41.50 RCW.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) Obligee - RCW 41.50.500(5).

(e) Obligor - RCW 41.50.500(6).

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) Split accounts - WAC 415-02-030.

(h) Survivor benefits - WAC 415-02-030.

Footnote to section:

¹ When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement benefit payments or a portion of your contributions to your ex-spouse.

NEW SECTION

WAC 415-02-540 How can my Plan 3 retirement account be split¹ by a property division dissolution order?

(1) **Who may use this section?** You may use this section if:

(a) You are a member of TRS Plan 3, SERS Plan 3 or PERS Plan 3;

(b) You have enough service credit to receive a defined benefit payment when you meet the age requirement for your system; and

(c) You have or will have a property division dissolution order or amendment dated on or after July 1, 2003². If your ex-spouse will be receiving an interest in your account, use WAC 415-02-530.

(2) **What are the rules for splitting my account?** If you and your ex-spouse are eligible, the department will split both portions of *your* retirement account (defined benefit and defined contributions) into two separate accounts - one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *before* or *after* retirement.

(3) **How will the defined benefit portion of my retirement account be affected if the department accepts the property division dissolution order BEFORE I retire?**

(a) The department will split *your* defined benefit account into two completely separate accounts and create an account for your ex-spouse for the amount awarded in the defined benefit portion of the dissolution order under your ex-spouse's Social Security number.

(b) The department will pay each of you a defined benefit, when eligible, out of your separate accounts.

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(c) The amount awarded to your ex-spouse as his or her defined benefit payment will be a permanent reduction to your defined benefit payment amount.

(d) Your defined benefit payment will be payable over your lifetime, and your ex-spouse's defined benefit payment will be payable over his or her lifetime.

(e) You will have the right to pick a survivor option for your defined benefit payment for your own account.

(f) Your ex-spouse will not have the right to pick a survivor option for his or her defined benefit payment but may name a beneficiary to receive any final death payment that may be due.

(g) You may begin receiving your defined benefit payment when eligible according to the rules for your system.

(h) Your ex-spouse may begin receiving benefits the first day of the month following the month in which he or she reaches retirement age for your retirement system, or the first day of the month following the dissolution date, whichever is later. Your ex-spouse must apply for retirement according to the rules for your system.

Your defined benefit before ERF is applied:

ERF (factor for retiring two years early)

Your base benefit:

Adjustment for divorce split:

The defined benefit you will receive:

Your ex-spouse will receive the full monthly amount (\$250) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

(i) When you or your ex-spouse dies, there will be no impact to the other person's retirement account, because the accounts are independent from one another.

(4) What happens to my defined benefit if my account was split and then I retire early?

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your monthly retirement benefit payment will be reduced by an early retirement factor (ERF). See WAC 415-02-320.

(b) To determine the reduction to your benefit because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your benefit.

Example: You are a member of TRS Plan 3 and retire for disability five years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly benefit of two hundred fifty dollars.

\$1,000	
0.61	
\$610	(\$1,000 x 0.61 ERF)
-\$152.50	(ex-spouse's \$250 x 0.61 (ERF))
\$457.50	(\$610 - \$152.50)

(b) You and your ex-spouse will manage your separate accounts independently from one another.

(c) You must continue to contribute to your account during your employment.

(d) Your ex-spouse may not contribute to his or her account.

(7) What options does my ex-spouse have in managing his or her separate defined contribution account?
Your ex-spouse may:

(a) Transfer money between investment programs (state-managed (WSIB) or self-directed (SELF)); and

(b) Transfer money among the investment options in the SELF-directed program.

(8) How will the department make distributions to my ex-spouse and me out of our defined contribution accounts?

(a) *You* must be separated from employment before funds in your account can be distributed according to your distribution choice.

(b) *Your ex-spouse* may begin receiving distribution of the funds in his or her account at any time according to his or her distribution choice.

(c) Both you and your ex-spouse will have the same distribution options as outlined in WAC 415-111-310.

(d) If *you* die before a distribution has been made from your defined contribution account, your beneficiary(ies) must apply for a lump sum death benefit from your account.

(e) If *your ex-spouse* dies before a distribution has been made from his or her account, your ex-spouse's benefi-

(5) What language must be used in a property division dissolution order that the department accepts BEFORE I retire to pay a portion of my monthly defined benefit payment to my ex-spouse? The order must use the language provided below. Do not use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's defined monthly benefit payment must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create a **defined benefit monthly account** for _____ (ex-spouse) in the _____ (name of retirement system and plan). When _____ (ex-spouse) becomes eligible for monthly payments, [s]he (upon application) will begin to receive \$_____ per month for the remainder of his/her lifetime. When _____ (member) becomes eligible for monthly payments, [s]he (upon application) will begin to receive the calculated monthly benefit less the amount herein specified for _____ (ex-spouse). This provision shall become effective no more than 30 days after the department's acceptance of the order.

(6) If ordered in the dissolution order, how will the department split my preretirement defined contribution account?

(a) The amount the dissolution order awards to your ex-spouse will be deducted from your defined contribution account and set up in a separate account for your ex-spouse under his or her Social Security number.

ciary(ies) must apply for a lump sum death payment from his or her account.

(f) If *you* die after you begin receiving funds but before the funds in your account have been exhausted, the balance will be paid to your designated beneficiary(ies).

(g) If *your ex-spouse* dies after receiving funds but before the funds in his or her account have been exhausted, the balance will be paid to your ex-spouse's designated beneficiary(ies).

(9) **What language must be used in a property division dissolution order to award a portion of my defined contribution account to my ex-spouse?** The order must include the language provided in the following paragraph. The exact dollar amount to transfer to your ex-spouse's defined contribution account must be specified. Do not use formulas or percentages. (See example in WAC 415-02-500 (15)(b)).

The Department of Retirement Systems (department) shall split _____(member's) **defined contribution account** in the _____(name of retirement system and plan) and create a separate account for _____(ex-spouse). The amount of \$ _____(amount) shall be transferred from _____'s (member's) **defined contribution account** to _____'s (ex-spouse's) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(10) **If the dissolution order or amendment is dated AFTER my retirement, how will my defined monthly retirement benefit payment be split?**

(a) The department will split your defined monthly retirement benefit payment *only if* you selected your ex-spouse to receive a survivor benefit at the time you retired. If you did not select your ex-spouse to receive a survivor benefit at the time you retired, you cannot use this section. You *must* use WAC 415-02-530.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) Regardless of his or her age, your ex-spouse will begin receiving a monthly benefit payment the first month after the department accepts the property division dissolution order.

(11) **If the dissolution order or amendment is dated AFTER my retirement, how will my monthly retirement benefit be calculated after the split?**

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly benefit. The following describes how the new amount of your benefit will be calculated assuming your ex-spouse was awarded a monthly benefit of six hundred dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly benefit payment by dividing your currently monthly benefit payment by the survivor option factor (see WAC 415-02-380) used to reduce your benefit when you retired.

Example:

Currently monthly benefit = \$1200

Option factor = 0.865

Single life benefit amount = $\$1200/0.865 = \1387.28

Step 2 The single life benefit (\$1387.28) is divided by your annuity factor (see WAC 415-02-340) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

Example:

Your age at time of the split = 61 years old

Annuity factor for age 61 = 0.0065448

Present value of single life benefit =
 $\$1387.28/0.0065448 = \$211,966.75$

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly benefit amount (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

Example:

Ex-spouse's monthly benefit amount = \$600

Ex-spouse's age at time of the split = 67

Annuity factor for age 67 = 0.0076715

Present value of your ex-spouse's monthly benefit = $\$600/0.0076715 = \$78,211.56$

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

Example:

Present value of single life benefit = \$211,966.75

Less present value of ex-spouse's benefit = -78,211.56

Your present value = \$133,755.19

Step 5 The department determines your new monthly benefit amount by multiplying your present value by your annuity factor.

Example:

Your present value = \$133,755.19

Annuity factor = 0.0065448

Your new monthly benefit amount =
 $\$133,755.19 \times 0.0065448 = \875.40

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

Example:

Your percentage of the single life benefit present value:

$\$133,755.19/\$211,966.75 = .6310$

Your ex-spouse's percentage of the single life benefit present value:

$\$78,211.56/\$211,966.75 = .3690$

(12) What language must the postretirement property division dissolution order or most recent amendment include to split my monthly defined benefit payment with my ex-spouse? Do not use the language in RCW 41.50.670 (2). The order must include the language provided in the following paragraph. The exact dollar amount of your ex-spouse's monthly benefit payment must be specified. Do not use formulas or percentages. (See example in WAC 415-02-500 (15)(b).)

The Department of Retirement Systems (department) shall create a **defined benefit account** for _____ (ex-spouse) in the _____ (name of retirement system and plan) and pay him or her \$_____ (amount) for his or her life. To pay for this benefit, _____ (member's) **monthly defined benefit** payment will be reduced for life. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(13) How will the department split my postretirement defined contribution account? If your defined contribution account has not been fully disbursed at the time of the dissolution order, the department will split the remaining portion of your defined contribution according to the provisions of subsections (3) through (6) of this section.

(14) Is there a maximum payment that a property division dissolution order can award to my ex-spouse? Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(15) How much is the fee the department charges for making payments directly to my ex-spouse? See RCW 41.50.680 and WAC 415-02-500(11) for information.

(16) Terms used:

(a) Department's acceptance - A dissolution order that fully complies with the department of retirement systems' requirements and chapter 41.50 RCW.

(b) Dissolution order - RCW 41.50.500.

(c) Ex-spouse - WAC 415-02-030.

(d) Split accounts - WAC 415-02-030.

(e) Survivor benefits - WAC 415-02-030.

(f) Plan 3 retirement systems - WAC 415-111-100.

(g) TRS - Teachers' retirement system.

Footnotes to section:

¹ When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

² If an ex-spouse was not listed as the member's survivor beneficiary at retirement, then no postretirement property division order (or postretirement amendment) may split the member's retirement account using WAC 415-02-540.

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.

NEW SECTION

WAC 415-02-550 What happens to my defined contributions if I transfer to Plan 3 *after* the department of retirement systems accepts my property division dissolution order? (1) **Who may use this section?** You may use this section if you were a member of PERS Plan 2, SERS Plan 2, or TRS Plan 2 and *first* obtained a property division dissolution order using the language in RCW 41.50.670(2) and WAC 415-02-510 or 415-02-520, and *then* transfer to Plan 3.¹

(2) **What happens if the property division dissolution order (using the language in RCW 41.50.670(2) and WAC 415-02-510) did not split my account?** Refer to WAC 415-03-530 for information about your defined benefit account and about your and your ex-spouse's defined contribution accounts after you transfer to Plan 3.

(3) **What happens if the property dissolution order used the language in WAC 415-02-520 and did split my account?**

(a) Your *ex-spouse's* account will remain in Plan 2. Your ex-spouse is ineligible to transfer to Plan 3.

(b) The balance of your accumulated contributions remaining in your Plan 2 account after it was split will be transferred to your Plan 3 defined contributions account. (Refer to chapter 415-111 WAC for information about your defined contribution account.)

(4) **How will gainsharing be applied to my account?** Gainsharing is not applied to Plan 2 member accounts. If gainsharing is applied after you have transferred to Plan 3, only you will receive the gainsharing amount.

(5) Terms used:

(a) Dissolution order - RCW 41.50.500.

(b) Ex-spouse - WAC 415-02-030.

(c) Gainsharing - Chapter 41.31 RCW (Plan 1); chapter 41.31A RCW (Plan 3); WAC 415-02-030; 415-111-440.

(d) PERS - Public employees' retirement system.

(e) Plan 3 retirement systems - WAC 415-111-100.

(f) SERS - School employees' retirement system.

(g) Split accounts - WAC 415-02-030.

(h) TRS - Teachers' retirement system.

Footnote to section:

¹ The section does not apply to retirees, because retirees cannot transfer to Plan 3.

NEW SECTION

WAC 415-104-202 **Survivor benefit options—LEOFF Plan 1.** (1) **To whom does this section apply?** This section only applies to members of the law enforcement officers' and fire fighters' retirement system who first became members of the system prior to October 1, 1977 (LEOFF Plan 1).

(2) **What are flexible survivor benefit options?** RCW 41.26.164 allows a retiree to provide a survivor option for a spouse who does not otherwise qualify as an eligible surviving spouse under RCW 41.26.160 or 41.26.161. The survivor

option will provide a lifetime benefit for the spouse after the retiree's death.

(3) **How will the retiree's benefit be affected by selecting a flexible survivor option?** The monthly benefit payment will be actuarially reduced beginning the first month following the month in which the department receives the completed form.

(4) **What are the flexible survivor option choices?**

(a) **Joint and whole allowance option.** When the retiree dies, the department pays the surviving spouse a monthly benefit equal to the gross monthly allowance then payable to the retiree.

(b) **Joint and one-half allowance option.** When the retiree dies, the department pays the surviving spouse a monthly benefit equal to one-half of the amount of the retiree's gross monthly retirement allowance then payable to the retiree.

(c) **Joint and two-thirds allowance option.** When the retiree dies, the department pays the surviving spouse a monthly benefit equal to two-thirds of the retiree's gross monthly retirement allowance then payable to the retiree.

(5) **How does one qualify to add a flexible survivor option?** A retiree may qualify to select a flexible survivor option if:

(a) The retiree does not have a spouse who qualifies as an eligible surviving spouse (see subsection (2) of this section);

(b) The retiree's monthly benefit is not subject to a property settlement agreement from a court decree of dissolution or legal separation; and

(c) The retiree has not previously selected a flexible survivor option.

(6) **What steps must one take to add a flexible survivor option?** To add a flexible survivor option, the retiree must:

(a) Make the choice during the one year window, on or after the date of the first anniversary and before the second anniversary of the marriage;

(b) Provide the department with proof of the birth date of the spouse and a copy of a marriage certificate as proof of the marriage; and

(c) Properly and in a timely manner complete and file the correct forms with the department.

(7) **What happens if the survivor dies before the retiree?** If the spouse dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to the amount that the retiree would have received had the retiree not chosen a flexible survivor option plus any cost-of-living adjustments (COLA) the retiree received prior to the spouse's death.

(8) **What happens to the eligible surviving children's share if the retiree selects a flexible survivor option?** There is *no* impact to the benefit provided to surviving children if the retiree selects a flexible survivor option.

(9) **Actuarial information.** See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement allowances.

Terms used in this section:

(a) Child or children - RCW 41.26.030(7).

(b) Eligible surviving child - RCW 41.26.160 and 41.26.161.

(c) Eligible surviving spouse - RCW 41.26.161 and 41.26.162.

(d) Surviving spouse - RCW 41.26.030(6).

AMENDATORY SECTION (Amending WSR 99-16-075, filed 8/3/99, effective 9/3/99)

WAC 415-104-211 Married LEOFF Plan 2 member's benefit selection—Spousal consent required. (1) A LEOFF Plan 2 member, if married, must provide the spouse's written consent to the option selected under WAC 415-104-215. If a married LEOFF Plan 2 member does not provide spousal consent, the department will pay the retired member a joint and one-half survivor benefit allowance and record the member's spouse as the survivor, in compliance with RCW 41.26.460(2).

(2) Spousal consent is not needed to enforce a marital dissolution order requiring the department to pay an ex-spouse under RCW 41.50.790.

(3) "Spousal consent" means that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on a completed retirement application filed with the department constitutes spousal consent.

AMENDATORY SECTION (Amending WSR 01-10-045, filed 4/26/01, effective 6/1/01)

WAC 415-104-215 Retirement benefit options—LEOFF Plan 2. RCW 41.26.460 enables the department to provide retiring LEOFF Plan 2 members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One: Benefit option without survivor features (standard allowance).** The department pays the retiree a monthly retirement allowance actuarially based solely on the single life of the member, in accordance with RCW 41.26.430 (service) or 41.26.470 (disability). When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or

(c) The member's estate; or

(d) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(2) **Benefit options with a survivor feature.**

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor

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options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, any remaining balance of the retiree's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or

(ii) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or

(iii) The member's estate; or

(iv) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) Option Two (joint and whole allowance). When the retiree dies, the department pays the survivor a monthly retirement allowance equal to the gross monthly allowance received by the retiree.

(c) Option Three (joint and one-half allowance). When the retiree dies, the department pays the survivor one-half of the amount of the retiree's gross monthly retirement allowance.

(d) Option Four (joint and two-thirds allowance).

(i) Option Four is available to members retiring on or after January 1, 1996.

(ii) When the retiree dies, the department pays the survivor two-thirds (66.667%) of the retiree's gross monthly retirement allowance.

(3) If a member retires on or after June 6, 1996, the department is required to pay an ex-spouse survivor benefits pursuant to a marital dissolution order that complies with RCW 41.50.790.

(4) Benefit increases when survivor predeceases retiree (pop-up provision).

(a) This subsection applies to members retiring on or after January 1, 1996, who select a benefit option with a survivor feature (Option Two, Three, or Four).

(b) If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option One; plus

(ii) Any cost-of-living adjustments the retiree received prior to the survivor's death based on the original option selection.

(c) Pop-up recalculation example:

Plan Two:

Agnes retires in 1996 (Year 0). She would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in January 2001 (Year 5). Under the "pop-up" provision, Agnes' monthly benefit will increase to \$2,191.05, the amount she would have received had she cho-

sen Option One (standard allowance) plus her accumulated COLA's:

Year	Option One (Standard Allow.)	Survivor Option (2,3,4) plus COLAs (3% max)	COLA incr. (inelig.)	\$ Increase
0 (1996)	2,000.00	1,750.00	(inelig.)	0.00
1 (1997)		1,750.00	.02	35.00
2 (1998)		1,785.00	.03	53.55
3 (1999)		1,838.55	.025	45.96
4 (2000)		1,884.51	.03	56.54
5 (2001)	2,000.00	1,941.05	—	—
		Total COLA's		191.05

Original Option One Benefit Amount	+ Total COLA's	= New Benefit Amount
\$2000	+ \$191.05	= \$2,191.05*

* In the future (i.e., Year 5), Agnes' COLA will be based on the increased benefit amount (\$2,191.05).

(d) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all employee contributions are exhausted, any remaining balance of the retiree's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or

(ii) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or

(iii) The member's estate; or

(iv) If there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(5) Any retiree who retired before January 1, 1996, and who elected to receive a benefit option with a survivor feature under subsection (2) of this section is entitled to receive a retirement allowance adjustment if the retiree meets the following conditions:

(a) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(b) The retiree provides the department proper proof of the designated beneficiary's death.

The retiree is not required to apply for the increased benefit provided in this subsection. The adjusted retirement allowance will be effective on July 1, 1998, or the first day of the month following the date of death of the designated beneficiary, whichever comes last. The adjustment is computed as described in RCW 41.26.460 (3)(c) for Plan 2 retirees.

(6) Postretirement benefit options.

(a) **Postretirement marriage option.** Members who select the standard allowance (Option One) at the time of retirement and marry after retirement may subsequently select a survivor option with their new spouse as survivor beneficiary, provided that:

(i) The retiree's monthly benefit is not subject to a property settlement agreement from a court decree of dissolution or legal separation;

(ii) The selection is made either:

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(A) During a one year window, on or after the date of the first anniversary and before the second anniversary of the postretirement marriage; or

(B) Before June 1, 2002, if the postretirement marriage occurred before June 1, 2001;

(iii) The retiree provides a marriage certificate as proof of the postretirement marriage and provides proof of the birthdate of the new spouse; and

(iv) A member may exercise this option one time only.

(b) **Removal of a nonspouse survivor option.** Members who selected a nonspouse as survivor beneficiary at the time of retirement may remove that survivor designation and have the benefit adjusted to a standard allowance. A member may exercise this option one time only.

(c) Selection (a) or (b) of this subsection will become effective the first of the month following the department's receipt of the required paperwork.

(7) **Survivor.** For the purposes of this provision, "survivor" means a person nominated by the member to receive a monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-111-450 How does a court-ordered division of property affect my Plan 3 account?

**WSR 03-05-046
PROPOSED RULES
COMMISSION ON
JUDICIAL CONDUCT
[Filed February 13, 2003, 1:30 p.m.]**

Original Notice.

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

Title of Rule: The proposed rules would amend existing procedural and confidentiality rules including: Table of Rules, Rule 11 - Confidentiality, Rule 20 - Answer, and Rule 23 - Stipulations.

Purpose: Changes to the "Table of Rules" would conform the table of contents to commission adopted rules; changes to Rules 11, 20 and 23 would set forth procedures to deal with sealed court files; additionally, Rule 23 describes the stipulation process.

Statutory Authority for Adoption: Washington Constitution Article IV. Section 31(10).

Statute Being Implemented: Chapter 2.64 RCW.

Summary: The "Table of Rules" is conformed to the contents; Rules 11, 20 and 23 institutionalize a process for sealed court files; and Rule 23 explains the stipulation process in more detail.

Reasons Supporting Proposal: The changes clarify existing rules, conform them to existing statutes and describe the stipulation process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, P.O. Box 1817, Olympia, WA 98507, (360) 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes to the "Table of Rules" would conform the table of contents to commission adopted rules; changes to Rules 11, 20 and 23 would set forth procedures to deal with sealed court files; additionally, Rule 23 describes the stipulation process.

Proposal Changes the Following Existing Rules: Changes to the "Table of Rules" would conform the table of contents to commission adopted rules; changes to Rules 11, 20 and 23 would set forth procedures to deal with sealed court files; additionally, Rule 23 describes the stipulation process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules are procedural in nature.

RCW 34.05.328 does not apply to this rule adoption. The action would amend procedural rules.

Hearing Location: The Evergreen Room, Holiday Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA 98188, on June 6, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Kathy Sullivan by May 30, 2003, TDD (360) 753-4585.

Submit Written Comments to: Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, fax (360) 586-2918, by May 23, 2003.

Date of Intended Adoption: June 6, 2003.

February 13, 2003
David Akana
Executive Director

**COMMISSION ON JUDICIAL CONDUCT
RULES OF PROCEDURE (CJCRP)**

AMENDATORY SECTION (Amending Order 00-01, filed December 1, 2000)

TABLE OF RULES
PREAMBLE
TERMINOLOGY

SECTION I. ORGANIZATION AND STRUCTURE

RULE

1. DISCIPLINARY AUTHORITY
2. THE COMMISSION ON JUDICIAL CONDUCT
 - (a) Purpose.
 - (b) Jurisdiction.
3. ORGANIZATION AND AUTHORITY OF THE COMMISSION
 - (a) Meetings.
 - (b) Officers.
 - (c) Quorum.
 - (d) Powers and duties.

- (e) Recusal.
- (f) Presiding Officer, Authority.
- 4. INVESTIGATIVE OFFICER
 - (a) Appointment.
 - (b) Powers and duties.
- 5. COMMISSION COUNSEL
 - (a) Appointment.
 - (b) Powers and duties.

SECTION II. GENERAL PROVISIONS

- 6. DISCIPLINE
 - (a) Grounds.
 - (b) Discipline.
 - (c) Mitigating/aggravating factors.
 - (d) Sanctions.
 - (e) Required appearance.
- 7. PROOF
- 8. CIVIL RULES APPLICABLE
- 9. RIGHT TO COUNSEL
- 10. EX PARTE CONTACTS
- 11. CONFIDENTIALITY
 - (a) Investigative and initial proceedings.
 - (b) Hearings on statement of charges.
 - (c) Commission Deliberations
 - (d) General Exceptions.
 - (e) General Applicability.
- 12. [Reserved]
- 13. SERVICE
- 14. SUBPOENA POWER
 - (a) Oaths.
 - (b) Subpoenas for investigation, deposition, or hearing.
 - (c) Enforcement of subpoenas.
 - (d) Quashing subpoena.
 - (e) Service, witnesses, fees.
- 15. [Reserved]
- 16. NOTIFICATION OF FINAL DISPOSITION

SECTION III. DISCIPLINARY PROCEEDINGS

- 17. SCREENING AND INVESTIGATION
 - (a) General.
 - (b) Screening.
 - (c) Preliminary investigation.
 - (d) Initial proceedings.
 - (e) Notice of complaint to respondent.
- 18. [Reserved]
- 19. STATEMENT OF CHARGES
 - (a) General.
 - (b) Amendments to statement of charges or answer.
- 20. ANSWER
 - (a) Time.
 - (b) Waiver of privilege.
 - (c) Use of sealed court records.
- 21. FAILURE TO ANSWER/FAILURE TO APPEAR
 - (a) Failure to answer.
 - (b) Failure to appear.
- 22. DISCLOSURE AND DISCOVERY
 - (a) Disclosure.
 - (b) Discovery following statement of charges.
- 23. STIPULATIONS
 - (a) Submission.
 - (b) Entry of Order.

- 24. HEARING
 - (a) Scheduling.
 - (b) Conduct of hearing.
 - (c) Dismissal or recommendation for discipline.
 - (d) Submission of the report.
 - (e) Motion for reconsideration.
- 25. REVIEW BY SUPREME COURT
- 26. [Reserved]

SECTION IV. SPECIAL PROCEEDINGS

- 27. CASES INVOLVING ALLEGATIONS OF MENTAL OR PHYSICAL INCAPACITY
 - (a) Initiation of incapacity proceedings.
 - (b) Proceedings to determine incapacity generally.
 - (c) Waiver.
 - (d) Stipulated disposition.
 - (e) Reinstatement from incapacity status.
- 28. REINSTATEMENT OF ELIGIBILITY
- 29. COMPLIANCE PROCEEDINGS

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.

AMENDATORY SECTION (Amending Order 00-01, filed December 1, 2000)

RULE 11. CONFIDENTIALITY

- (a) Investigative and initial proceedings.
 - (1) Before the commission files a statement of charges alleging misconduct by or incapacity of a judge, all proceedings, including commission deliberations, investigative files, records, papers and matters submitted to the commission, shall be held confidential by the commission, disciplinary counsel, investigative officers, and staff except as follows:
 - (A) With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the person making the complaint to respondent pursuant to Rule 17(e).
 - (B) The commission may inform a complainant or potential witness of the date when respondent is first notified that a complaint alleging misconduct or incapacity has been filed with the commission. The name of the respondent, in the discretion of the commission, may not be used in written communications to the complainant.
 - (C) The commission may disclose information upon a waiver in writing by respondent when:
 - (i) Public statements that charges are pending before the commission are substantially unfair to respondent; or
 - (ii) Respondent is publicly accused or alleged to have engaged in misconduct or with having a disability, and the commission, after a preliminary investigation, has determined that no basis exists to warrant further proceedings or a recommendation of discipline or retirement.
 - (D) The commission has determined that there is a need to notify another person or agency in order to protect the public or the administration of justice.
 - (2) The fact that a complaint has been made, or that a statement has been given to the commission, shall be confidential during the investigation and initial proceeding except as provided under Rule 11.

(3) No person providing information to the commission shall disclose information they have obtained from the commission concerning the investigation, including the fact that an investigation is being conducted, until the commission files a statement of charges, dismisses the complaint, or otherwise concludes the investigation or initial proceeding.

(b) Hearings on statement of charges.

(1) After the filing of a statement of charges, all subsequent proceedings shall be public, except as may be provided by protective order. When information from sealed court files obtained for purposes of the commission's confidential investigation must be utilized in the public portion of a case, respondents, commission staff and/or disciplinary counsel shall comply with court procedures to unseal such material.

(2) The statement of charges alleging misconduct or incapacity shall be available for public inspection. Investigative files and records shall not be disclosed unless they formed the basis for probable cause. Those records of the initial proceeding that were the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(3) Disciplinary counsel's work product shall be confidential.

(c) Commission deliberations. All deliberations of the commission in reaching a decision on the statement of charges shall be confidential.

(d) General Exceptions.

(1) A complainant may inform any third party, or the public generally, of the factual basis of his or her complaint.

(2) Any person, other than a complainant, who gives a statement to the commission, may inform any third party, or the public generally, of the factual basis of such statement.

(e) General Applicability.

(1) No person shall disclose information obtained from commission proceedings or papers filed with the commission, except that information obtained from documents disclosed to the public by the commission pursuant to Rule 11 and all information disclosed at public hearings conducted by the commission are not deemed confidential under Rule 11.

(2) Any person violating Rule 11 may be subject to a proceeding for contempt in superior court.

(3) A judge shall not intimidate, coerce, or otherwise attempt to induce any person to disclose, conceal or alter records, papers, or information in violation of Rule 11. Violation of Rule 11 (e)(3) may be charged as a separate violation of the Code of Judicial Conduct.

(4) If the commission or its staff initiates a complaint under Rule 17 (b)(1), then Rule 11 (a)(1) as it applies to the commission, rather than those applicable to complainants, shall govern the commission and its staff.

AMENDATORY SECTION (Amending Order 96-01, filed August 13, 1996)

RULE 20. ANSWER

(a) Time. Respondent shall file a written answer with the commission and serve a copy on disciplinary counsel within twenty-one days after service of the statement of charges, unless the time is extended by the commission.

(b) Waiver of privilege. The raising of a mental or physical condition by respondent as a defense constitutes a waiver of respondent's medical confidentiality privilege.

(c) Use of sealed court records. Respondent shall comply with CJCPRP 11 (b)(1) in filing an answer with the commission.

AMENDATORY SECTION (Amending Order 99-01, filed August 13, 1999)

RULE 23. STIPULATIONS

(a) Submission. At any time prior to the final disposition of a proceeding, respondent may stipulate to any or all of the allegations or charges in exchange for a stated discipline. The stipulation shall set forth all material facts relating to the proceeding and the conduct of respondent. The stipulation may impose any terms and conditions deemed appropriate by the commission, and shall be signed by respondent and disciplinary counsel.

~~((The agreement shall be submitted to the commission, which))~~ The commission shall either approve or reject the ~~((agreement))~~ stipulation. If the stipulation is rejected by the commission, the stipulation shall be deemed withdrawn and cannot be used by or against respondent in any proceedings.

(b) Entry of Order. If the commission accepts the ~~((agreement))~~ stipulation it shall enter an order in open session. Where sealed court materials are included in a public stipulation, the materials shall be unsealed through the applicable court process or sealed by protective order issued by the commission.

Comment:

Approval or rejection of a stipulation will be based upon the completeness of the agreement and the facts to which the parties have stipulated. A stipulation that is submitted to the commission prior to the issuance of a statement of charges is complete if it adequately covers the substance of the allegations and investigation, considering the evidence and equities available to both parties. A stipulation that is submitted after the commission has issued a statement of charges is complete if it addresses all of the allegations contained in the statement of charges.

The commission will consider the appropriateness of a sanction proposed in a stipulation on the basis of the stipulated facts, appropriate precedent, and relevant mitigating and aggravating factors. If the commission rejects the stipulation, it may state, in writing, its reasons for the rejection.

WSR 03-05-058

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 14, 2003, 4:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-03-119.

Title of Rule: Chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians, amending WAC 308-20-120 Written and performance examinations.

Purpose: To amend the grading on the performance exam from a 76% passing grade on each section to an overall minimum passing grade of 75% with no section being scored lower than 40%.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.023.

Statute Being Implemented: RCW 18.16.030.

Summary: Amend WAC 308-20-120 on grading the performance examination.

Reasons Supporting Proposal: It is currently not possible to score a 76% passing grade in each section as required under the current rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rosie McGrew, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6626.

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: Amends one rule to change the passing grade for the performance examination. It is currently not possible to score a 76% passing grade in each section as required under the current rule. The proposed rule will make it possible to score an overall minimum passing grade of 75% on the performance examination.

Proposal Changes the Following Existing Rules: The proposed rule will amend subsections (2) and (3) of WAC 308-20-120 Written and performance examinations. This will amend the way the exam is currently graded from a required 76% passing grade for each section to a required overall minimum passing grade of 75% on the performance examination.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not impose any costs on businesses in the industry.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 102, Olympia, WA 98502, on March 25, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Rosie McGrew by March 24, 2003, TTY (360) 664-8885 or (360) 664-6626.

Submit Written Comments to: Rosie McGrew, Cosmetology Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 664-2550, by March 24, 2003.

Date of Intended Adoption: March 26, 2003.

February 14, 2003

Trudie Touchette
Acting Administrator

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-120 Written and performance examinations. (1) When an applicant for examination as a cosmetologist, barber, manicurist, esthetician or instructor completes the course required in RCW 18.16.100 or meets the requirement to take the examinations described in RCW 18.16.130, the department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall ~~((be constructed to))~~ reasonably measure the applicant's knowledge of safe and sanitary practice. The performance examinations may be divided into skill sections. The overall minimum passing ((seore)) grade for performance examinations shall be ~~((seventy-six))~~ seventy-five percent ~~((of each examination section or unit))~~ with no section being scored lower than forty percent. If an individual scores lower than forty percent in any one section, the entire performance examination must be retaken. The minimum passing ((seore)) grade for the written examinations shall be seventy-six percent of the total examination questions.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques. The overall minimum passing ((seore)) grade for the performance examination shall be eighty percent ~~((of each examination section or unit))~~. The minimum passing ((seore)) grade for the written examination shall be eighty percent of the total examination questions.

~~(((4) Performance examinations shall be divided into skills section or units.))~~

WSR 03-05-069

WITHDRAWAL OF PROPOSED RULES HORSE RACING COMMISSION

[Filed February 18, 2003, 12:11 p.m.]

The Washington Horse Racing Commission would like to withdraw our CR-102 amending WAC 260-72-010 Communications systems, commission approval required—Closure during racing, WSR 03-02-015 filed on December 20, 2003.

If you have any questions you may contact Robert M. Leichner or Robert Lopez, Administrative Services Manager at (360) 459-6462.

February 14, 2003

Robert M. Leichner
Executive Secretary

WSR 03-05-070
PROPOSED RULES
HORSE RACING COMMISSION

[Filed February 18, 2003, 12:12 p.m.]

WSR 03-05-074
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 18, 2003, 12:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-22-025.

Title of Rule: WAC 260-72-010 Communication systems, commission approval required—Closure during racing.

Purpose: To update rules and eliminate language that is no longer applicable to obsolete.

Statutory Authority for Adoption: RCW 67.16.020.

Name of Agency Personnel Responsible for Drafting: Robert Lopez, Olympia, Washington, (360) 459-6462; Implementation and Enforcement: Robert 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: Repeal WAC 260-72-010.

Proposal Changes the Following Existing Rules: Repeals language adopted in 1961.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not impose any costs upon businesses in the horse racing industry.

RCW 34.05.328 does not apply to this rule adoption. The rule is not subject to this section under RCW 34.05.328 (5)(a).

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, (253) 931-3041, on April 10, 2003, at 1:00 p.m.

Submit Written Comments to: Robert Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, 98516, fax (360) 459-6461, by April 9, 2003.

Date of Intended Adoption: April 10, 2003.

February 14, 2003

R. M. Leichner

Executive Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-72-010	Communication systems, commission approval required—Closure during racing.
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Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-167.

Title of Rule: New chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Purpose: The purpose of this rule making is to:

- Make changes to the electrical rules in response to the passage of chapter 249, Laws of 2002 (ESB 6630) from the 2002 legislative session.
- Incorporate four chapters of rule (chapters 296-46A, 296-401B, 296-13, and 296-402A WAC) into new chapter 296-46B WAC.
- Adopt the latest edition of the National Electrical Code and other applicable consensus standards and necessary provisions associated with these standards.
- Make necessary changes to reflect current department practices.
- Incorporate policy into rule.
- Make necessary housekeeping changes.
- Make changes based on recommendations from stakeholder groups and the electrical board.

This rule making will repeal chapters 296-46A, 296-401B, 296-13, and 296-402A WAC and replace them with new chapter 296-46B WAC.

Summary of Changes of the Proposed New Rules:

Clear rule-writing principles and other clarification changes were applied to the entire rewrite of the proposed new chapter 296-46B WAC for purposes of clarity and to make them easier to understand and use.

WAC 296-46B-005 Chapter 19.28 RCW rule references.

This section was created to clarify differences in WAC section numbers established by these proposed new rules and referenced in chapter 19.28 RCW as a result of the 2002 legislative changes.

WAC 296-46B-010 General.

This section was created to:

- Move applicable requirements from WAC 296-46A-090, 296-46A-095, 296-46A-100, 296-46A-130, 296-46A-140, 296-46A-155, and 296-46A-21052.
- Adopt the latest edition of several national consensus codes applicable to electrical installations (e.g. 2002 edition of the National Electrical Code - NEC).
- Make clarification changes to the variance procedures.
- Incorporate Electrical Board Policy 02-01.
- Make clarification changes based on changes to the NEC, including eliminating duplication of requirements found in the NEC.
- Add a requirement that sheeting and siding must be completed prior to the wiring installation and inspection.
- Make clarification changes relating to unaccepted electrical equipment based on current department policy and practice.

PROPOSED

- Clarify that the tamper resistant receptacles or listed tamper resistant receptacle cover plates requirements now apply to areas accessible to children or psychiatric patients.
- Make several other necessary changes.

WAC 296-46B-020 General definitions.

Moved several of the definitions found in chapters 296-46A, 296-401B, 296-13, and 296-402A WAC, chapter 19.28 RCW and added/clarified several definitions necessary for use with this chapter.

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection.

This section was created to:

- Move applicable requirements from WAC 296-46A-102.
- Incorporate changes based on current department policy.
- Correct references to chapter 19.28 RCW.
- Allow an exemption from listing/field evaluation for industrial process utilization equipment as allowed in RCW 19.28.010 using either national or international standards accepted by the department.

WAC 296-46B-040 Traffic management systems.

This section was created to:

- Move applicable requirements from WAC 296-46A-104.
- Clarify the requirements associated with the use and design traffic management system, incorporating department policy specifically regarding light rail installations.

WAC 296-46B-110 General—Requirements for electrical installations.

This section was created to:

- Clarify that unused openings must be closed.
- Clarify labeling requirements based on changes to the 2002 NEC.
- Clarify requirements associated with identifying a disconnecting means.
- Move the requirements found in WAC 296-46A-110.

WAC 296-46B-210 Wiring and protection—Branch circuits.

- Align ground fault requirements with all occupancy types.
- Defines kitchens in other than dwelling units.

WAC 296-46B-215 Wiring and protection—Feeders.

This section was created to move applicable requirements from WAC 296-46A-215.

WAC 296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations.

This section was created to move applicable requirements from WAC 296-46A-220.

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.

This section was created to move applicable requirements from WAC 296-46A-22530.

WAC 296-46B-230 Wiring and protection—Services.

This section was created to:

- Move the applicable requirements from WAC 296-46A-23001 (with the exception of the Uniform Building Code requirements associated with fire-wall separation), 296-46A-23028, 296-46A-23040 (clarifying the eighteen inch extension requirements for conductors from mastheads), and 296-46A-23062.
- Clarify that it is the installer's responsibility to consult with the applicable utility for equipment location.
- Adopt requirements found in the 2002 NEC relating to number of services and clarified that service disconnects for a transient voltage surge suppressor is not required to be counted as one of the six services allowed.
- Clarify the requirements associated with multiple service installations for two family (duplex) buildings.
- Clarify the requirements associated with the maximum number of building service disconnects (6) allowed per the NEC and allowing separation of the service disconnects.
- Allow the use of either schedule 40 or 80 conduit for service conductors inside a building.
- Adopt department policy regarding installations prior to 1984.
- Clarify labeling requirements for service disconnects.
- Clarify that service conductors exceeding 600 volts requires the use of galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 rigid nonmetallic conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

WAC 296-46B-250 Wiring and protection—Grounding.

This section was created to:

- Move applicable requirements from WAC 296-46A-250.
- Eliminate the ability of the grounded conductor (neutral) to be used as an equipment grounding conductor. In many installations, it is impossible to verify the existence or nonexistence of continuous metallic paths between buildings. This proposal treats all feeders the same, whether inside or outside the building. The delayed implementation date allows for a transition for the electrical industry.
- Incorporate systems of 1KV and over policy (01-06) into rule.

WAC 296-46B-300 Wiring methods and materials—Wiring methods.

This section was created to:

- Move applicable requirements from WAC 296-46A-300 and 296-46A-30011.
- Add provisions to allow cable to be installed in all raceway systems if the wire fill requirements are met.

WAC 296-46B-314 Wiring methods and materials—Outlet, device, pull and junction boxes.

This section was created to move applicable requirements from WAC 296-46A-370 and added provisions to prevent the junction boxes from being concealed and buried by insulation.

WAC 296-46B-334 Wiring methods and materials—Non-metallic-Sheathed cable.

This section was created to retain similar provisions that existed in the 1999 NEC for the use of nonmetallic-sheathed cable.

WAC 296-46B-358 Wiring methods and materials—Electrical metallic tubing.

This section was created to move applicable requirements from WAC 296-46A-348.

WAC 296-46B-394 Wiring methods and materials—Concealed knob and tube wiring.

This section was created to move applicable requirements from WAC 296-46A-324.

WAC 296-46B-410 Equipment for general use—Luminaires.

This section was created to move applicable requirements from WAC 296-46A-41004 and 296-46A-41030 and added new terminology for "fixture."

WAC 296-46B-422 Equipment for general use—Appliances.

This section was created to move applicable requirements from WAC 296-46A-422 and clarify voltage levels when performing calculations and installations.

WAC 296-46B-430 Motors, motor circuits, and controllers.

This section was created to clarify the requirements associated with motors, motor circuits, and controllers.

WAC 296-46B-450 Equipment for general use—Transformers and transformer vaults.

This section was created to move applicable requirements from WAC 296-46A-450 (with the exception of subsection (1) of that section).

WAC 296-46B-501 Special occupancies—Class 1 locations.

This section was created to move the applicable requirements from WAC 296-46A-500 and clarify the requirements associated with residential wastewater loading characteristics.

WAC 296-46B-514 Special occupancies—Motor fuel dispensing facilities.

This section was created to move the applicable requirements from WAC 296-46A-514 and clarify the requirements associated with emergency disconnecting pushbuttons.

WAC 296-46B-517 Special occupancies—Health care facilities.

This section was created to move the applicable requirements from WAC 296-46A-517.

WAC 296-46B-520 Special occupancies—Theaters, motion picture and television studios, performance areas and similar areas.

This section was created to move the applicable requirements from WAC 296-46A-365.

WAC 296-46B-527 Special occupancies—Temporary installations.

This section was created to:

- Add provisions to clarify that a circuit used for construction purposes is considered to be temporary and to prevent open splices of cord and other temporary wiring methods.
- Move the applicable notes from WAC 296-46A-910.

WAC 296-46B-550 Special occupancies—Mobile homes, manufactured homes and mobile home parks.

This section was created to:

- Move the applicable requirements from WAC 296-46A-550.
- Eliminate the need for an insulated equipment ground conductor for a mobile home when a permanent underground wiring method is used.

WAC 296-46B-553 Special occupancies—Floating buildings.

This section was created to:

- Move the applicable requirements from WAC 296-46A-553.
- Clarify that the use of cord to supply floating buildings adjacent to docks is allowed.

WAC 296-46B-555 Special occupancies—Marinas and boatyards.

This section was created to:

- Add provisions to allow existing docks to be modified without requiring a complete rewiring, which would be required under the 2002 NEC.
- Clarify the requirements associated with classified boundaries on docks for gas pumps consistent with an Electrical Board determination.

WAC 296-46B-600 Special equipment—Electric signs and outline lighting.

This section was created to:

- Move the applicable requirements from WAC 296-46A-600.
- Allow for the use of neon tubing, which is not allowed in the 2002 NEC.

WAC 296-46B-680 Special equipment—Swimming pools, fountains and similar installations.

This section was created to:

- Move the applicable requirements from WAC 296-46A-680.
- Clarify that the five-foot requirement associated with disconnects/listed equipment also applies to swim spas.
- Clarify the equipment location requirements.

WAC 296-46B-700 Special conditions—Emergency systems.

This section was created to:

- Move the applicable requirements from WAC 296-46A-700 and eliminated unnecessary provisions.
- Clarify that the State Building Code Council standards for emergency lights must be followed.
- Clarify that the identification plates (larger than 6" x 6") and all other boxes associated with this section must be substantially orange in color.

WAC 296-46B-800 Communications systems—Communications circuits.

This section was created to clarify the boundaries associated with a telecommunication installation on an end-user's property and complying with the requirements of chapter 19.28 RCW and this chapter.

WAC 296-46B-900 Electrical work permits and fees.

This section was created to:

- Move the applicable requirements from WAC 296-46A-900.
- Clarify that the amount of the fee due is calculated based on the fee effective at the date payment is made.
- Reference the owner's "full-time telecommunications maintenance staff" for consistency with RCW 19.28-470 (1)(d)(i).
- Clarify the requirements associated with annual permits consistent with current department practice. These permits are intended to primarily be used for maintenance activities and small circuit revisions, not new/alterd services or new structure(s).

WAC 296-46B-905 Inspection fees.

This section was created to:

- Move the applicable requirements from WAC 296-46A-910.
- Eliminate the water heater load control fee that expired on December 31, 2001.
- Clarify that the fees associated with thermostats consistent with department practice. Thermostat(s) controlling multiple equipment or multiple thermostats controlling a single or multiple equipment are calculated using the square foot method.
- Clarify that an altered generator may be charged the reduced fees for altered service/feeder.
- Create a new fee specific to ditch cover inspections. Previously, this type of inspection had been charged the same fee under WAC 296-46A-910 (11)(a).
- Create a new fee for cover inspections for elevator/conveyance installations. Currently, the elevator program performs and requires these types of inspections. This fee allows the electrical program to perform this inspection as well.
- Clarify that existing inspections associated with trip fees is limited to one hour. Additional time required for the inspection will be charged accordingly.
- Create a new fee associated with the department's ability to perform industrial utilization equipment marking.

WAC 296-46B-910 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.

This section was created to:

- Move the applicable requirements from WAC 296-46A-910.
- Clarify that the department may prorate licenses and certificates for shorter renewal periods in one year increments.
- Add a fee for department-administered examinations.
- Combine certain fees under the original certificate fee.
- Make a clarification change to the fees charged by testing contractors.
- Add fees associated with the 2002 legislative changes.
- Add a fee to allow out-of-state applicants for a reciprocal license to pay a reduced fee.
- Add a new fee for the replacement of certificates.

WAC 296-46B-911 Electrical testing laboratory fees.

This section was created to move the applicable requirements from WAC 296-402A-110.

WAC 296-46B-915 Civil penalty schedule.

This section was created to:

- Move the applicable requirements from WAC 296-46A-920.
- Increase penalties associated with repeat violations and provide for a potential waiver of the first penalty in some instances.

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work.

This section was created to:

- Move the requirements found in WAC 296-46A-930.
- Make changes and add additional scopes of work based on the 2002 legislative changes.
- Expand the scope of the domestic well specialty to include residential septic systems.
- Change the reference of "lighting fixture" with luminaries to maintain consistency with the 2002 NEC.
- Expand the scope of the HVAC/refrigeration specialty.
- Add a new specialty for equipment repair.
- Clarify that video with low-voltage wire requires an applicable license in the telecommunication scope of work.
- Make substantive changes to the requirements for those performing HVAC/R work, including the creation of a new HVAC/R - restricted (06B) license.

WAC 296-46B-925 Electrical/telecommunications contractor license.

This section was created to:

- Move applicable requirements from WAC 296-46A-930, 296-46A-931, 296-46A-932, 296-46A-933, 296-46A-934, 296-46A-935, and 296-46A-940
- Clarify information that is printed on the license.

- Eliminate the requirement for "continuing until canceled" relating to how the telecommunications insurance must be issued.
- Add provisions to clarify the requirements associated with installations covered by article 680 NEC relating to swimming pools.
- Make changes based on 2002 legislative changes.
- Add a provision to exclude unregulated telecommunications utility type providers from the licensing requirements.
- Incorporate changes to address board policy 99-15 relating to leaseholders and assisting householders, and assisting other property owners when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work.
- Incorporate changes to address board policy 01-05 relating to street lighting exemptions.
- Incorporate changes to address department policy and practice relating to exemptions for independent electrical power production equipment.
- Make clarification changes for telephone/telegraph exemption for unregulated telecommunication carriers.
- Require notification for modifications to equipment if reapproval/recertification is required.
- Make clarification changes relating to medical equipment installations.
- Created an exemption for electrical utility telecommunications transition equipment installations, maintenance and repair until July 1, 2004.

WAC 296-46B-930 Assignment—Administrator or master electrician.

This section was created to:

- Move applicable requirements from WAC 296-46A-930 and 296-46A-950.
- Make changes based on 2002 legislative changes.
- Add provisions relating to business status for purposes of temporary administrator status.

WAC 296-46B-935 Administrator certificate.

This section was created to:

- Move applicable requirements found in WAC 296-46A-930 and 296-46A-950.
- Make changes based on 2002 legislative changes.

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required.

This section was created to:

- Move applicable requirements from several sections in chapter 296-401B WAC.
- Make changes based on 2002 legislative changes.
- Clarify provisions relating to temporary electrician permit to allow the holder to work under the permit.
- Clarify requirements associated with out-of-state experience.
- Added provisions associated with work experience acquired when a license is not required.

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations.

This section was created to:

- Move applicable requirements from WAC 296-401B-455.
- Make changes based on 2002 legislative changes.
- Provide an amount of time for individuals to comply with the licensing requirements of this chapter.

WAC 296-46B-950 Opportunity for gaining credit for previous experience gained in certain specialties.

This section was created to make changes based on 2002 legislative changes and establishes procedures and time lines for accepting previous experience to qualify for new and some existing specialty examinations.

WAC 296-46B-951 Domestic appliance specialty.

This section was created to make changes based on 2002 legislative changes to eliminate the domestic appliance specialty and replace the licenses with residential (02) licenses.

WAC 296-46B-955 Specialty contractor/electrician enforcement procedures.

This section was created to move applicable requirements from WAC 296-401B-920.

WAC 296-46B-960 Administrator and electrician certificate of competency examinations.

This section was created to:

- Move applicable requirements from WAC 296-401B-300, 296-401B-500, and 296-401B-510.
- Make clarification changes relating to passing scores and materials acceptable for use during the examination.
- Eliminate the requirements associated with retaking test portions provided all sections are completed in a one year period.
- Incorporate language relating to special accommodations for administering, taking, and appealing examinations.
- Establish a time period for retests based on percentage.

WAC 296-46B-965 Training certificate required.

This section was created to:

- Move applicable requirements from WAC 296-401B-300, 296-401B-310, 296-401B-330, and 296-401B-340.
- Eliminate the different training certificate levels and establish a section for original training certificates.
- Defines procedures for submitting affidavits of experience for electrical trainees and individuals in electrical apprenticeship programs.
- Make changes based on 2002 legislative changes.

WAC 296-46B-970 Continuing education.

This section was created to:

- Move applicable requirements from WAC 296-401B-130, 296-401B-600, 296-401B-610, 296-401B-620, 296-401B-630, 296-401B-640, and 296-401B-350.
- Clarify that telecommunications administrators do not require continuing education.
- Make changes based on 2002 legislative changes.

- Clarify that courses must be based on the NEC based on Electrical Board interpretation.

WAC 296-46B-971 Training schools.

This section was created to make changes based on 2002 legislative changes.

WAC 296-46B-975 Electrical audit.

This section was created to:

- Move applicable requirements from WAC 296-401B-350.
- Clarify changes relating to time period covered for the audit, purpose of the audit, and the inspection of records consistent with current department practice.

WAC 296-46B-980 Enforcement—Installations, licensing, and certification requirements.

This section was created to:

- Move applicable requirements from WAC 296-401B-900.
- Clarify that the department inspects the electrical work site but is not responsible for the installation itself.

WAC 296-46B-985 Penalties for false statements or material misrepresentations.

This section was created to move applicable requirements from WAC 296-401B-630 and 296-401B-800.

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws.

This section was created to:

- Move applicable requirements from WAC 296-401B-850, 296-401B-870, 296-401B-910, 296-401B-950, and 296-401B-960.
- Extend "continuous noncompliance" from one to three years.

WAC 296-46B-995 Electrical Board—Appeal rights and hearings.

This section was created to:

- Incorporate applicable provisions and/or references from chapter 296-13 WAC and adopted chapter 34.05 RCW and chapter 10-08 WAC for use with appeals and hearings under chapter 19.28 RCW.
- Make changes to the appeal procedures based on recommendations from the Electrical Board.

WAC 296-46B-998 Standards.

This section was created to move applicable requirements from WAC 296-402A-450, 296-402A-460, and 296-402A-470.

WAC 296-46B-999 Electrical testing laboratory requirements.

This section was created to:

- Move applicable requirements from several sections in chapter 296-402A WAC.
- Establish a thirty day requirement for submitting an evaluation report to the department.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, chapter 249, Laws of 2002 (ESB 6630), and chapter 34.05 RCW.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ron Fuller, Tumwater, (360) 902-5249; 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 costs associated with 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 and/or do not impose a more than minor economic impact on business.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule changes because they do not meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: The public hearings will be held simultaneously (on March 25th and 26th, respectively) at the following locations using interactive video/satellite teleconferencing equipment.

March 25, 2003

Tumwater:

Date: March 25, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 7273 Linderson Way S.W.
 Room S117
 Tumwater, WA

Everett:

Date: March 25, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 729 100th Street S.E.
 Everett, WA

PROPOSED

Yakima:

Date: March 25, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 15 West Yakima Avenue
 Suite 100, Room 102
 Yakima, WA

Wenatchee:

Date: March 25, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 519 Grant Road
 Wenatchee, WA
March 26, 2003

Vancouver:

Date: March 26, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 312 S.E. Stonemill Drive
 Suite 120
 Vancouver, WA

Tukwila:

Date: March 26, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 12806 Gateway Drive
 Tukwila, WA

Kennewick:

Date: March 26, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 4310 West 24th Avenue
 Kennewick, WA

Spokane:

Date: March 26, 2003
 Time: 1:00 p.m.
 Location: Labor and Industries Office
 901 North Monroe Street
 Suite 100
 Spokane, WA

Assistance for Persons with Disabilities: Contact Josh Swanson by March 21, 2003, at (360) 902-6411 or swaj235@LNI.wa.gov for special assistance/accommodation needs.

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 March 27, 2003. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: March 28, 2003.

February 18, 2003

Paul Trause
 Director

Chapter 296-46B WAC**ELECTRICAL SAFETY STANDARDS, ADMINISTRATION, AND INSTALLATION****NEW SECTION**

WAC 296-46B-005 Chapter 19.28 RCW rule references. RCW 19.28.161(5) and 19.28.191(1) refer to specific sections in chapter 296-46A WAC. Chapter 296-46A WAC has been replaced by this chapter. The following cross-reference identifies the appropriate sections in this chapter:

	Chapter 19.28 RCW reference	This chapter
Residential	WAC 296-46A-930(2)(a)	WAC 296-46B-920(2)(a)
Pump and irrigation	WAC 296-46A-930(2)(b)(i)	WAC 296-46B-920(2)(a)
Signs	WAC 296-46A-930(2)(c)	WAC 296-46B-920(2)(a)
Limited energy systems	WAC 296-46A-930(2)(e)(i)	WAC 296-46B-920(2)(a)

NEW SECTION**WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.**

(1) The 2002 edition of the National Electrical Code (NFPA 70 - 2002) including Annex A, B, and C, but excluding Article 80; the 1999 edition of Centrifugal Fire Pumps (NFPA 20 - 1999); the 2002 edition of Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - 1994); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-1999); and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between Centrifugal Fire Pumps (NFPA 20), Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter,

but will not lay out work or act as consultants for contractors, owners, or users.

(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

Inspection.

(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to permit the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(6) Cables or raceways, fished according to the NEC, do not require visual inspection.

(7) Wires pulled into conduit systems are not considered concealed. All required equipment grounding conductors installed in concealed raceway, cable, or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC 296-46B-030 (2)(d), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(10) The department will recognize the state department of transportation as the inspection authority for telecommuni-

cations systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection - move on buildings and structures.

(11) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Classification or definition of occupancies.

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required. Such occupancies include, but are not restricted to:

Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more

individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of

age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review not required.

Plan review for educational, institutional or health care facilities and other buildings.

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine: That loads, conductors, and equipment are calculated and sized according to the proper NEC or WAC article or section; the classification of hazardous locations; and proper design of emergency and standby systems.

(16) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Plans are not required to be on the job site for preliminary electrical underground conduit installation inspection if:

(a) Completed electrical plans have been submitted and conditionally accepted by the department for review; and

(b) The permit holder has requested the inspection in writing to the department. Preliminary underground conduit installation inspection is conditional and subject to any changes required from the plan review process. No other inspections will be allowed until the department has approved all submitted plans and the approved plans are on the job site.

(17) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting electrical engineer registered under chapter 18.43 RCW, and chapters 246B-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(18) Plans for these electrical installations within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review rather than to the department, unless the agency licensing or regulating the installation specifically requires review by the department.

PROPOSED

(19) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(20) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid.

(21) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or electrical contractor.

(22) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(a) The date of the measurements.

(b) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(c) A diagram of the electrical system identifying the point(s) of measurement.

(d) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

(23) Due to their minimal load requirements, plan review of the following limited energy systems will not be required: Fire alarm, nurse call, intrusion or security alarm, intercom, public address, music, energy management, programmed clock, or telecommunications.

(24) When the service or feeder load calculation is affected five percent or less by the addition or alteration of five or less branch circuits, plan review for the branch circuits may be requested from the department's local inspection office. Permission for such small project plan review may be granted at the discretion of the electrical inspection field supervisor, the plans examiner supervisor, or the chief electrical inspector.

Wiring methods for designated building occupancies.

(25) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

(26) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 010-1 and 010-2.

1. Wiring methods in accordance with the NEC unless otherwise noted.

2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that metallic raceway or cable is required in places of assembly.

Table 010-1 Health or Personal Care Facilities

Health or Personal Care Facility Type ⁽¹⁾	Plan Review Required
Hospital	YES
Nursing home unit or long-term care unit	YES
Boarding home or assisted living facility	YES
Private alcoholism hospital	YES
Alcoholism treatment facility	YES
Private psychiatric hospital	YES
Maternity home	YES
Birth center or childbirth center	NO
Ambulatory surgery facility	YES
Hospice care center	NO
Renal hemodialysis clinic	YES
Medical, dental, and chiropractic clinic	NO
Residential treatment facility for psychiatrically impaired children and youth	YES
Adult residential rehabilitation center	YES
Group care facility	NO

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

Educational, Institutional or Other Facility Type	Plan Review Required
Educational ⁽²⁾	YES
Institutional ⁽²⁾	YES
Places of assembly for 100 or more persons ⁽¹⁾	NO
Child day care center ⁽¹⁾	NO
School-age child care center ⁽¹⁾	NO
Family child day care home, family child care home, or child day care facility ⁽¹⁾	NO

NEW SECTION

WAC 296-46B-020 General definitions. (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) "Accreditation" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) "Administrative law judge" means an administrative law judge (ALJ) appointed pursuant to chapter 34.12

RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

(4) **"ANSI"** means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) **"Appeal"** is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) **"Appellant"** means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) **"ASTM"** means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(8) **"AWG"** means American Wire Gauge.

(9) **"Board"** means the electrical board established and authorized under chapter 19.28 RCW.

(10) **"Chapter"** means chapter 296-46B WAC unless expressly used for separate reference.

(11) **"Category list"** is a list of nonspecific product types determined by the department.

(12) A **"certified electrical product"** is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

(13) A **"certification mark"** is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(14) **"Certificate of competency"** includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

(15) A laboratory **"certification program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

(16) A **"complete application"** includes the submission of all appropriate fees, documentation, and forms.

(17) **"Department"** means the department of labor and industries of the state of Washington.

(18) **"Director"** means the director of the department, or the director's designee.

(19) **"Electrical equipment"** includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006(8). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

(20) An **"electrical products certification laboratory"** is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(21) An **"electrical products evaluation laboratory"** is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(22) **"Field evaluated"** means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

(23) **"Field evaluation mark"** is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

(24) A **"field evaluation program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(25) The **"filing"** is the date the document is actually received in the office of the chief electrical inspector.

(26) **"Final judgment"** means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

(27) **"Fished wiring"** is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

(28) **HVAC/refrigeration specific definitions:**

(a) **"HVAC/refrigeration"** means heating, ventilation, air conditioning, and refrigeration.

(b) **"HVAC/refrigeration component"** means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) **"HVAC/refrigeration control panel"** means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) **"HVAC/refrigeration control system"** means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) **"HVAC/refrigeration equipment"** means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) **"HVAC/refrigeration system"** means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

(29) An **"individual"** or **"party"** or **"person"** means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

(30) An **"installation"** includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

(31) An **"identification plate"** is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

(32) **"License"** means a license required under chapter 19.28 RCW.

(33) **"Labeled"** means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

(34) A **"laboratory"** may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(35) A **"laboratory operations control manual"** is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(36) **"Like-in-kind"** means having similar characteristics such as voltage requirement, current draw, circuit overcurrent and short circuit characteristics, and function within the system. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

(37) **"Lineman"** is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

(38) **"Listed"** means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

(39) **"Low voltage"** means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

(40) **"NEC"** means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

(41) **"NEMA"** means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

(42) **"NESC"** means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

(43) **"NETA"** means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

(44) **"NFPA"** means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

(45) **"NRTL"** means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(46) **"Point of contact"** for utility work, means the point at which a customer's electrical system connects to the serving utility system.

(47) **"Proceeding"** means any matter regarding an appeal before the board including hearings before an administrative law judge.

(48) **"Public area or square"** is an area where the public has general, clear, and unrestricted access.

(49) A **"quality control manual"** is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

(50) **"RCW"** means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

(51) A **"stand-alone amplified sound or public address system"** is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

(52) **"Service"** or **"served"** means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

(53) A **"telecommunications local service provider"** is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commis-

sion as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

(54) "**Telecommunications network demarcation point**" is as defined in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

(55) "**TIA/EIA**" means the Telecommunications Industries Association/Electronic Industries Association which publishes the *TIA/EIA Telecommunications Building Wiring Standards*. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

(56) A "**training school**" is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(57) "**Under the control of a utility**" for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

(58) "**UL**" means Underwriters Laboratory.

(59) "**Utility**" means an electrical utility.

(60) "**Utility system**" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

(61) "**Utilization voltage**" means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

(62) "**Variance**" is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(63) "**WAC**" means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

NEW SECTION

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions.

(1) Specific definitions for this section:

(a) "**Department evaluation**" means a review in accordance with subsection (2)(c) of this section.

(b) "**Food processing plants**" include buildings or facilities used in a manufacturing process, but do not include:

(i) Municipal or other government facilities;

(ii) Educational facilities or portions thereof;

(iii) Institutional facilities or portions thereof;

(iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(c) In RCW 19.28.010, "**industrial control panel**" means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

(d) "**Industrial plants**" include buildings or facilities used in a manufacturing process, but do not include:

(i) Municipal or other government facilities;

(ii) Educational facilities or portions thereof;

(iii) Institutional facilities or portions thereof;

(iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(e) "**Industrial utilization equipment**" means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization equipment does not include: Cold storage, warehousing, or similar storage equipment.

(f) "**Manufacturing process**" means to make or process a raw material or part into a finished product for sale using industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(g) "**Normal department inspection**" is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equipment is subject to the progress inspection rates in WAC 296-46B-905.

(h) For the purposes of this section, "**panel**" means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

Safety standards.

(2) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By department evaluation showing compliance with appropriate standards. Appropriate standards are NFPA 79 or International Electrotechnical Commission 60204 or their equivalent. Industrial utilization equipment is required to conform to an international or United States national standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) For each separate piece of equipment, the equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to appropriate standard(s). The letter must be signed and notarized. The letter must state:

(A) The equipment manufacturer's name;

(B) The type of equipment;

(C) The equipment model number;

(D) The equipment serial number;

(E) The equipment supply voltage, amperes, phasing, fault current interrupting rating;

(F) The standard(s) used;

(G) That the equipment is manufactured in compliance with the standard(s) used;

(H) The date the equipment was manufactured;

(I) The manufacturer must demonstrate an appropriate affiliation or registration with an appropriate standards organization (e.g., NRTL, International Standards Organization, etc.); and

(J) The methodology used by the manufacturer to ensure that the equipment was constructed according to the standard(s) listed. This methodology should include hazard assessment, documentation, technical construction file, operation manual, and any other applicable information.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section. The owner cannot be the equipment's manufacturer, agent, or distributor.

(iii) The chief electrical inspector will evaluate the equipment manufacturer's and the equipment owner's letters and if necessary the individual equipment and make a determination of a standard's appropriateness using the supplied information.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English, of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for

industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.010(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(3) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

NEW SECTION

WAC 296-46B-040 Traffic management systems. (1)

The department will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems; and

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system.

A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(2) The department recognizes that traffic signal conductors, pole and bracket cables, signal displays, and traffic signal controllers/cabinets and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

(a) WSDOT/AirWA Standard Specifications and Plans;

(b) WSDOT Design Manual;

(c) International Municipal Signal Association (IMSA);

(d) National Electrical Manufacturer's Association (NEMA);

(e) Federal Standards 170/Controller Cabinets;

(f) Manual for Uniform Road, Bridge, and Municipal Construction;

(g) Institute of Transportation Engineers (ITE); or

(h) Manual of Uniform Traffic Control Devices (MUTCD).

PROPOSED

(3) Associated induction detection loop or similar circuits will be accepted by the department without inspection.

(4) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for other jurisdiction(s) under a valid interlocal agreement, as permitted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department prior to work being performed for this provision to apply.

(5) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(6) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department will conduct inspections in open trenching within its jurisdiction. The electrical work permit purchaser must coordinate the electrical inspection. A written request (e.g., letter, e-mail, fax, etc.) for inspection, made to the department office having the responsibility to perform the inspection, must be made a minimum of two working days prior to the day inspection is needed (e.g., two working days - 10:00 a.m. Tuesday request for a 10:00 a.m. Thursday inspection, excluding holidays and weekends).

If, after proper written request, the department fails to make an electrical inspection at the time requested, underground conduit may be covered after inspection by the local government jurisdiction's project inspector/designee. Written documentation of a local government jurisdiction inspection must be provided to the department when requested. Written documentation will include:

- (i) Date and time of inspection;
- (ii) Location;
- (iii) Installing firm;
- (iv) Owner;
- (v) Type of conduit;
- (vi) Size of conduit;
- (vii) Depth of conduit; and
- (viii) Project inspector/designee name and contact information.

(7) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (2) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(8) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all con-

ductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

NEW SECTION

WAC 296-46B-110 General—Requirements for electrical installations.

012 Mechanical execution of work.

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

016 Flash protection.

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

022 Identification of disconnecting means.

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words "CAUTION - SERIES COMBINATION RATED SYSTEM" must be on the label in letters at least 13 mm (1/2") high.

030 Over 600 volts - general.

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

NEW SECTION

WAC 296-46B-210 Wiring and protection—Branch circuits. 008B Other than dwelling units - GFCI requirements.

(1) For the purposes of NEC 210.8(B), all 125-volt, single-phase, 15- and 20-ampere receptacles must have ground-fault circuit-interrupter protection for personnel as required by NEC 210.8(A). Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.

011 Branch circuits.

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

052(B)(5) Receptacle outlet locations.

(3) Receptacle outlets installed inside appliance garages will be permitted to be counted as a required countertop outlet.

NEW SECTION

WAC 296-46B-215 Wiring and protection—Feeders.

010 Feeders - ground fault protection testing.

Equipment ground fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all system feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

NEW SECTION

WAC 296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations.

003 Branch circuit calculations.

Occupancy lighting loads. In determining feeder and service entrance conductor sizes and equipment ratings, the currently adopted Washington state energy code unit lighting power allowance table and footnotes may be used in lieu of NEC 220.3.

NEW SECTION

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.

032 Location of outside feeder disconnecting means.

The building disconnecting means required by NEC 225.32 must be provided to disconnect all ungrounded conductors that supply or pass through a building or structure per the requirements of NEC 225.32 (except for Exceptions 1, 2, 3, or 4) in accordance with subsection (1) or (2) of this section.

(1) Outside location: Where the feeder disconnecting means is installed outside a building or structure, it must be on the building or structure or within sight and within fifteen feet of the building or structure supplied. The building disconnecting means may supply only one building/structure unless the secondary building(s)/structure(s) has a separate building disconnecting means meeting the requirements of

the NEC and this subsection. The disconnecting means must have an identification plate with at least one-half-inch high letters identifying:

(a) The building/structure served; and

(b) Its function as the building/structure main disconnect(s).

(2) Inside location: The feeder disconnecting means may be installed anywhere inside a building or structure when there is a feeder disconnecting means, located elsewhere on the premises, with overcurrent protection sized for the feeder conductors.

NEW SECTION

WAC 296-46B-230 Wiring and protection—Services.

001 General service requirements.

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

002 Number of services.

(4) In addition to the items described in NEC 230.2(A), an additional service is permitted to supply a transient voltage surge suppressor. In addition, a service disconnect for a transient voltage surge suppressor is not required to be counted as one of the six service disconnects allowed in NEC 230.71

028 Service or other masts.

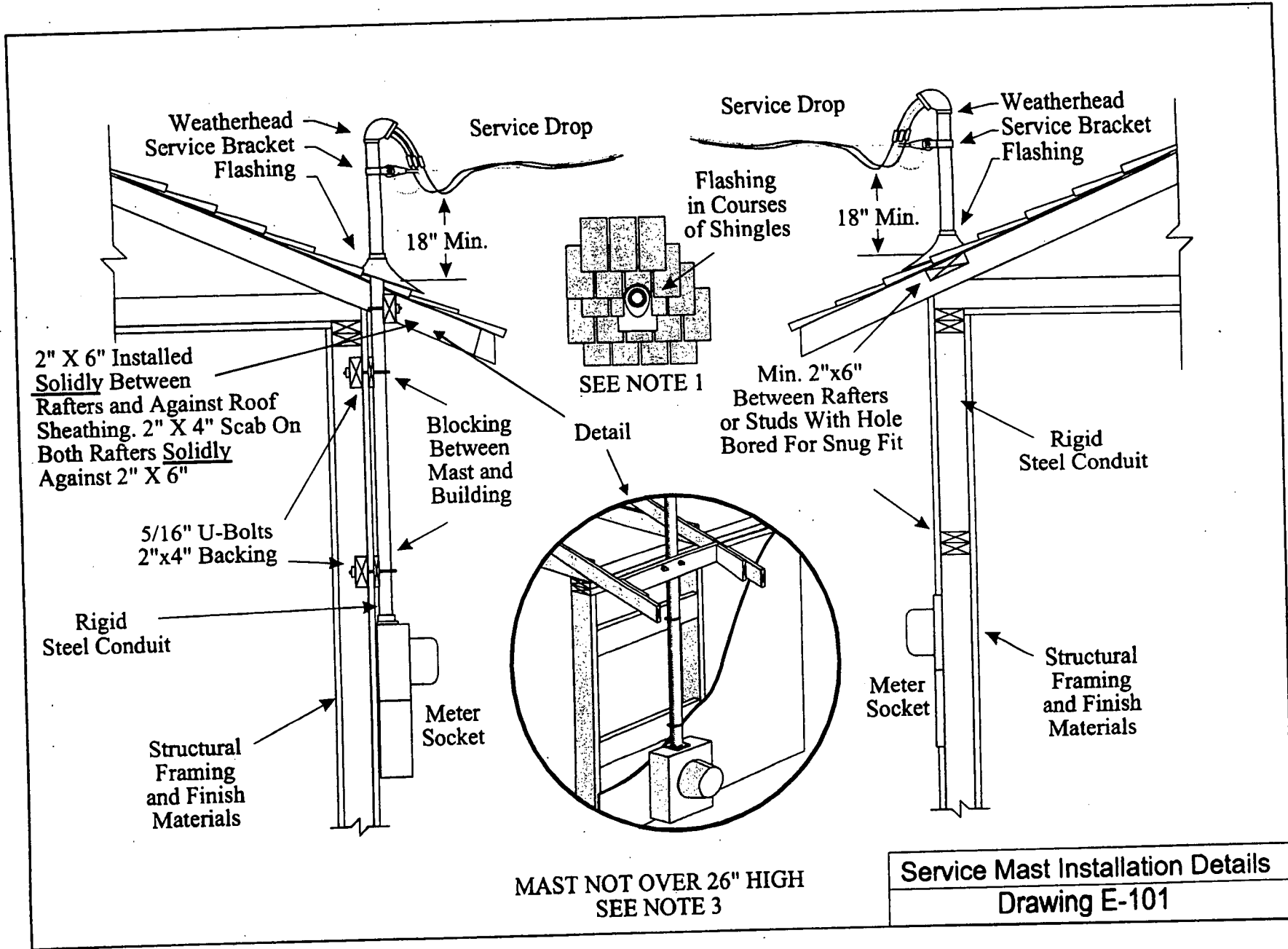
(5) Conduit extended through the roof to provide means of attaching:

(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than two inches.

(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than one and one-quarter inch. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.

Proposed

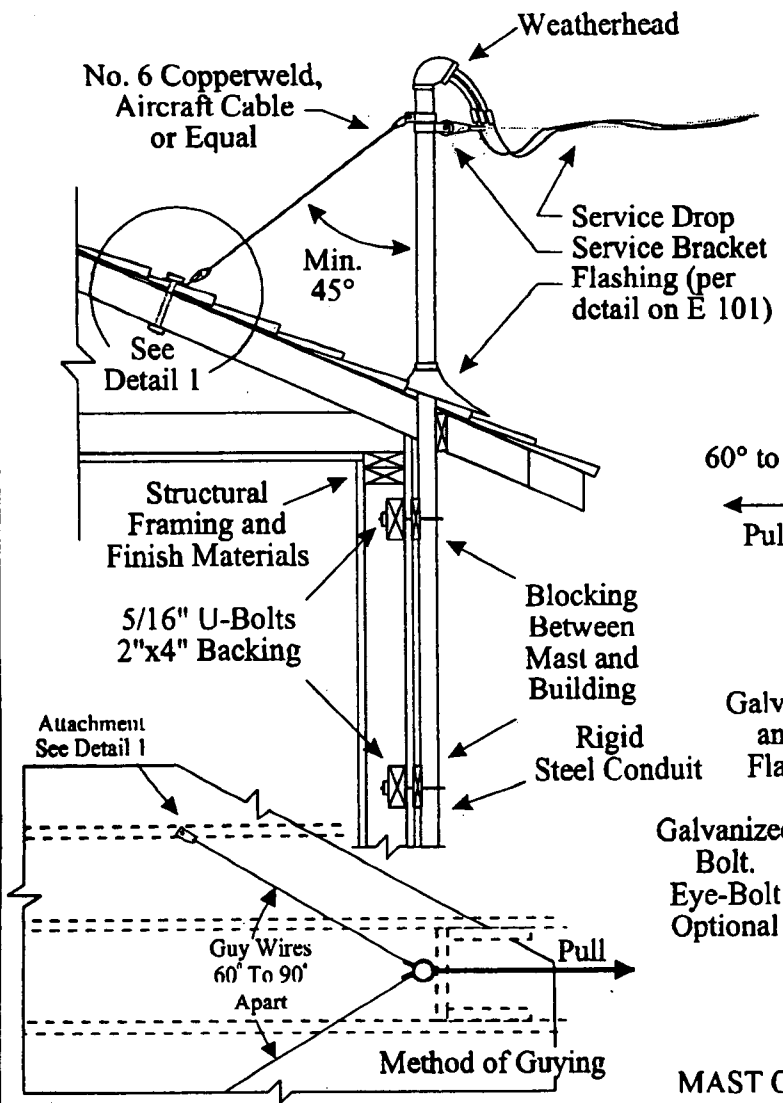
[54]



MAST NOT OVER 26" HIGH
SEE NOTE 3

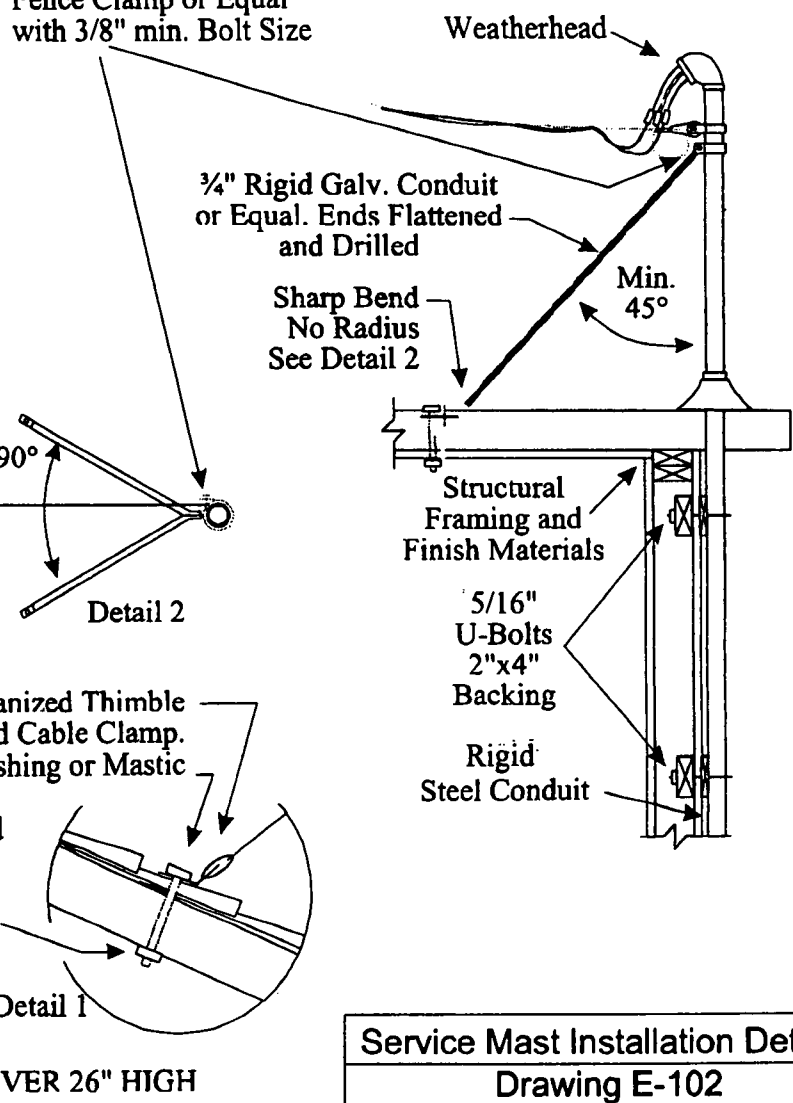
Service Mast Installation Details
Drawing E-101

GUYING - CABLE TYPE



Collars, Cyclone Fence Clamp or Equal with 3/8" min. Bolt Size

GUYING - STIFF LEG TYPE



MAST OVER 26" HIGH

Service Mast Installation Details
Drawing E-102

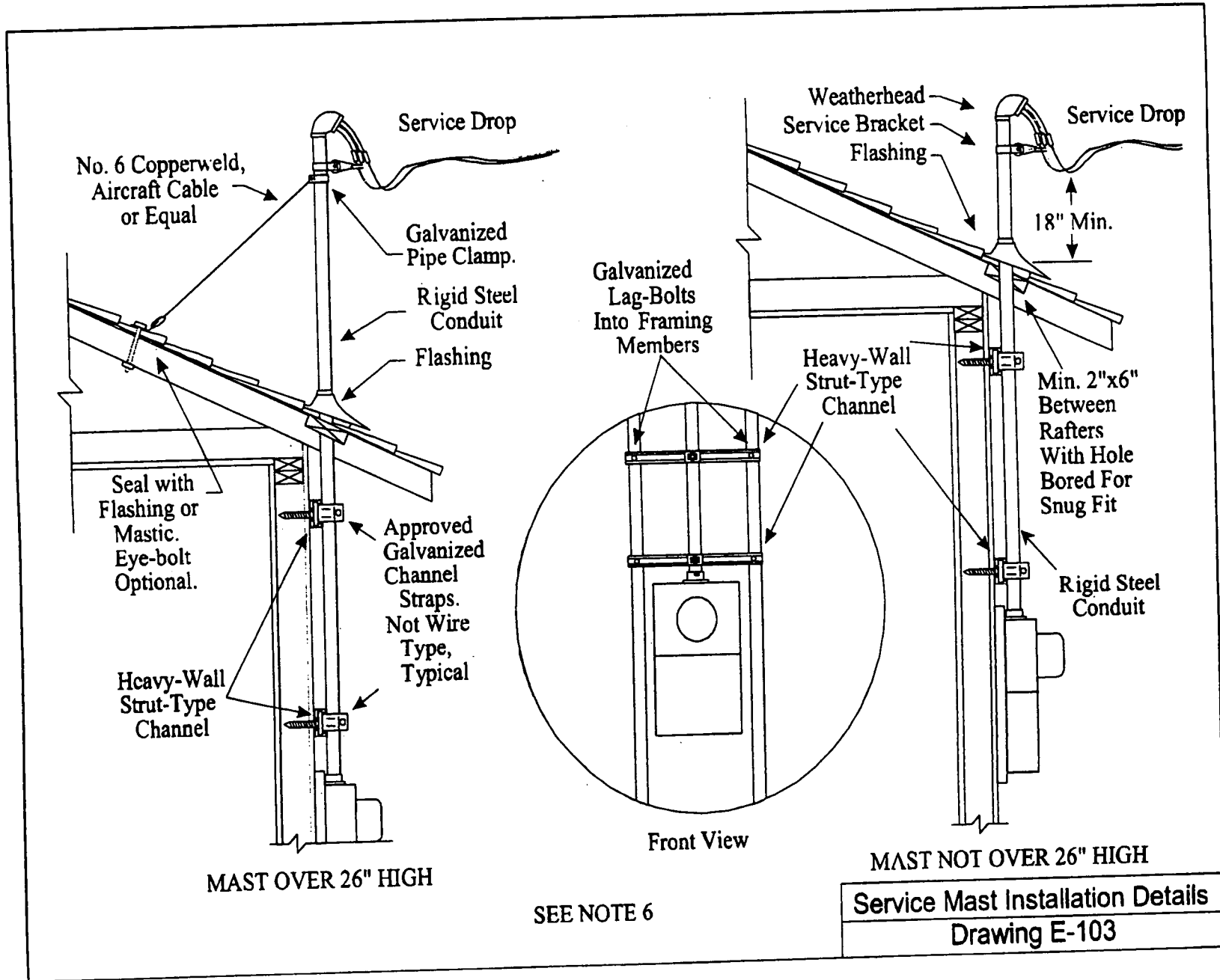
[55]

Proposed

PROPOSED

Proposed

[56]



MAST OVER 26" HIGH

Front View

MAST NOT OVER 26" HIGH

SEE NOTE 6

Service Mast Installation Details
Drawing E-103

Notes to drawings E-101, E-102, and E-103

(1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.

(2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.

(3) Utilization of couplings for a mast are permitted only below the point the mast is braced, secured, or supported.

(4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than twenty-four inches above the roof line or if the service drop is greater than one hundred feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.

(5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.

(6) For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with five-sixteenths inch diameter or larger galvanized lag bolts.

(7) Conductors must extend at least eighteen inches from all mastheads to permit connection to the connecting overhead wiring.

040 Service conductors - two-family and multiple-occupancy buildings.

(6) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

(a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;

(b) Each service drop or lateral must terminate in listed metering/service equipment;

(c) Each occupant must have access to the occupant's service disconnecting means;

(d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the

entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units served if the feeder disconnecting means is remote from the area or unit served.

042 Service conductor - size and rating.

(7) If the service conductors have a lesser ampacity than the overcurrent protection or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors must be installed on the service equipment.

043 Wiring methods for 600 volts, nominal or less.

(8) The installation of service conductors not exceeding 600 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cable-bus; or mineral-insulated, metal-sheathed cable (type MI).

(9) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

(10) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

062 Service equipment - general.

(11) Service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in bathrooms, clothes closets, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.

(12) Temporary construction service equipment may only be used for construction purposes and must be disconnected when the permanent service is connected unless the department grants an extension of time.

070 Service disconnecting means.

(13) The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

095 Ground-fault protection of equipment.

(14) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

200 Wiring methods exceeding 600 volts.

(15) The installation of service conductors exceeding 600 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 rigid nonmetallic conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

(16) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

NEW SECTION**WAC 296-46B-250 Wiring and protection—Grounding.****032 Two or more buildings or structures.**

(1) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

052 Grounding electrodes.

(2) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construction service is not required to have more than one made electrode.

090 Bonding.

(3) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

(4) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

184 Solidly grounded neutral systems over 1 kV.

(5) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

(6) Multiple grounding. NEC 250.184(B) is replaced with the following:

The neutral of a solidly grounded neutral system may be grounded at more than one point.

(a) Multiple grounding is permitted at the following locations:

(i) Services;

(ii) Underground circuits where the neutral is exposed; and

(iii) Overhead circuits installed outdoors.

(b) Multiple grounding is not allowed:

(i) For new systems where singlepoint and multigrounded circuits form a single system (e.g., where a singlepoint circuit is derived from a multigrounded circuit); or

(ii) In new single phase (i.e., single phase to ground) installations.

(7) Multigrounded neutral conductor. NEC 250.184(D) is replaced with the following:

Where a multigrounded neutral system is used, the following will apply for new balanced phase to phase circuits and extensions, additions, replacements; and repairs to all existing systems of 1 kV and over:

(a) For existing systems:

(i) The cable's concentric shield must be used as the neutral and all the requirements for neutral conductors described in subsection (6) of this section must be met; or

(ii) The cable's concentric shield must be effectively grounded to a separate bare copper neutral conductor at all locations where the shield is exposed to personnel contact.

(b) For new systems:

A separate copper neutral must be installed and the cable's concentric shield is effectively grounded to the separate neutral at all locations where the shield is exposed to personnel contact.

(c) In addition to (a) and (b) of this subsection, the following is required:

(i) A minimum of two made electrodes, separated by at least six feet, must be installed at each existing and new transformer and switching/overcurrent location and connected to the neutral conductor at that location;

(ii) At least one grounding electrode must be installed and connected to the multigrounded neutral every 400 m (1,300'). The maximum distance between adjacent electrodes must not be more than 400 m (1,300');

(iii) In a multigrounded shielded cable system, the shielding must be grounded at each cable joint that is exposed to personnel contact;

(iv) All exposed noncurrent carrying metal parts (e.g., mounting brackets, manhole covers, equipment enclosures, etc.) must be effectively grounded to the neutral conductor; and

(v) An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the design of the multiple grounding installation has been reviewed by the electrical engineer and the design is in accordance with the requirements of chapter 19.28 RCW, this chapter, and normal standards of care. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

NEW SECTION

WAC 296-46B-300 Wiring methods and materials—Wiring methods.

001 Wiring methods.

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

011 Support of raceways, cables, or boxes in suspended ceilings.

(2) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

(3) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

(4) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

(5) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11(a) may support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; or

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

017 Conductors in raceway.

(6) Cables will be permitted in all raceway systems if:

(a) The cable is appropriate for the environment; and

(b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

NEW SECTION**WAC 296-46B-314 Wiring methods and materials—
Outlet, device, pull and junction boxes.****001 Boxes and fittings.**

(1) Single conductors, cables, taps, or splices installed in an open bottom junction box or handhole must be suitable for direct burial. However, an open bottom box manufactured specifically for electrical use will be permitted to be used as an electrical junction box to enclose single conductors, cables, taps, or splices rated for wet locations, only under the following conditions:

(a) In vehicular traffic areas the box must be rated for not less than H-20 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(b) In incidental vehicular traffic areas (e.g., parks, sports fields, sidewalks, grass lawns, etc.) the box must be rated for not less than H-10 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(c) In nonvehicular traffic areas (e.g., flower beds, patio decks, etc.) the box must be designed for the purpose and be provided with a lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(d) All conductors must be installed in approved electrical raceways that enter vertically from the open bottom of the enclosure. These raceways must be fitted with a bushing, terminal fitting, or seal incorporating the physical protection characteristics of a bushing, and project not less than 5 cm (2") above the bottom surface material. The bottom surface material must be pea gravel or sand a minimum of 5 cm (2") thick or more if required by the box manufacturer.

(2) Conduit bodies, junction, pull, and outlet boxes must be installed so that the wiring contained in them is accessible without removing any part of the building structure, including insulation material.

NEW SECTION**WAC 296-46B-334 Wiring methods and materials—
Nonmetallic-sheathed cable.****010 Nonmetallic-sheathed cable.**

This section is in addition to the uses permitted/not permitted for nonmetallic-sheathed cable (Type NM) described in NEC 334.10 and NEC 334.12.

Nonmetallic-sheathed cable (Type NM) is permitted in all one- and two-family dwellings.

Nonmetallic-sheathed cable (Type NM) not allowed, except in one- and two-family dwellings, in any multifamily or any other structure exceeding three floors above grade.

For the purpose of this section, the first floor of a structure will be the lowest floor that has fifty percent or more of the exterior wall surface level with or above finished exterior grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use will be permitted.

NEW SECTION**WAC 296-46B-358 Wiring methods and materials—
Electrical metallic tubing.****012 Electrical metallic tubing.**

In addition to complying with the provisions of Article 358 NEC, electrical metallic tubing may not be installed in direct contact with the earth or in concrete on or below grade. Also see NEC 300.6 for resistance to corrosion.

NEW SECTION**WAC 296-46B-394 Wiring methods and materials—
Concealed knob-and-tube wiring.****001 Knob-and-tube wiring.**

Article 394 NEC does not prohibit the installation of loose or rolled thermal insulating material in spaces containing existing knob-and-tube wiring provided that all the following conditions are met:

(1) The wiring must be surveyed by an appropriately licensed electrical contractor who must certify in writing to the department that the wiring is in good condition with no evidence of improper overcurrent protection, conductor insulation failure or deterioration, and with no improper connections or splices. The electrical inspector must inspect all repairs, alterations, or extensions to the electrical system.

(2) The insulation must meet Class I specifications as identified in the Uniform Building Code, with a flame spread factor of twenty-five or less as tested using ASTM E84-81a. Foam insulation may not be used with knob-and-tube wiring.

(3) All knob-and-tube circuits must have overcurrent protection in compliance with NEC Table 310.16, 60 degree centigrade, Column C. Overcurrent protection must be either circuit breakers or Type S fuses.

NEW SECTION**WAC 296-46B-410 Equipment for general use—
Luminaires. 004 Luminaires.**

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

030 Flexible cord connection pendant boxes and electric discharge luminaires.

(2) The flexible cord and cord connection must comply with NEC 410.30 and the following:

(a) Connection to a suspended pendant box must utilize an integral threaded hub;

(b) The length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

- (f) The flexible cord must be hard or extra hard usage; and
- (g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

NEW SECTION

WAC 296-46B-422 Equipment for general use—Appliances. 010 Water heater circuit.

Water heaters with a rated circuit load in excess of 3,500 watts at 208 or 240 volts must be provided with branch circuit conductors not smaller than #10 AWG copper or equal. Overcurrent protection must comply with NEC 422.11(E).

NEW SECTION

WAC 296-46B-430 Motors, motor circuits, and controllers. 007 Marking on motors and multimotor equipment.

(1) All motors required to be listed in the NEC or elsewhere in this chapter must be listed or field evaluated by a

laboratory. Other motors are not required to be listed or field evaluated by a laboratory.

(2) All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA) standards for motors. This requirement does not apply to motors that:

- (a) Are a component part of equipment listed or field evaluated by a laboratory; or
- (b) Are a component part of industrial utilization equipment approved by the department per WAC 296-46B-030.

NEW SECTION

WAC 296-46B-450 Equipment for general use—Transformers and transformer vaults.

027 Flammable-liquid or oil-filled transformers installed outdoors.

(1) Flammable-liquid or oil-filled transformers installed outdoors must meet the following requirements:

- (a) A transformer installed adjacent to a building/structure with any combustible surface may be located only in the shaded "Approved Transformer Area" shown in Figure 450-1;

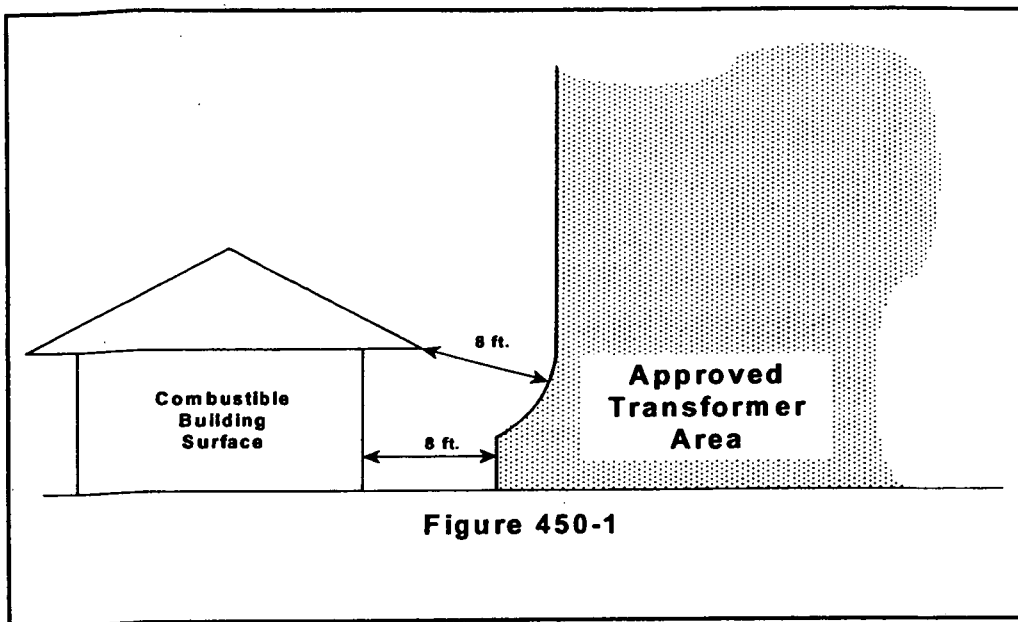


Figure 450-1

- (b) A transformer installed adjacent to a building/structure with no combustible surface(s) may be located only in the shaded "Approved Transformer Area" shown in Figure 450-2;

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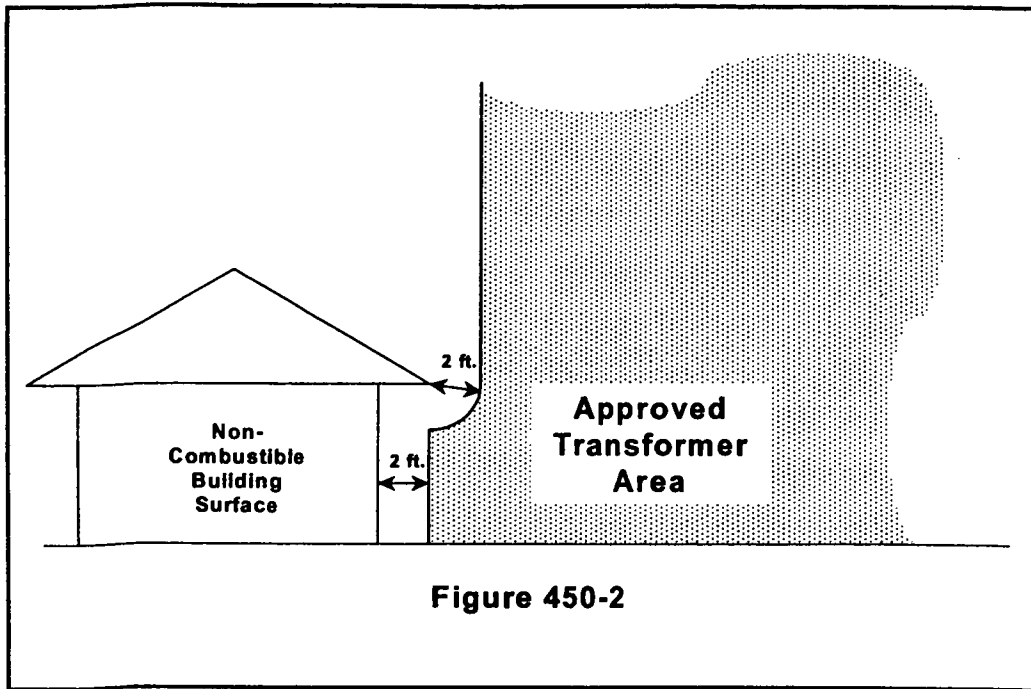


Figure 450-2

(c) In an area in which a transformer is to be installed next to a noninhabited structure, the transformer may be no closer than two feet to the building/structure and must be outside a line extended vertically from the ends of the eaves or rooflines;

(d) A building/structure may have no doors, windows, stairways, or other openings closer than eight feet to the transformer;

(e) The finished grade at the location of the transformer must be such that any oil leaking from the transformer will flow away from the building/structure and will not pool; and

(f) If transformers are installed in areas subject to traffic other than pedestrian traffic, they must be provided with adequate guarding.

(2) Enclosures for total underground flammable-liquid or oil-filled transformers must not be located within eight feet of a doorway, operable window, stairways or fire escape. Adequate space must be maintained above the enclosure so that a boom may be used to lift the transformer from the enclosure.

NEW SECTION

WAC 296-46B-501 Special occupancies NEC Class 1 locations. 001 Sewage disposal systems.

(1) Pumping chambers for sewage, effluent, or grinder pumps in on-site and septic tank effluent pump (S.T.E.P.) disposal systems will be considered unclassified when not more than five residential units are connected to the system, residential units are connected to a utility sewage system, or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with:

(a) The pumping chamber must be adequately vented. Venting may be accomplished through the building or structure plumbing vents where the system venting has been approved by the local jurisdiction authority or by a direct two-inch minimum vent to the atmosphere;

(b) Equipment that in normal operation may cause an arc or spark must not be installed in any pumping chamber;

(c) Float switches installed in a pumping chamber must be hermetically sealed to prevent the entrance of gases or vapors;

(d) Junction boxes, conduits and fittings installed in the septic atmosphere must be of a noncorrosive type, installed to prevent the entrance of gases or vapors;

(e) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing method must be installed to prevent the migration of gases or vapors from the pumping chamber, and must remain accessible; and

(f) Wire splices in junction boxes installed in pumping chambers must be suitable for wet locations.

(2) Residential wastewater loading characteristics in a nonresidential installation:

(a) For systems that process less than three thousand five hundred gallons of wastewater per day may be certified by:

(i) An on-site wastewater designer licensed under chapter 18.201 RCW; or

(ii) A professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

(b) For systems that process three thousand five hundred gallons or more of wastewater per day may be certified by a professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

Written documentation must be signed and stamped by the designer or engineer and provided to the electrical inspector prior to inspection.

(3) Any residential or nonresidential system that has building or structure floor drains being discharged into the system is classified as Class I Division I. Drains from any commercially made tub, shower, basin, sink, or toilet are not considered floor drains.

(4) Pumping chamber access covers can be covered by gravel, light aggregate, or noncohesive granulated soil, and must be accessible for excavation. Access covers that are buried must have their exact location identified at the electrical panel or other prominent location by an identification plate. The authority having jurisdiction for performing electrical inspections must approve the identification plate location.

(5) Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not required to meet the requirements of this section, except for the venting requirements in subsection (1)(a) of this section. Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not classified systems as described in Article 500 NEC.

(6) Secondary treatment effluent pumping chambers such as sand filters are unclassified, and require no special wiring methods.

(7) Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical wires and equipment must be inspected and approved prior to being loaded with sewage.

NEW SECTION

WAC 296-46B-514 Special occupancies—Motor fuel dispensing facilities.

001 General.

(1) In addition to the scope included in NEC 514.1, Article 514 NEC must be complied with for all liquified flammable gas storage or transfer facilities.

011 Emergency disconnecting means - dispensing and service stations.

(2) An emergency disconnecting means or operator must be provided to disconnect the pump or dispensing equipment serving gasoline, volatile flammable liquids, or liquefied flammable gases. The emergency disconnecting means or operator must disconnect all conductors of the circuit supplying all station dispensers and/or pumps (including the grounded conductor) simultaneously from the source(s) of supply.

(3) For installations with only one dispensing device, the emergency disconnecting means/operator may be used to satisfy subsection (2) of this section.

(4) For multicircuit installations, an electrically held normally open contactor operated by a push-button may serve as the disconnecting means to satisfy subsection (2) of this section. If a disconnecting pushbutton is used, the pushbutton may not function as the resetting mechanism for the electrically held contactor. The resetting means must be:

(a) Located at least fifteen feet or out of sight from the disconnecting pushbutton;

(b) Installed behind a cover or guard; and

(c) Identified with an identification plate that is substantially black in color.

(5) The disconnecting means satisfying subsection (2) of this section must be labeled with an identification plate, with

letters at least one inch high, as the emergency disconnecting means. The disconnecting means or operator must be:

(a) Substantially red in color; and

(b) For attended facilities - must be readily accessible and must be located outdoors and within sight of the pump or dispensing equipment it controls; or

(c) For unattended facilities - must be readily accessible and must be located within sight, but at least twenty feet from the pump or dispensing equipment it controls.

NEW SECTION

WAC 296-46B-517 Special occupancies—Health care facilities.

001 Health care facilities.

In health care facilities, the following methods must be used to determine adequate capacity and ratings of equipment providing electrical power for the essential electrical systems defined in Article 517 NEC:

(1) Systems in new facilities:

(a) Emergency system: The emergency branch must consist of two branches known as:

(i) Life safety system: The feeder conductors and equipment used to supply electrical power to the life safety branch must be determined by summation of the connected loads as determined by Article 220 NEC and may not be subjected to any reduction due to the diversity of the loads. Feeder and equipment will be subject to a one hundred twenty-five percent multiplier for continuous loads in accordance with Article 220 NEC.

(ii) Critical branch system: The feeder conductors and equipment must be calculated in accordance with Article 220 NEC, including a level of diversity as determined by such article.

(b) Equipment branch: The feeder conductors and equipment used to supply electrical power to the equipment branch of the essential electrical system must be calculated in accordance with Article 220 NEC, including a level of diversity as determined by such article.

(c) Generator sizing: The rating of the generator(s) supplying electrical power to the essential system of a health care facility must meet or exceed the summation of the loads determined in (a) and (b) of this subsection with no additional demand factors applied. Momentary X-ray loads may be ignored if the generator is rated at least three hundred percent of the largest momentary X-ray load connected.

(2) Existing essential systems in facilities to which additional load is to be added:

(a) Existing loads: The existing loads of the separate branches of the essential electrical system may be determined by WAC 296-46B-010(20).

(b) Added loads: Added loads to the separate branches of the essential electrical system must be determined by subsection (1) of this section.

(c) Generator sizing: The rating of the generator(s) supplying electrical power to the essential electrical system must meet or exceed the summation of the loads determined by (a) and (b) of this subsection with no additional demand factors applied.

NEW SECTION

WAC 296-46B-520 Special occupancies—Theaters, motion picture and television studios, performance areas and similar areas.

001 Concerts, motion picture productions, stage shows, and similar shows.

(1) Service equipment, separately derived systems, feeders and circuits for concerts, motion picture productions, stage shows, and similar shows, must comply with the NEC and this chapter.

(2) The ampacity of cords and cables must be determined from the appropriate Article 400 NEC cord and cable ampacity tables including all notes.

NEW SECTION

WAC 296-46B-527 Special occupancies—Temporary installations.

001 Temporary installations.

(1) For the purposes of this section, any circuit used for construction purposes is considered to be temporary.

004 Temporary installations - splices.

(2) A splice or junction box is required for all wiring splice or junction connections in a temporary installation.

NEW SECTION

WAC 296-46B-550 Special occupancies—Mobile homes, manufactured homes and mobile home parks.

001 Mobile/manufactured homes - inspection.

(1) All alterations to the mobile/manufactured home electrical system must be permitted and inspected by the factory assembled structures section of the department. Electrical wiring in structures that are attached to the mobile/manufactured home and for which the source of power is from the mobile/manufactured home is inspected by the factory assembled structures section of the department.

032 Mobile/manufactured homes - service.

(2) If an electrical service is installed on the mobile/manufactured home:

(a) It must be installed only by the manufacturer, at the manufacturing plant. The manufacturer must complete the service except for service connections, meter, and grounding electrode conductor; and

(b) The owner or an electrical contractor must complete the service at the site.

033 Mobile/manufactured homes - feeder.

(3) When the mobile or manufactured home is supplied with power using a permanent wiring method, the equipment grounding conductor will be permitted to be bare. Bare conductors used underground must be copper. For the purposes of this section, portable cord is not considered a permanent wiring method.

NEW SECTION

WAC 296-46B-553 Special occupancies—Floating buildings. 004 Floating buildings and similar facilities - services and feeders.

(1) Where electrical power is provided, floating buildings and similar facilities in addition to complying with the appropriate sections of Article 553 NEC must have a readily accessible service rated disconnect located on the shoreline within sight of the shoreline connection of the dock, wharf or similar structure to which the floating building or similar facility is moored.

(2) Where shore power is provided, each floating building or similar facility must have a disconnecting means located within sight of each floating building or similar facility. The disconnecting means must be installed adjacent to but not in or on the floating building or similar facility.

007 Floating buildings and similar installations - wiring methods.

(3) Extra-hard usage portable power cables rated not less than 75°C, 600 volts, listed for wet locations and sunlight resistance and having an outer jacket rated for the environment may be used as a permanent wiring method when joining the structures indicated above and for any concealed or protected wiring on a sectionalized floating dock leading to a floating building or similar facility. The cable needs to be resistant only to environments it is normally exposed to on an ongoing basis.

(4) Conductors operating in excess of 600 volts, nominal may not be installed on floating portions of a floating building or similar facility.

NEW SECTION

WAC 296-46B-555 Special occupancies—Marinas and boatyards. (1) For the purposes of NEC 555.1, the scope of work includes private, noncommercial docking facilities.

(2) For the purposes of NEC 555.5, transformers must be located a minimum of twelve inches above the deck of a dock (datum plane requirements do not apply for this section).

(3) For the purposes of NEC 555.7, adjacent means within sight.

(4) For the purposes of NEC 555.9, all electrical connections must be installed a minimum of twelve inches above the deck of a pier unless the connections are approved for wet locations (datum plane requirements do not apply for this section).

(5) For the purposes of NEC 555.10, all enclosures must be corrosion resistant. All gasketed enclosures must be arranged with a weep hole to discharge condensation.

(6) For the purposes of NEC 555.11, gasketed enclosures are only required for wet locations.

(7) For the purposes of NEC 555.13, the following wiring methods are allowed:

(a) All wiring installed in a damp or wet location must be suitable for wet locations.

(b) Extra-hard usage portable power cables rated not less than 75°C, 600 volts, listed for wet locations and sunlight resistance and having an outer jacket rated for the environ-

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ment are permitted. Portable power cables are permitted as a permanent wiring method under or within docks and piers or where provided with physical protection. The requirements of NEC 555.13 (B)(4)(b) do not apply.

(c) Overhead wiring must be installed at the perimeter of areas where boats are moored, stored, moved, or serviced to avoid possible contact with masts and other parts of boats.

(d) For the purposes of NEC 555.13 (B)(5), the wiring methods of Chapter 3 NEC will be permitted.

(8) For the purposes of NEC 555.19, receptacles must be mounted not less than twelve inches above the deck surface of the pier or dock (datum plane requirements do not apply for this section). Shore power receptacles that provide shore power for boats must be rated not less than 20 amperes and must be single outlet type and must be of the locking and grounding type or pin and sleeve type.

(9) For the purposes of NEC 555.21, electrical wiring and equipment located at or serving dispensing stations must comply with Article 514 NEC in addition to the requirements of this section.

(a) Boundary classifications.

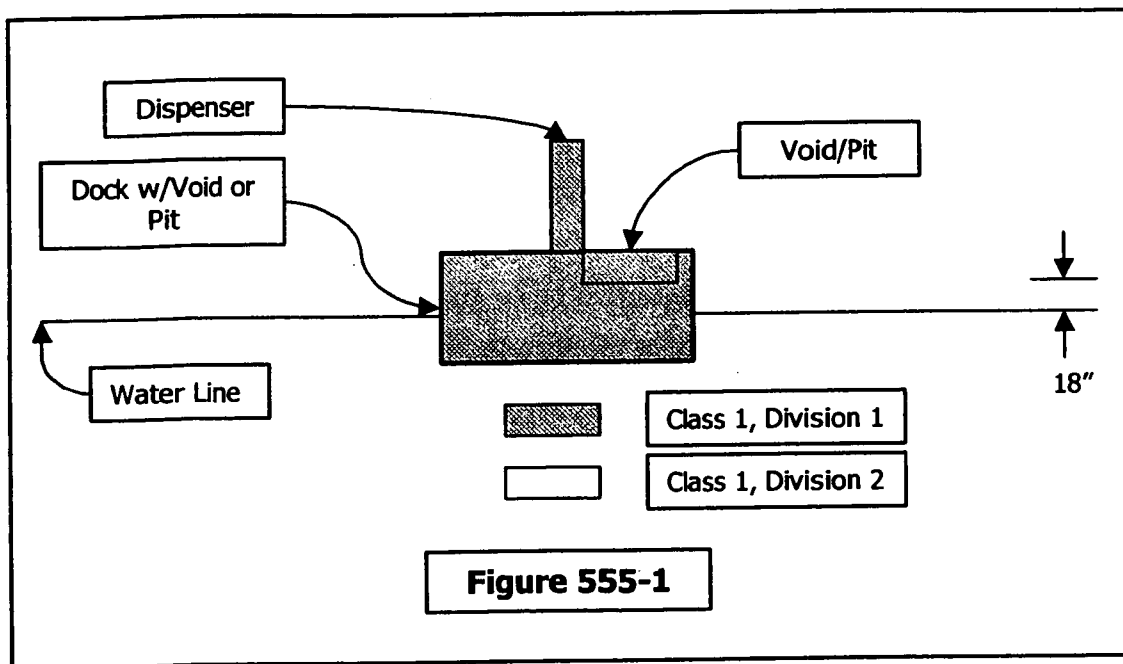
(i) Class I, Division 1. The area under the dispensing unit is a Class I, Division 1 location. If a dock has one or

more voids, pits, vaults, boxes, depressions, or similar spaces where flammable liquid or vapor can accumulate below the dock surface and within twenty feet horizontally of the dispensing unit, then the area below the top of the dock and within twenty feet horizontally of the dispensing unit is a Class I, Division 1 location. See Figure 555-1.

(ii) Class I, Division 2. The area eighteen inches above the water line and within twenty feet horizontally of the dispensing unit is a Class I, Division 2 location. If a dock has one or more voids, pits, vaults, boxes, depressions, or similar spaces where flammable liquid or vapor can accumulate below the dock surface and within twenty feet horizontally of the dispensing unit, then the area to eighteen inches above the top and adjacent to the sides of the dock and within twenty feet horizontally of the dispensing unit is a Class I, Division 2 location. See Figure 555-2.

(b) Portable power cable will be allowed as a permanent wiring method in Class I, Division 2 locations when protected from physical damage.

(10) For the purposes of NEC 555.23, the datum plane requirements do not apply.



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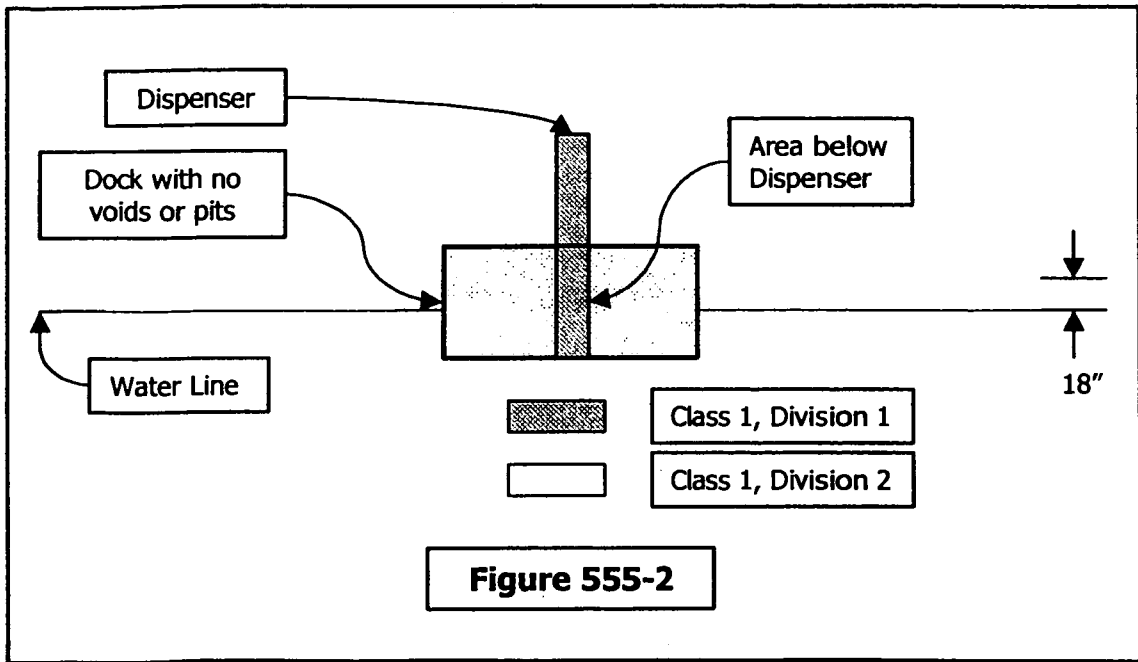


Figure 555-2

NEW SECTION

WAC 296-46B-600 Special equipment—Electric signs and outline lighting.

001 Electrical signs - general.

(1) All electrical signs within the scope of UL Standard 48, the electrical sign standard, must be listed. All electrical signs outside the scope of UL Standard 48 will be inspected for compliance with the NEC.

009 Awning electrical signs.

(2) Luminaires in outdoor awnings must be suitable for wet locations and be connected by a wiring method suitable for wet locations.

(3) Fluorescent luminaires must be located at least six inches from the awning fabric. Incandescent lamps or luminaires must be located at least eighteen inches from the awning fabric. A disconnecting means must be installed per Article 600 NEC.

(4) Listed awning signs must be installed in compliance with the manufacturer's instructions and the NEC.

010 Portable or mobile outdoor electrical signs.

(5) A weatherproof receptacle outlet that is weatherproof with the supply cord connected must be installed within six feet of each electrical sign.

(6) Extension cords are not permitted to supply portable outdoor signs.

(7) All portable outdoor electrical signs must be listed or field evaluated by a laboratory accredited by the department.

030 Neon tubing.

(8) NEC 600, Part II, Field-Installed Skeleton Tubing, will apply to all neon tubing and neon circuit conductors.

NEW SECTION

WAC 296-46B-680 Special equipment—Swimming pools, fountains and similar installations.

001 General.

(1) Package spa or hot tubs. Electrical heating, pumping, filtering, and/or control equipment installed within five feet of a spa or hot tub must be listed or field evaluated as a package with the spa or hot tub.

(2) A factory assembled skid pack of electrical heating, pumping, filtering, and/or control equipment (skid pack) must be installed more than five feet from a spa or hot tub and shall be listed as a package unit.

(3) The maintenance disconnect and field installed, listed electrical equipment for a hot tub, spa, or swim spa must be located at least five feet from the hot tub, spa or swim spa. Field installed listed equipment must meet the following additional requirements:

(a) The heater is listed as a "spa heater or swimming pool heater";

(b) The pump is listed as a "spa pump" or "swimming pool/spa pump" (the pump may be combined with a filter assembly); and

(c) Other listed equipment such as panelboards, conduit, and wire are suitable for the environment and comply with the applicable codes.

(4) Field installed, listed electrical equipment for a swimming pool must be located at least five feet from the swimming pool. Field installed listed equipment must meet the following additional requirements:

(a) The heater must be listed as a "swimming pool heater or a spa heater";

(b) The pump must be listed as a "swimming pool pump" or "spa pump" or "swimming pool/spa pump"; and

(c) Other equipment such as panelboards, conduit, and wire must be suitable for the environment and comply with the applicable codes.

The five-foot separation may be reduced by the installation of a permanent barrier, such as a solid wall, fixed glass windows or doors, etc. The five-foot separation will be determined by the shortest path or route that a cord can travel from the spa, hot tub, swim spa, or swimming pool to an object.

(5) The field assembly or installation of "recognized components" will not be permitted.

(6) Hydromassage bathtubs must be listed as a unit and bear a listing mark which reads "hydromassage bathtub."

(7) Manufacturers' instructions must be followed as part of the listing requirements.

(8) Electrical components which have failed and require replacement must be replaced with identical products unless the replacement part is no longer available; in which case, a like-in-kind product may be substituted provided the mechanical and grounding integrity of the equipment is maintained.

(9) Cut-away-type display models may not be sold for other than display purposes and are not expected to bear a listing mark.

040 Spas and hot tubs.

(10) NEC 680.42(C) will apply for interior and exterior wiring to outdoor installations of spas and hot tubs.

NEW SECTION

WAC 296-46B-700 Special conditions—Emergency systems.

001 Emergency systems - general.

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in standards adopted by the state building code council under chapter 19.27 RCW.

009 Emergency systems - equipment identification.

(2) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(3) Device and junction boxes for fire alarm systems other than the surface raceway type, must be substantially red in color, both inside and outside. Power-limited fire protective signaling circuit conductors must be durably and plainly marked in or on junction boxes or other enclosures to indicate that it is a power-limited fire protective signaling circuit.

(4) All boxes and enclosures, for Article 700 NEC systems, larger than six inches by six inches, including transfer switches, generators, and power panels for emergency systems and circuits must be permanently identified with an identification plate that is substantially orange in color. All other device and junction boxes for emergency systems and circuits must be substantially orange in color, both inside and outside.

NEW SECTION

WAC 296-46B-800 Communications systems—Communications circuits.

001 Installation.

All telecommunications installations on an end-user's property, beyond the end-user's telecommunications network demarcation point, made by a telecommunications service provider, both inside and outside of a building or structure, must conform to all licensing, certification, installation, permitting, and inspection requirements described in chapter 19.28 RCW and this chapter.

NEW SECTION

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing

electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems except for: Travel trailers, or **like-in-kind replacement** of a: Circuit breaker, fuse, residential luminaire, lamp, snap switch, dimmer, receptacle outlet, thermostat, heating element, luminaire ballast with an exact same ballast, contactor, relay, timer, starter, circuit board, or similar control component, or 10 horsepower or smaller motor.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunica-

tions equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first. Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

- (a) Expired electrical work permits;
- (b) Electrical work permits where the electrical installation has begun; or
- (c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

NEW SECTION

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) Single- and two-family residential (new construction).

- Notes:**
- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
 - (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
 - (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
 - (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$70.80
Each additional 500 sq. ft. or portion of	\$22.70
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	\$29.60
(iii) Each outbuilding or detached garage - inspected separately	\$46.70
(iv) Each swimming pool - inspected with the service	\$46.70
(v) Each swimming pool - inspected separately	\$70.80
(vi) Each hot tub, spa, or sauna - inspected with the service	\$29.60
(vii) Each hot tub, spa, or sauna - inspected separately	\$46.70
(viii) Each septic pumping system - inspected with the service	\$29.60
(ix) Each septic pumping system - inspected separately	\$46.70

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$76.30	\$22.70
201 to 400	\$94.80	\$46.70
401 to 600	\$130.20	\$64.90
601 to 800	\$167.00	\$89.00
801 and over	\$238.10	\$178.60

(c) Single or multifamily altered services or feeders including circuits.

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$64.90
201 to 600	\$94.80
601 and over	\$142.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$35.20

(d) Single or multifamily residential circuits only (no service inspection).

Note: Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above)	\$46.70
(ii) Each additional circuit (see note above)	\$5.20

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only	\$46.70
(ii) Mobile home service and feeder	\$76.30

PROPOSED

(f) Mobile home park sites and RV park sites.

Note: For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

- (i) First site service or site feeder \$46.70
- (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$29.60

(2) Commercial/industrial.

(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).

Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$76.30	\$46.70
101 to 200	\$94.80	\$59.40
201 to 400	\$178.60	\$70.80
401 to 600	\$208.20	\$83.20
601 to 800	\$269.10	\$113.30
801 to 1000	\$328.50	\$137.10
1001 and over	\$358.40	\$191.20

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$76.30
201 to 600	\$178.60
601 to 1000	\$269.10
1001 and over	\$298.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)

\$64.90

(c) Circuits only.

Note: Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

- (i) First 5 circuits per branch circuit panel \$59.40
- (ii) Each additional circuit per branch circuit panel \$5.20
- (d) **Over 600 volts surcharge per permit.** \$59.40

(3) Temporary service(s).

Note: (1) See WAC 296-46B-527 for information about temporary installations.
 (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$40.90	\$21.00
61 to 100	\$46.70	\$22.70
101 to 200	\$59.40	\$29.60
201 to 400	\$70.80	\$35.30
401 to 600	\$98.80	\$46.70
601 and over	\$107.50	\$53.60

PROPOSED

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

- (a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$5.20
- (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$70.80
- (c) Each additional tower \$5.20

(5) Miscellaneous - commercial/industrial and residential.

- (a) **Low-voltage thermostats** controlling a single piece of utilization equipment.
 - (i) First thermostat \$35.30
 - (ii) Each additional thermostat inspected at the same time as the first \$11.10

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

- (i) First 2500 sq. ft. or less \$40.90
- (ii) Each additional 2500 sq. ft. or portion thereof \$11.10

(c) Signs and outline lighting.

- (i) First sign (no service included) \$35.30
- (ii) Each additional sign inspected at the same time on the same building or structure \$16.80

(d) Berth at a marina or dock.

Note: Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

- (i) Berth at a marina or dock \$46.70
- (ii) Each additional berth inspected at the same time \$29.60

(e) Yard pole, pedestal, or other meter loops only.

- (i) Yard pole, pedestal, or other meter loops only \$46.70
- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.10

(f) Emergency inspections requested outside of normal working hours.

Regular fee plus surcharge of: \$89.00

(g) Generators.

Note: Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$64.90

(h) Electrical - annual permit fee.

Note: See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,710.80
4 to 6 plant electricians	24	\$3,423.30
7 to 12 plant electricians	36	\$5,134.60
13 to 25 plant electricians	52	\$6,847.10
More than 25 plant electricians	52	\$8,559.60

PROPOSED

(i) Telecommunications - annual permit fee.

Note: (1) See WAC 296-46B-900(13).
 (2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum	\$141.60
Each additional hour, or portion thereof, of portal-to-portal inspection time	\$70.80

(j) Permit requiring ditch cover inspection only.

Each 1/2 hour, or portion thereof	\$35.30
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(k) Cover inspection for elevator/conveyance installation.	\$59.40
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This item is only available to a licensed/registered elevator contractor.

(6) Carnival inspections.

(a) First carnival field inspection each calendar year.

(i) Each ride and generator truck	\$16.80
(ii) Each remote distribution equipment, concession, or gaming show	\$5.20
(iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be:	\$89.00

(b) Subsequent carnival inspections.

(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show	\$89.00
(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show	\$5.20

(c) Concession(s) or ride(s) not part of a carnival.

(i) First field inspection each year of a single concession or ride, not part of a carnival	\$70.80
(ii) Subsequent inspection of a single concession or ride, not part of a carnival	\$46.70

(7) Trip fees.

(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.)	\$70.80
(b) Submitter notifies the department that work is ready for inspection when it is not ready.	\$35.30
(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection.	\$35.30
(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work.	\$35.30
(e) Each trip necessary to remove a noncompliance notice.	\$35.30
(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted.	\$35.30
(g) Installations that are covered or concealed before inspection.	\$35.30

PROPOSED

(8) Progress inspections.

Note: The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour. \$35.30

(9) Plan review.

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-910, plus a plan review submission and shipping/handling fee of: \$59.40

(a) Supplemental submissions of plans per hour or fraction of an hour of review time. \$70.80

(b) Plan review shipping and handling fee. \$16.80

(10) Out-of-state inspections.

(a) Permit fees will be charged according to the fees listed in this section.

(b) Travel expenses:

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

(11) Other inspections.

Inspections not covered by above inspection fees must be charged portal-to-portal per hour: \$70.80

(12) Refund processing fee.

All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.) \$11.10

(13) Variance request processing fee.

Variance request processing fee. This fee is nonrefundable once the transaction has been validated. \$70.80

(14) Marking of industrial utilization equipment.

(a) Standard(s) letter review (per hour of review time). \$70.80

(b) Equipment marking - charged portal-to-portal per hour: \$70.80

(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

NEW SECTION

WAC 296-46B-910 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.

Notes: (1) The department will deny application or renewal of a license, certificate, or permit if an individual owes an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual owes an outstanding final judgment(s) to the department or is in suspended status.

(2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.

(3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

(1) General or specialty contractor's license. (Nonrefundable after license has been issued.)	
(a) Per twenty-four-month period	\$228.60
(b) Reinstatement of a general or specialty contractor's license after a suspension	\$45.90
(2) Master electrician/administrator/electrician/trainee certificate.	
(a) Examination application (nonrefundable)	
Administrator certificate examination application. (Required only for department administered examinations.) (Not required when testing with the department's contractor.)	\$28.40
(b) Examination fees (nonrefundable)	
Note: Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.	
(i) Master electrician or administrator first-time examination fee (when administered by the department)	\$68.40
(ii) Master electrician or administrator retest examination fee (when administered by the department)	\$80.00
(iii) Journeyman or specialty electrician examination fee (first test or retest when administered by the department)	\$51.40
(iv) Certification examination review fee	\$105.90
(c) Original certificates (nonrefundable after certificate has been issued)	
(i) Electrical administrator original certificate (except 09 telecommunication)	\$102.15
(ii) Telecommunications administrator original certificate (for 09 telecommunications)	\$68.10
(iii) Temporary specialty electrical administrator certificate (valid as allowed and described in WAC 296-46B-930(2)) (valid for twelve months)	\$62.45
(iv) Master electrician original certificate ("grandfather" request)	\$129.15
(v) Master electrician exam application (includes original certificate and application processing fee) (\$28.40 is nonrefundable after application is submitted)	\$130.55
(vi) Journeyman or specialty electrician application (includes original certificate and application processing fee) (\$28.40 is nonrefundable after application is submitted)	\$73.30
(vii) Training certificate	\$36.00
(A) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) (\$43.60 is nonrefundable after application is submitted)	\$65.40
(B) 75% supervision modified supervision training certificate.	\$43.60
(C) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b).	\$21.80
(viii) Temporary electrician permit (valid as allowed and described in WAC 296-46B-940(27))	\$22.70

(ix) Temporary specialty electrician permit (valid as allowed and described in WAC 296-46B-940(28)) (\$28.40 is nonrefundable after the application for the original specialty electrician certificate is submitted) (\$51.10 is nonrefundable after temporary permit is issued)	\$96.00
(d) Certificate renewal (nonrefundable)	
(i) Master electrician or administrator certificate renewal	\$129.15
(ii) Telecommunications (09) administrator certificate renewal	\$86.10
(iii) Late renewal of master electrician or administrator certificate	\$258.30
(iv) Late renewal of telecommunications (09) administrator certificate	\$172.20
(v) Journeyman or specialty electrician certificate renewal	\$68.10
(vi) Late renewal of journeyman or specialty electrician certificate	\$136.20
(vii) Trainee certificate renewal or update of hours (i.e., submission of affidavit of experience)	\$43.60
(e) Reciprocal certificate (nonrefundable)	
(i) Master electrician reciprocal certificate	\$129.15
(ii) Journeyman or specialty electrician reciprocal certificate	\$73.30
(f) Certificate - reinstatement (nonrefundable)	
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee)	\$45.90
(ii) Reinstatement of suspended journeyman, or specialty electrician certificate (in addition to normal renewal fee)	\$21.80
(g) Assignment/unassignment of master electrician/administrator designation (nonrefundable)	\$34.00
(3) Certificate/license - replacement for lost or damaged certificate/license. (Nonrefundable.)	\$15.00
(4) Continuing education courses. (Nonrefundable.)	
(a) Continuing education course submittal and approval (per course)	\$43.70
(b) Continuing education course renewal (per course)	\$21.80
(5) Copy fees. (Nonrefundable.)	\$48.30
Certified copy of each document (maximum charge per file):	
(a) First page:	\$21.80
(b) Each additional page:	\$2.00
(6) Refund processing fee. (Nonrefundable.)	\$11.10
(7) Training school program review fees. Initial training school program review fee. (Nonrefundable.)	
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$500.00

(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)). \$250.00

NEW SECTION

WAC 296-46B-911 Electrical testing laboratory fees. The amount of the fee due is calculated based on the fee effective at the date payment is made.

Initial filing fee: (Nonrefundable)	\$ 500.00
Initial accreditation fee:	
1 product category	\$ 250.00
Each additional category for the next 19 categories	\$ 100.00 each
Maximum for 20 categories or more	\$2150.00
Renewal fee: (Nonrefundable)	50% of initial filing fee
Renewal of existing accreditations	
Each additional category for the next 19 categories	\$ 100.00 each
Maximum for 20 categories or more	\$2150.00

NEW SECTION

WAC 296-46B-915 Civil penalty schedule.

- Notes:** (A) Each day that a violation occurs will be a separate offense.
 (B) Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.
 (C) In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.
 (D) A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.
 (E) The penalty amount will be waived for the first offense. If a subsequent offense occurs within a three-year period, the first offense penalty amount will be reinstated and immediately due and payable without further right of appeal.

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

- (a) That convey or utilize electrical current without having a valid electrical contractor's license.
- (b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$100 (see note E)
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

First offense:	\$250
Each offense thereafter:	\$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

PROPOSED

First offense: \$250

Each offense thereafter: \$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense: \$250

Each offense thereafter: \$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense: \$50 (see note E)

Second offense: \$250

Each offense thereafter: \$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

First offense: \$500

Second offense: \$1,500

Third offense: \$3,000

Each offense thereafter: \$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense: \$500

Second offense: \$1,000

Each offense thereafter: \$2,000

Definition: The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense: \$250 (see note E)

Second offense: \$1,000

Each offense thereafter: \$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense: \$250 (see note E)

Second offense: \$1,000

Each offense thereafter: \$2,000

(11) Failing to obtain or post an electrical/telecommunications work permit prior to beginning the electrical/telecommunications installation or alteration.

Exception: In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense: \$250 (see note E)

Homeowner - First offense: \$50

Second offense: \$1,000

Each offense thereafter: \$2,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator.

First offense: \$100 (see note E except for RCW 19.28.061 (2)(a) or 19.28.430 (3)(a))

Second offense: \$750

Third offense: \$1,500

Each offense thereafter: \$3,000

(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.

RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

First offense: \$250

Each offense thereafter: \$500

All other chapter 19.28 RCW provisions and the rules developed pursuant to them.

First offense: \$250

Second offense: \$750

Each offense thereafter: \$2,000

NEW SECTION

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations.

(2) All specialties listed in this subsection may perform the work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC 296-46B-010(12), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection (see Table 920-1).

(c) **Domestic well (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase used in residential potable water or residential sewage disposal systems.

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere,

120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) To form or pour a concrete pole base used to support a sign;

(C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to:

Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

On the effective date of this rule, any entity holding a currently valid electrical contractor's license, electrical administrator's certificate, master specialty electrician's certificate, or specialty electrician's certificate in this specialty will be issued combination specialty status for HVAC/refrigeration (06A) at no cost and without examination.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-020 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such

line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;

- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the

HVAC/refrigeration equipment being supplied are located within sight of each other (see Figure 920-2); or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration (06A):

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three floors on/above grade; or

Regardless of the number of floors above grade if the installation:

- Does not pass between floors;

- Is made in a previously occupied and wired space; and

- Is restricted to the HVAC/refrigeration system;

- Repair, replace, and maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of floors on/above grade.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - restricted (06B):

(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

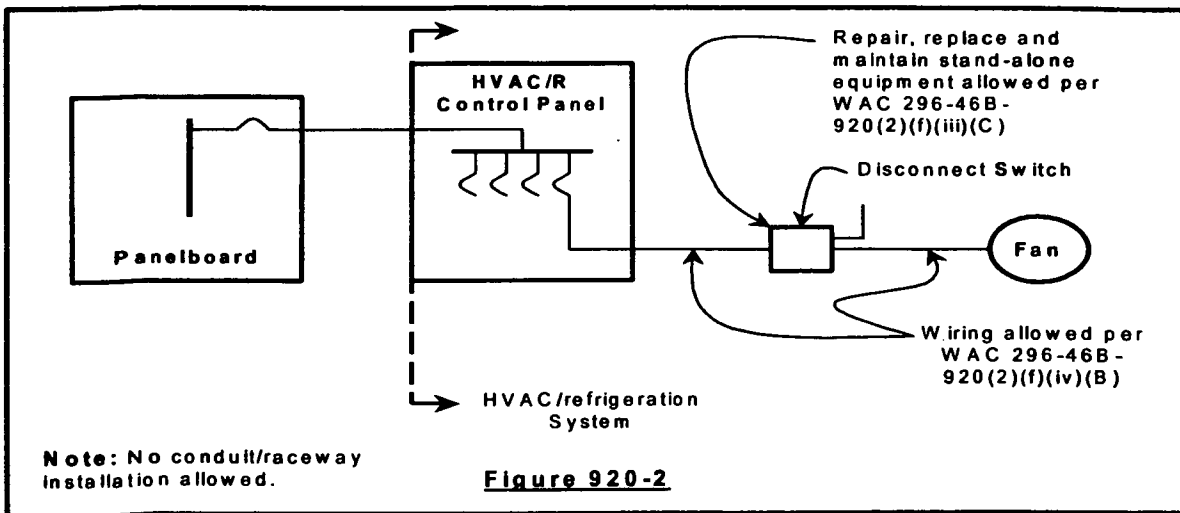
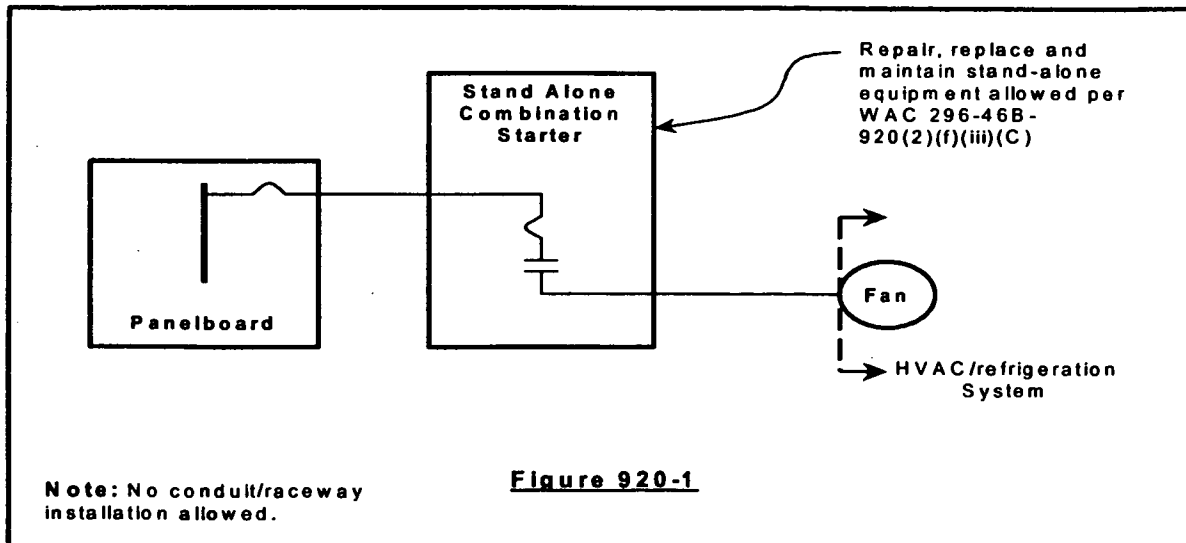
(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three floors on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

PROPOSED



(g) **Nonresidential maintenance (07):** Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors on industrial or commercial premises. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential (02) specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection (see Table 920-1).

(h) **Nonresidential lighting maintenance and lighting retrofit (07A):** Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of

listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

(j) Restricted nonresidential maintenance (07C): This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 480 volts and 30 amperes and/or maximum 250 volts and 60 amperes.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection (see Table 920-1).

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(k) Appliance repair (07D): Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and utilization equipment include, but are not limited to: Dish washers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/

similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(l) Equipment repair (07E): Servicing, maintaining, repairing, or replacing utilization equipment.

(i) For the purposes of this subsection:

(A) The utilization equipment must be:

Self-contained on a single skid or frame;

Factory built to standardized sizes or types;

Connected as a single unit to a single source of electrical power limited to a maximum of 600 volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of 250 volts; and

Listed or field evaluated by a laboratory or approved by the department under WAC 296-46B-030. See WAC 296-46B-430 for additional information on motors.

(B) Equipment includes, but is not limited to: Household type appliances, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, motors, pumps, grinders, scales, vehicle repair equipment, welders, air compressors, blowers, dryers, grinders, cranes/lifts, kilns, commercial/industrial utilization equipment, commercial/industrial water processing equipment, and similar utilization equipment.

(C) Equipment does not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps used for the conditioning of occupant air, or door/gate/similar equipment.

(ii) This specialty includes:

(A) The in-place, like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(B) The in-place, like-in-kind replacement or repair of electrical components within the equipment;

(C) The in-place, like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment (e.g., telemetry-signaling devices, pressure switches, limit switches, photoelectric sensors, etc.); or

(D) The disconnection, replacement, and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit.

(iii) This specialty does not include the installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple equipment or other electrical components.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage ser-

vice, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

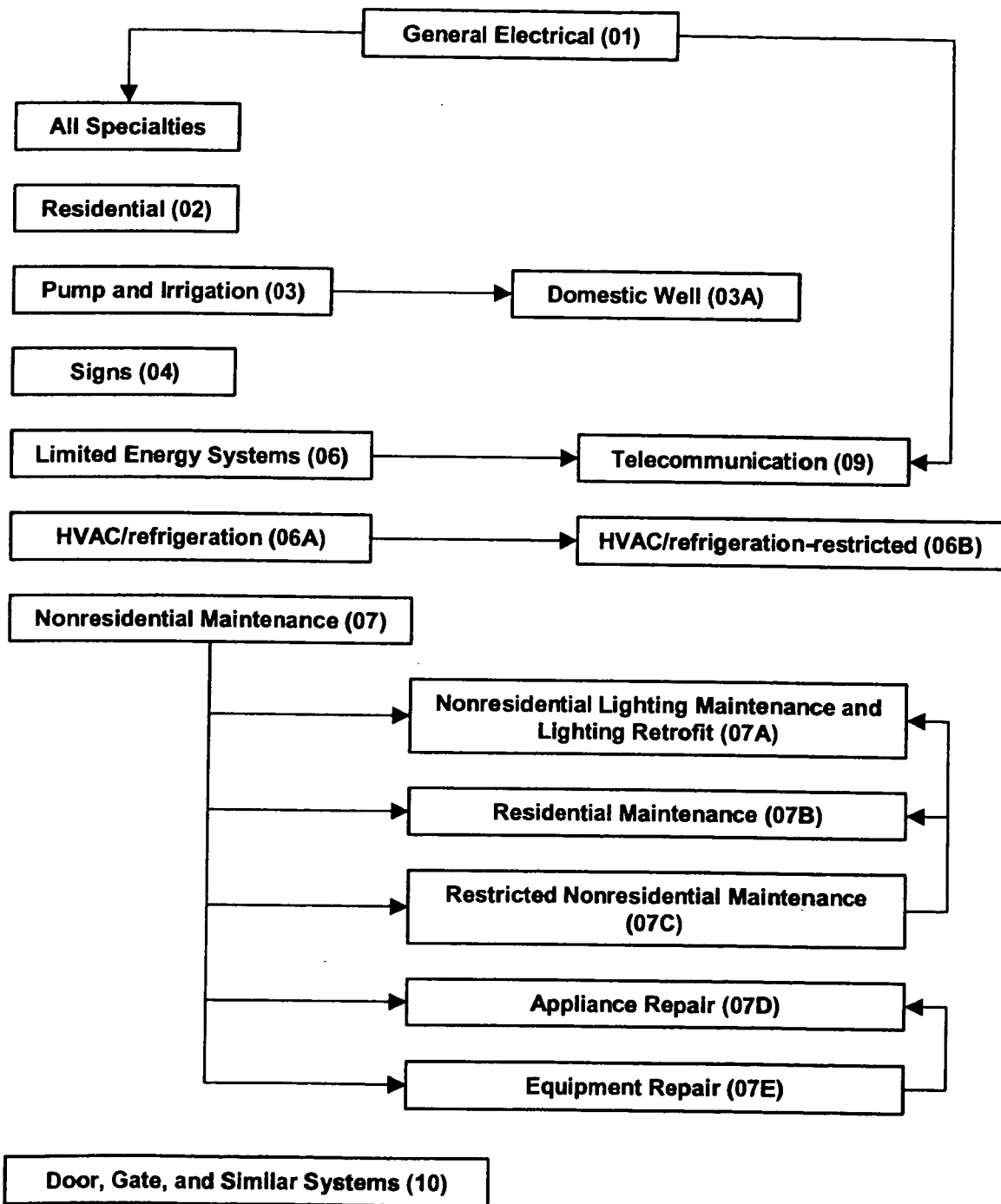
- There are no modifications to the characteristics of the branch circuit/feeder;
- The circuit/feeder does not exceed 600 volts, 20 amperes; and
- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover

PROPOSED



NEW SECTION**WAC 296-46B-925 Electrical/telecommunications contractor's license. General.**

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny application or renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for

injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceed 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder.

Volunteering for nonprofit organizations such as churches, senior centers, etc., is generally not allowed. Volunteering for these types of organizations may be allowed under the following guidelines:

(a) A local nonprofit organization, whose members own the building or structure, may solicit a volunteer electrical contractor to oversee the electrical installation. The organization's members or other persons may volunteer to perform electrical work for the organization, under the supervision of the volunteer electrical contractor, if they are properly certified by the department as electricians or trainees.

(b) The volunteer electrical contractor and its administrator will be responsible to maintain proper ratio, per RCW 19.28.161, of certified electricians to certified trainees on the job site at all times. The volunteer electrical contractor must either provide on-site supervision or designate one of the volunteer electricians as the on-site supervisor.

(c) The volunteer electrical contractor must purchase the electrical work permit, and ensure that the electrical installation is in compliance with the requirements of chapter 19.28 RCW and chapter 296-46B WAC.

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, 2004, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semi-annually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility and: Is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

- Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

- The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(c) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(d) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical

power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period;

or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment,

modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) The product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) No licensing, certification, or permitting is required for the installation, maintenance, or repair of a device used or useful in the diagnosis or treatment of disease or injury as described in RCW 19.28.371. This exemption does not preclude licensing, certification, or permitting requirements for the installation of raceway/wiring systems supplying such devices or raceway systems interconnecting such devices.

(23) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

NEW SECTION

WAC 296-46B-930 Assignment—Administrator or master electrician. (1) An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as

required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named as:

- (a) The sole proprietor;
- (b) A partner on file with the department of licensing; or
- (c) A member of an LLC on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual 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.

(2) A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28-041 and 19.28.061 under the guidelines described in Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

SPECIALTIES OPEN FOR ASSIGNING TEMPORARY SPECIALTY ADMINISTRATOR	<ul style="list-style-type: none"> • Domestic well (03A), • HVAC/refrigeration - restricted (06B), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (07B), • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D), • Equipment repair (New - 07E), • Door, gate and similar systems (10).
Last date to submit application for temporary administrator	September 30, 2004. ^{(2), (3)}
Required business status in the contracting specialty	Chapter 18.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002).
Minimum previous experience for firm making temporary designation	N/A
Begin interim enforcement	Effective date of this chapter. ⁽¹⁾
Begin full enforcement	October 1, 2004. ⁽¹⁾
Must pass specialty administrator examination no later than:	Twelve months after submitting temporary specialty administrator assignment. ⁽³⁾

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

Notes:

⁽¹⁾See Figure 955-1 for enforcement procedures.

⁽²⁾To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.

⁽³⁾A firm may only designate a single individual as a temporary administrator in a specialty.

⁽⁴⁾An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.

NEW SECTION

WAC 296-46B-935 Administrator certificate. General.

(1) The department will deny application or renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

Qualifying for examination.

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

Original - administrator certificates.

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

(a) Successfully completes the appropriate administrator examination; and

(b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and

(c) Pays all appropriate fees as listed in WAC 296-46B-910.

An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

Combination - specialty administrator certificate.

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indicate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary

PROPOSED

administrator certificates will not be issued as a part of a combination certificate.

Renewal - administrator certificate.

(7) An individual must apply for renewal of their administrator certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

(10) All applicants for certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees as listed in WAC 296-46B-910; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked administrator's certificate.

Temporary specialty administrator certificate.

(14) See WAC 296-46B-930 for additional information.

NEW SECTION

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician-general.

(1) The department will deny application or renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Electrician - scope of work.

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

Electrician - certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess a current valid:

(a) Master journeyman electrician certificate of competency issued by the department;

(b) Journeyman electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department;

(e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is more than 600 volts, whether the system is energized or deenergized; or

(f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

(a) General journeyman (01);

(b) Specialties:

(i) Residential (02);

(ii) Pump and irrigation (03);

(iii) Domestic well (03A);

(iv) Signs (04);

(v) Limited energy system (06);

(vi) HVAC/refrigeration (06A);

(vii) HVAC/refrigeration - restricted (06B);

(viii) Nonresidential maintenance (07);

(ix) Nonresidential lighting maintenance and lighting retrofit (07A);

(x) Residential maintenance (07B);

(xi) Restricted nonresidential maintenance (07C);

(xii) Appliance repair (07D);

(xiii) Equipment repair (07E); and

(xiv) Door, gate, and similar systems (10).

Exemptions - linemen.

(5) See general definitions WAC 296-46B-020 for the definition of a lineman.

(6) Electrical linemen employed by a serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

(7) Electrical linemen employed by a licensed general electrical contractor do not need certificates of competency if the electrical equipment:

- (a) Is on commercial or industrial property;
- (b) Is located outside a building or structure; and
- (c) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

(a) RCW 19.28.191 (1)(a) or (b); and

(i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910;

(b) RCW 19.28.191 (1)(c) through (d);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)(e) through (j);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked certificate of competency.

Reciprocal agreements between Washington and other states.

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

Military experience.

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, radar, weapons, aeronautical experience, or similar experience may not be acceptable.

The military experience should be related to the building construction trade, not shipboard, aircraft, weapons, or similar installations.

Experience in another country.

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

Training school credit.

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(g) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

Temporary electrician permit.

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application showing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28-191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

- Date of birth, mailing address, Social Security number; and

- All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master journeyman, journeyman certificate of competency, or a master specialty or specialty electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician

refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the specialties listed in chapter 296-46B WAC Table 950-1, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of two years or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

NEW SECTION

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.

(1) The department will deny credit and/or application toward any master, journeyman, or specialty electrician examination if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) All applicants must be at least sixteen years of age.

Qualifying for the master electrician examination.

(3) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(c) or (d).

Qualifying for the master electrician examination from out-of-state.

(4) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journeyman electrician competency examination.

(5) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(6) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(5).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(10).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(7) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(5).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(10).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(5).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(10).

(8) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(5).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(10).

(9) The letter of experience described in subsections (7) and (8) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

Qualifying for a specialty electrician certificate of competency or examination.

(10) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾	Minimum Hours of Work Experience Required for Certification
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic well certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration - restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	4,000 ⁽³⁾	4,000
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	4,000 ⁽³⁾	4,000

PROPOSED

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾	Minimum Hours of Work Experience Required for Certification
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

- Notes:**
- (1) Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.
 - (2) Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent supervision until all required work experience hours are gained and credited towards the minimum work experience requirement even if the trainee has completed the examination.
 - (3) This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.
 - (4) The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.
 - (5) Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(f)(ii).
 - (6) Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.
 - (7) The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted (06B) specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(11) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(12) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(13) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(14) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical (01) contractors, and limited energy system (06) electrical contractors for limited energy experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

NEW SECTION

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. Some specialties have an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements.

To qualify previous work experience training credit toward eligibility for any of the specialty certificate examination(s) in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

(1) The specific specialty for which credit is being sought;

(2) The specific date time period for which credit is being sought; and

(3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

PROPOSED

Table 950-1 Specialty Electrician Open Window to apply previous work experience

SPECIALTIES Available for Open Window	<ul style="list-style-type: none"> • HVAC/refrigeration (06A), HVAC/refrigeration - restricted (06B) 	<ul style="list-style-type: none"> • Domestic well (03A), • Nonresidential maintenance (07), • Nonresidential lighting maintenance and lighting retrofit (07A), • Residential maintenance (07B), • Door, gate and similar systems (10) 	<ul style="list-style-type: none"> • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D) • Equipment repair (New - 07E)
Previous work experience training credit will only be allowed for:	Work performed prior to September 30, 2000 ⁽³⁾	Work performed prior to June 30, 2001 ⁽³⁾	Work performed prior to the effective date of this chapter ⁽³⁾
Last date to submit application for previous work experience	Make application on or before September 30, 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28).		
Begin interim enforcement	Effective date of this chapter ⁽¹⁾		
Begin full enforcement	October 1, 2004 ⁽¹⁾		
Exam completion	If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application. ⁽²⁾		

Notes: ⁽¹⁾See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

⁽²⁾See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.

⁽³⁾Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.

⁽⁴⁾Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.

⁽⁵⁾Previous work experience gained using this section will not be applicable towards journeyman certification until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter.

⁽⁶⁾Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.

⁽⁷⁾No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.

⁽⁸⁾An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

(2) All electrical contractors, administrators, and electricians who possessed a current domestic appliance (05) specialty license or certificate on the effective date of this chapter will be issued a residential (02) license or certificate. No application or examination is required to receive the replacement residential license or certificate.

(3) All training experience currently credited toward the domestic appliance (05) specialty will be considered to be residential (02) experience.

NEW SECTION

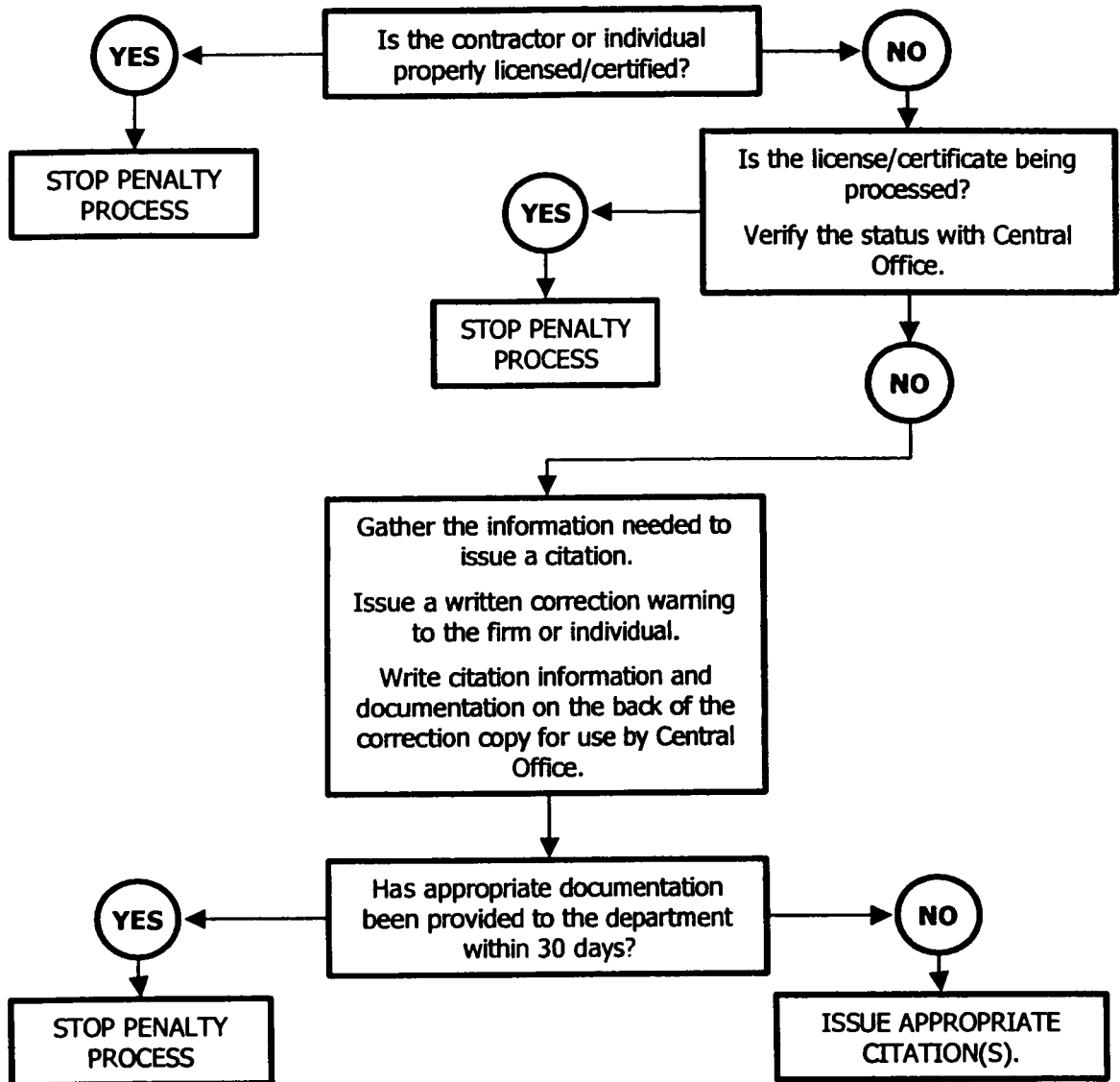
WAC 296-46B-955 Specialty contractor/electrician enforcement procedures. Interim noncompliance enforcement procedures are outlined in Figure 955-1 for the specialties listed. All other specialties require full compliance with the requirements of chapter 19.28 RCW and this chapter.

NEW SECTION

WAC 296-46B-951 Domestic appliance specialty. (1) The domestic appliance specialty (05) is eliminated as of the effective date of this chapter.

PROPOSED

PROPOSED



- Domestic well (03A) ⁽¹⁾
- HVAC/refrigeration (06A) ⁽¹⁾
- HVAC/refrigeration-restricted (06B) ⁽¹⁾
- Nonresidential maintenance (07) ⁽¹⁾
- Nonresidential lighting maintenance and lighting retrofit (07A) ⁽¹⁾
- Residential maintenance (07B) ⁽¹⁾
- Restricted nonresidential maintenance (07C) ⁽¹⁾
- Appliance repair (07D) ⁽¹⁾
- Equipment repair (07E) ⁽¹⁾
- Door, gate and similar systems (10) ⁽¹⁾

Begin Interim enforcement
Effective date of this chapter
 Begin Full enforcement
October 1, 2004

Note: (1) If a citation is issued, the contractor/individual loses the right to apply previous experience or nominate a temporary administrator.

NEW SECTION**WAC 296-46B-960 Administrator and electrician certificate of competency examinations. General.**

(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations; or

(iii) Copies of chapter 19.28 RCW and this chapter.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications;

(iii) A foreign language dictionary that contains definitions;

(iv) Personal notes; or

(v) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.

(3) Administrator and master electrician examinations may consist of multiple sections. All sections must be successfully completed within a one-year period of beginning the examination. Within the one-year examination period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

Special accommodations for examination.

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific examination;

(iii) Stating what special accommodation is necessary; and

(iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department at least six weeks in advance of the examination

date and must be accompanied by a completed application and fees as described in WAC 296-46B-910.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

Failed examination appeal procedures.

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-910.

(b) The following procedures apply to a review of the results of the examination:

(i) The candidate will be allowed one hour to review their examination.

(ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justi-

fication and notify the candidate in writing of the department's decision.

Subjects included in administrator certificate, or master electrician, journeyman, or specialty electrician competency examinations.

(8) The following subjects are among those that may be included in the examination for an administrator certificate or electrician certificate of competency. The list is not exclusive. The examination may also contain subjects not on the list.

(a) For general administrators, master journeyman, and journeyman electricians:

AC - Generator; 3-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits.

Administration - Chapter 19.28 RCW and this chapter.

Air conditioning - Basic.

Blueprints - Surveys and plot plans; floor plans; service and feeders; electrical symbols; elevation views; plan views.

Building wire.

Cable trays.

Calculations.

Capacitive reactance.

Capacitor - Types; in series and parallel.

Circuits - Series; parallel; combination; basic; branch; outside branch circuits; calculations.

Conductor - Voltage drop (line loss); grounded.

Conduit - Wiring methods.

DC - Generator; motors; construction of motors; meters.

Definitions - Electrical.

Electrical units.

Electron theory.

Fastening devices.

Fire alarms - Introduction to; initiating circuits.

Fuses.

Generation - Electrical principles of.

Grounding.

Incandescent lights.

Inductance - Introduction to; reactance.

Insulation - Of wire.

Mathematics - Square root; vectors; figuring percentages.

Motors/controls - Motors vs. generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors.

Ohm's Law.

Power.

Power factor - AC circuits; correction of; problems.

Rectifiers.

Resistance - Of wire.

Rigging.

Safety - Electrical shock.

Services.

3-wire system.

Tools.

Transformers - Principles of; types; single-phase; 3-phase connections.

Voltage polarity across a load.

Wiring methods - Conduit; general.

Wiring systems - Less than 600 volts; 480/277 volts; single-and 3-phase delta or wye; distribution systems over 600 volts.

Note: The general administrator, master journeyman, and journeyman electrician examinations may also include the subjects listed below for specialty electrician examinations.

(b) For specialty administrators, master specialty and specialty electricians, the following subjects are among those that may be included in the examination. Examination subjects are restricted to those subjects related to the scope of work of the specialty described in WAC 296-46B-920. The list is not exclusive. The examination may also contain subjects not on the list.

AC - Meters.

Administration - Chapter 19.28 RCW and this chapter.

Appliance circuits or controls.

Blueprints - Floor plans; service and feeders.

Cables - Wiring methods.

Calculations.

Circuits - Series; parallel; combination; basic; outside branch.

Conductor - Voltage drop (line loss); grounded; aluminum or copper.

Conduit - Wiring methods.

Electrical signs, circuits, controls, or services.

Electrical units.

First aid.

Fuses.

General lighting.

Grounding of conductors.

Insulation of wire.

Limited energy circuits or systems.

Maintenance of electrical systems.

Mathematics - Figuring percentage.

Motor circuits, controls, feeders, or services.

Ohm's Law.

Overcurrent protection.

Resistance of wire.

Safety - Electrical shock.

Services.

Sizes of building wire.

3-wire system.

Tools.

Transformer - Ratios; single-phase/3-phase connections.

Failing an administrator certificate exam or electrician certificate of competency examination.

(9) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(10) If the individual makes a score of less than sixty percent, the individual must wait two weeks before being eligible to retest.

(11) If the individual makes a score of sixty to sixty-nine percent, the individual must wait one day before being eligible to retest.

(12) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161. However, if the applicant holds a temporary specialty electrician certificate per WAC 296-46B-940(28), the applicant may continue to work under the temporary specialty electrician certificate until it expires. After the temporary specialty electrician certificate expires, the applicant must obtain a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161.

Cheating on an examination.

(13) Anyone found cheating on an examination or using inappropriate materials/equipment during an examination will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector.

NEW SECTION

WAC 296-46B-965 Training certificate required. General.

(1) A training certificate is required to work in the electrical construction trade if an individual does not:

- (a) Possess a current journeyman certificate of competency issued by the department;
- (b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work;
- (c) Possess a valid temporary electrician permit;
- (d) Possess a valid temporary specialty electrician permit while working in that specialty's scope of work; or
- (e) Is not working in exempt status as allowed by chapter 19.28 RCW.

(2) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) and trainees owing money as a result of a final judgment to the department will not be issued a training certificate.

Original training certificates.

(3) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

- (a) Date of birth, mailing address, Social Security number; and
- (b) All appropriate fees as listed in WAC 296-46B-910.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years.

Specialty specific - zero percent and seventy-five percent supervision modified training certificates.

(4) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

- (i) Date of birth, mailing address, Social Security number;
- (ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and
- (iii) All appropriate fees as listed in WAC 296-46B-910.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate or temporary specialty electrician permit obtained as described in WAC 296-46B-940(28), the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

- (i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and
- (ii) All appropriate fees as listed in WAC 296-46B-910.
- (c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

Renewal of training certificates.

(5) The individual may not apply for renewal more than ninety days prior to the expiration date. Within thirty days after renewing an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

- (a) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;
- (b) The correct electrical category the individual worked in; and
- (c) The actual number of hours worked in each category worked under the proper supervision of a Washington certified, master journeyman electrician, journeyman electrician or appropriate master specialty electrician or specialty elec-

trician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(6) The individual should ask each employer and/or apprenticeship training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journeyman electrician, journeyman electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

(7) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

Trainees seeking a journeyman electrician certificate - working with no supervision.

(8) Trainee seeking a general (01) journeyman electrician certificate of competency. 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;

(b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;

(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 296-46B-910; 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.

Trainees seeking certain specialty electrician certificates - working with reduced or no supervision.

(9) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection (4) of this section.

(10) Individuals who received a temporary specialty electrician certificate using previous work experience credit as allowed in WAC 296-46B-950 and fail to successfully complete the appropriate specialty examination before the expiration of the temporary specialty electrician permit may be issued a training certificate in the appropriate specialty if the individual submits a complete application as described in WAC 296-46B-965 (4)(b) prior to the expiration of the temporary specialty electrician permit.

(11) HVAC/refrigeration trainees (06A) 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.

NEW SECTION

WAC 296-46B-970 Continuing education. General requirements - continuing education courses requirements for administrator, master electrician, and electrician renewal.

(1) An individual will not be given credit for the same approved continuing education course taken more than once in the three years prior to the renewal date. No credit will be granted for any course not approved per this section.

(2) Telecommunications administrators do not require continuing education.

(3) Other administrators, master electricians, and electricians.

(a) To be eligible for renewal of an administrator certificate, master electrician, or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(b) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certification period. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes.

(c) Any portion of a year of a prior electrician certification period is equal to one year for the purposes of the required continuing education.

Approval process - continuing education course.

(4) The department must review each continuing education course. The department will recommend approval or disapproval to an electrical board subcommittee. The chief electrical inspector will be an ex officio member of this subcommittee. The subcommittee will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than four hours of instruction and be open to monitoring by a representative of the department and/or the electrical board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

- (a) Currently adopted edition of the National Electrical Code;
- (b) Chapter 19.28 RCW or chapter 296-46B WAC; or
- (c) Materials and methods as they pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(7) Code-update courses must be based on the entire currently adopted National Electrical Code.

Application - for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The electrical board will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

- (a) The appropriate course application fee;
- (b) Course title, number of classroom instruction hours, and whether the training is open to the public;
- (c) Sponsor's name, address, contact's name and phone number;
- (d) Course outline (general description of the training, including specific National Electrical Code articles referenced);
- (e) Lists of resources (texts, references, visual aids);
- (f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;
- (g) Any additional documentation to be considered; and

(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full electrical board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering - continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the National Electrical Code is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the electrical board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the electrical board subcommittee cannot be used to meet the administrator or electrician certificate renewal requirements.

Documentation - Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

- (a) Name of course sponsor;

- (b) Name of course;
- (c) Date of course;
- (d) Course approval number;
- (e) The number of continuing education units; and
- (f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

Documentation - out-of-state training course attendance/completion.

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

NEW SECTION

WAC 296-46B-971 Training schools. (1) The department must evaluate and approve training school programs in the electrical trade as regulated by chapter 19.28 RCW for equivalency to hours of supervised work experience. Approved training programs must be from a Washington state public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(2) The minimum total hours for an electrical technical training program must be determined per RCW 19.28.191.

(3) Training school programs must be approved before their graduates may request credit for equivalent work experience hours toward journeyman or specialty electrician certification. Until December 31, 2003, existing electrical training programs, in effect after January 1, 2000, may apply for retroactive approval of their program to determine the number of hours that will be credited for the program graduates. After December 31, 2003, all training programs must be approved by the department prior to beginning instruction.

(4) Training schools must submit the curriculum of each journeyman or specific specialty electrical training program

to the department for approval. The curriculum must include a detailed description of each course that is included in the total training hours required by RCW 19.28.191. The curriculum must be reviewed by the department whenever significant changes in program content or course length are implemented or at an interval not to exceed three years. After department review, the program may be renewed. In evaluating the relevance of the curriculum, the department will consider the following criteria:

(a) Scope of work for the appropriate electrician certification.

(b) Understanding whole systems related to and integrated with electrical equipment installation, maintenance, troubleshooting, and appliance repair (e.g., refrigeration, pumps, hydraulics, thermodynamics, compressed air, and similar systems).

(c) Courses not directly related to electrical technical instruction or specific scope of work, but required to complete the specific training program (i.e., mathematics, technical writing, business, safety, first aid, ergonomics, etc.), must not exceed ten percent of the total student/instructor contact time of the program.

(5) Within thirty days after beginning a program, the program sponsor must supply the department with a roster of individuals enrolled in the program. Within thirty days after each graduation cycle, approved training school programs must provide the department with a roster of individuals that have successfully completed the program. The roster must show each student's name, date of completion, Washington training or electrician certificate number or student identification number, and the training program title. An individual must provide a copy of the certificate of completion or proof of graduation from the electrical training program when making application to the department for an electrician examination.

(6) All school training activities involving electrical work or appliance repair done outside of in-school lab facilities must be done under a valid Washington electrical contractor's license. All students performing such work must have a valid training certificate and work under a supervising journeyman or specialty electrician in a ratio, per RCW 19.28.161, in compliance with RCW 19.28.161.

(7) Individuals in a two-year electrical construction trade training program for journeyman electrician must obtain the additional two years of work experience required in new industrial or commercial installation prior to the beginning, or after the completion, of the technical school program.

All student electrical training hours obtained when working for contractors or other employers in intern programs arranged by the school must be evaluated as part of the training program hours. Additional work experience credit gained in an intern program is not allowed.

This does not prohibit trainees in a training program for specialty electricians from having concurrent employment and obtaining additional specialty work experience while attending school. All such concurrent work must be documented in an affidavit of experience per WAC 296-46B-965 (5), (6), (7), and (8).

The following supervision requirements must be met when working as an intern or student:

(a) Intern when working for contractors or other employers as a:

(i) General electrician, there must be not more than one noncertified individual for every certified master journeyman electrician or journeyman electrician.

(ii) Specialty electrician, there must be not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician.

(b) Student when working for a public community or technical college, or not-for-profit nationally accredited trade or technical school licensed by the work force training and education coordinating board under chapter 28C.10 RCW as a journeyman or specialty electrician in the training program, the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program. All such work will be considered to be an integral part of the training program and work experience credit will not be allowed except as a part of the program.

When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(i) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(ii) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

The public community or technical colleges, or not-for-profit nationally accredited trade or technical schools must be an appropriately licensed electrical contractor when performing work outside the classroom.

(8) The department will use the criteria in this section to evaluate the hours of credit that may be allowed for United States armed forces experience and training in the electrical construction, electrical maintenance, and appliance repair trades. See WAC 296-46B-940(20).

NEW SECTION

WAC 296-46B-975 Electrical audit. General.

(1) The department may audit the employment records of the electrical contractor or employer to verify the employment status of trainees, assigned administrators, or assigned master electricians.

(2) Every employer or contractor must keep a record of trainee, assigned administrator/master electrician employment so the department may obtain the information it needs to verify electrical trainee, assigned administrator, or assigned master electrician status and trainee work experience. Upon the request of the department's auditors or agents, these records must be made available to the department for inspection within seven business days.

(3) Any information obtained from the contractor or employer during the audit is confidential and is not open to public inspection under chapter 42.17 RCW.

Trainee hours.

(4) The time period covered by a trainee audit will not exceed five years prior to the period included in the last affidavit verifying trainee hours is submitted.

(5) An employer or contractor must maintain payroll records, time cards, or similar records to verify:

(a) The number of hours the trainee worked as a supervised trainee;

(b) The type of electrical work the trainee performed; and

(c) Who provided the trainee's supervision.

(6) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the trainee was employed by the contractor or employer during the period for which the hours were submitted, the actual number of hours the trainee worked, the category of electrical work performed, and who provided the trainee's supervision; and

(b) An audit covering a specific time period and examining a contractor's or employer's books and records which may include their reporting of the trainee's payroll hours required for industrial insurance, employment security or prevailing wage purposes.

Administrator/master electrician - status.

(7) The time period covered by an administrator/master electrician audit will not exceed five years prior to the beginning of the audit.

(8) Every employer or contractor must maintain payroll records, time cards, or similar records to verify the work relationship and status of the assigned administrator or master electrician so the department may obtain the information it needs to verify the contractor-administrator/master electrician relationship. Upon the request of the department's auditors or agents, these records must be made available to the department for inspection within seven business days.

(9) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the assigned administrator or assigned master electrician was employed by the contractor or employer during the period assigned which may include their reporting of the assigned administrator's/master electrician's payroll hours required for employment security, prevailing wage, worker's compensation, etc.; and

(b) An audit to determine the full-time supervisory status of the assigned administrator/master electrician.

NEW SECTION

WAC 296-46B-980 Enforcement—Installations, licensing, and certification requirements. (1) The department inspects the electrical worksites of individuals, employers, and employees with respect to the methods and installation requirements of chapter 19.28 RCW and this chapter. The department's electrical inspectors and electrical auditors make electrical work inspections. The department's electrical inspectors, electrical auditors, and compliance officers make electrical licensing/certification inspections.

(2) The department ensures that individuals, employers, and employees comply with the electrical licensing and certification requirements of chapter 19.28 RCW and this chapter. To do this, inspections are made by the department's electrical inspectors/auditors and compliance officers.

Compliance officers or electrical inspectors/auditors determine whether:

(a) Each person or entity advertising to do electrical work or doing electrical work on an electrical worksite has a proper license, certificate, or temporary electrician permit;

(b) The ratio, per RCW 19.28.161, of certified journeyman/specialty electricians to the certified trainees on the job site is correct; and

(c) Each certified trainee is directly supervised by an individual who possesses an appropriate certificate of competency or temporary electrician permit for the type of electrical work being performed.

NEW SECTION

WAC 296-46B-985 Penalties for false statements or material misrepresentations. (1) A person who knowingly makes a false statement or material misrepresentation on an application, statement of hours, or signed statement to the department may be referred to the county prosecutor for criminal prosecution under RCW 9A.72.020, 9A.72.030, and 9A.72.040. The department may also file a civil action under RCW 19.28.131 or 19.28.271 and may revoke or suspend a certificate under RCW 19.28.241 or 19.28.341.

(2) The department may file a civil action under RCW 19.28.131 or 19.28.271 and may revoke or suspend a certificate of competency under RCW 19.28.341 or 19.28.241 for inaccurate or false reporting of continuing education units on the administrator, master electrician, or electrician renewal form.

(3) If the department determines that a course sponsor has issued an inaccurate or incomplete course application or attendance/completion roster, the department may suspend or revoke the course approval and deny future approval of a continuing education course(s) by the course sponsor.

(4) The department may file a civil action under RCW 19.28.271 against both the trainee and the contractor, apprentice training director, or other entity verifying the training hours and may subtract up to two thousand hours of employment from a trainee's total hours if the department determines a false statement or material misrepresentation has been made in an affidavit of experience.

NEW SECTION

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws. General.

(1) If the compliance officer or electrical inspector/auditor determines that an individual, employer, or employee has violated chapter 19.28 RCW or this chapter, the department will issue a citation that describes the violation.

Suspension or revocation - of an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, or training certificate.

(2) The department may revoke or suspend, for such time as it determines appropriate, an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, temporary specialty electrician's permit, or training certificate if:

(a) The license, certificate, or permit was obtained through error or fraud;

(b) The license, certificate, or permit holder is judged to be incompetent to work in the electrical construction trade as a master electrician, journeyman electrician, specialty electrician, electrical technician, temporary electrician, temporary specialty electrician, or electrical trainee;

(c) For serious noncompliance as described below. See RCW 19.28.241 and 19.28.341 for other grounds and procedures.

(d) A temporary electrician permit or temporary specialty electrician permit holder has violated any of the provisions of chapter 19.28 RCW or any rule adopted under chapter 19.28 RCW;

(e) The license or certificate holder incompletely or inaccurately reported continuing education units on an application for renewal; or

(f) The certificate holder falsely, incompletely, or inaccurately reported previous work experience.

The department will deny an application for any license/certificate during the period of revocation or suspension of the same or another license/certificate under chapter 19.28 RCW.

(3) For the purposes of this section, serious noncompliance includes, but is not limited to, any of the following:

(a) Failure to correct a serious violation. A serious violation is a violation of chapter 19.28 RCW or chapter 296-46B WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey or utilize electric current have been installed in such a condition that a fire-hazard or a life-safety hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. For the purposes of this section, a certified electrician is considered qualified, provided the electrician is working within his or her certification;

(b) The license or certificate was obtained through error or fraud;

(c) Submitting a fraudulent document to the department;

(d) Continuous noncompliance with the provisions of chapter 19.28 RCW or this chapter. For the purposes of this section, continuous noncompliance will be defined as three or more citations demonstrating a disregard of the electrical law,

rules, or regulations within a period of three years, or where it can be otherwise demonstrated that the contractor, master electrician, electrician, or administrator has continuously failed to comply with the applicable electrical standards;

(e) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee;

(f) Making a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department; or

(g) The certificate holder falsely or inaccurately reported continuing education units on an application for renewal.

For any act of serious noncompliance, the person, firm, partnership, corporation, or other entity may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

(4) Before a license, certificate, or temporary electrician permit is revoked or suspended, the certificate holder will be given written notice of the department's intention to suspend or revoke. Notification will be sent by registered mail to the certificate holder's last known address. The notification will list the allegations against the certificate holder, and provide the certificate holder with the procedures necessary to request a hearing before the electrical board as described in WAC 296-46B-995.

Confiscation - of an electrical contractor's license, administrator certificate, electrician certificate of competency, temporary electrician permit, or training certificate.

(5) The department may confiscate a license, certificate, or temporary electrician permit that is counterfeit, revoked, expired, suspended, or altered. The individual may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

NEW SECTION

WAC 296-46B-995 Electrical board—Appeal rights and hearings. General.

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW the Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW the Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised.*"

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "e-mail," if the member has provided an e-mail address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape recorded or transcribed by a court reporter; and the board may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in subsection (8)(b) of this section, at the time of the hearing, the board shall set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in subsection (8)(b) and (c) of this section may occur by U.S. mail, facsimile or by electronic mail and shall be determined by the board at the hearing; the members' votes shall be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 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.

(10) All hearings before the board as a whole shall be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary. All notices of appeal, with a certified check payable to the department in the sum of two hundred dollars if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before the regularly scheduled board meeting at which the hearing would occur. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

Appeals

(11) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal shall be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is served on the assessed party either by personal service or by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the

board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars.

(12) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(13) Appeals of suspension or revocation.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals of a revocation or suspension of a contractor's or administrator's license, must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or by certified mail, return receipt requested, sent to the last known address of the subject and shall be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

(14) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(15) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision. Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

(16) If appeal(s) according to subsections (11), (12), and (13) of this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

(17) Appeals - general requirements.

(a) Appeals according to subsections (11) and (12) of this section must specify the contentions of the appellant, and must for subsection (12) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board shall not grant a hearing de novo.

(b) In appeals under subsections (12), (13) and (14) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter, the appellant has the burden of proof by a preponderance of the evidence.

Appearance and practice before board.

(18) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as representatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

(19) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

NEW SECTION

WAC 296-46B-998 Standards. (1) The standard(s) used, as the basis of electrical product certification, field evaluation, or department approval must be determined by the department to provide an adequate level of safety or define an adequate level of safety performance.

(2) Generally, standards will be:

(a) Developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, and governmental authorities, and others having broad experience in the electrical products safety field. A standard is used to control the quality and safety of a product;

(b) Compatible with and be maintained current with periodic revisions of applicable national codes and installation standards; and

(c) Approved by the department. The department will evaluate the proposed standard to determine that it provides an adequate level of safety.

(3) All ANSI safety designated electrical product standards may be deemed acceptable for their intended use without further qualification.

(4) If the product safety standard is not ANSI, the standard must be reviewed and approved by the department as an appropriate electrical product safety standard as a part of the field evaluation or department inspection process.

NEW SECTION

WAC 296-46B-999 Electrical testing laboratory requirements. General.

(1) This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

(2) 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.

(a) The department may declare electrical equipment unsafe if:

(i) 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;

(ii) The equipment has been shown by field experience to be unduly hazardous to persons or property;

(iii) 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

(iv) An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this chapter.

(b) When the department declares an electrical product unsafe, the department will:

(i) Notify the product manufacturer and the appropriate testing laboratory in writing;

(ii) Notify the general public by:

(A) Report to the Consumer Product Safety Commission;

(B) A published article in the *Electrical Currents*;

(C) Internet website posting; and

(D) News release.

Accreditation - general.

(3) The department's chief electrical inspector's office provides forms and procedures enabling applicants to submit the data necessary for evaluation or accreditation.

(4) The accreditation period of a NRTL will be valid for the period of the laboratory's current OSHA NRTL accreditation. The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

(5) On-site inspection of a laboratory.

(a) On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

(b) On-site inspection is not required for NRTL-recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

(c) The department may waive on-site inspection for:

(i) Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department; or

(ii) NRTL-recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

(d) The applicant must pay all costs associated with the on-site inspection.

(6) For purposes of chapter 19.28 RCW, all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington must be accredited by the department. A NRTL requesting approval as a certification laboratory will be approved for accreditation by the department upon completion of the application process.

(7) Fees are payable as required in WAC 296-46B-911.

(8) The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in subsection (4) of this section or notify the renewing laboratory of the department's reason(s) of refusal following receipt of the completed form and renewal fee. Accreditation may be renewed or refused for one or more electrical product category(ies).

(9) The department accepts or denies laboratory accreditation for all laboratories within the state. Accreditation is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Accreditation is determined by the department and prior to making a determination, the department may require information and documentation to be provided by the laboratory.

(a) Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

(b) Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

(i) The number of factory inspections;

(ii) Organizational structure;

(iii) Statement of ownership;

(iv) Laboratory equipment verification;

(v) Client accreditation programs;

(vi) Reports of litigation, which in any way were the result of or may affect any accreditation or testing of products covered by this chapter; or

(vii) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

(c) The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

(10) The laboratory will be approved to certify only those categories identified and authorized by the department. The department will approve and list electrical product cate-

gory(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

(11) The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

Suspension or revocation.

(12) Any laboratory failing to comply with the requirements of this chapter or submitting false information may have accreditation revoked or suspended for one or more electrical product category(ies).

(13) The department may suspend or revoke the accreditation of any laboratory found to be in noncompliance with this chapter or the laws of the state of Washington.

(14) The department will serve written notice of intent prior to suspension, revocation, or refusal to renew the accreditation of a laboratory.

(15) The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

Business structure, practices, and personnel.

(16) The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well-being of the laboratory.

(17) The laboratory must adequately meet the following business practices:

(a) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures;

(b) Assure that reported values accurately reflect measured and observed data;

(c) Limit work to that for which competence and capacity is available;

(d) Treat test data, records, and reports as proprietary information;

(e) Respond and attempt to resolve complaints contesting certifications and evaluation results;

(f) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected; and

(g) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

(18) Laboratories accredited under this chapter must notify the department within thirty calendar days of any of the following:

(a) Change in company name and/or address;

(b) Changes in major test equipment which affect the ability to perform work for which accredited;

(c) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor; or

(d) Change in independent status.

(19) The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(a) The procedures and authority to ensure the product complies with the standard(s) established by the program;

(b) A quality control system;

(c) Adequate personnel to perform the certification or evaluation;

(d) Verification and maintenance of facilities and/or equipment; or

(e) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

(20) The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(a) The laboratory's quality control system must include a quality control or laboratory operations control manual;

(b) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s); and

(c) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

(21) Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

(22) The laboratory must:

(a) Provide adequate safeguards protecting the employment status of personnel from the influence or control of

manufacturers, vendors, or installers of electrical products certified or tested by the laboratory;

(b) Develop and maintain a job description for each technical position category;

(c) Ensure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory;

(d) Develop and maintain records of the results and dates of the observation or examination of personnel performance;

(e) Maintain information on the training, technical knowledge, and experience of personnel; and

(f) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

Recordkeeping and reporting - general.

(23) The laboratory must develop and maintain records and reports of those testing, inspection, certification, and evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

(24) The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

Recordkeeping and reporting - certification.

(25) Certification reports must contain, as applicable:

(a) Name and address of the laboratory;

(b) Pertinent data and identification of tests or inspections;

(c) Name of client;

(d) Appropriate product title;

(e) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(f) Description and identification of the sample including, as necessary, where and how the sample was selected;

(g) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard;

(h) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard;

(i) Measurements, examinations, derived results, and identification of test anomalies;

(j) A statement as to whether or not the results comply with the requirements of the standard;

(k) Name, contact information, and signature of person(s) having responsibility for the report;

(l) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report;

(m) Control forms documenting the receipt, handling, storage, shipping, and testing of samples;

(n) Laboratory records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:

(i) Records of products assurance (follow-up) test results; and

(ii) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(o) Record of written complaints and disposition thereof; and

(p) A statement that records required by these criteria will be maintained for a minimum of three years after cessation of the certification or evaluation.

Recordkeeping and reporting - field evaluation.

(26) The evaluation report must include:

(a) Name and address of the laboratory;

(b) Name of client;

(c) Address where the evaluated product is or will be installed;

(d) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(e) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s);

(f) Description of the overall product evaluated to include full nameplate data and equipment type;

(g) A statement as to whether or not the results comply with the requirements of the standard;

(h) Pertinent test evaluation data and identification of tests or inspections including anomalies;

(i) Signature of person(s) having responsibility for the report;

(j) Any condition of acceptability or restrictions on use/relocation;

(k) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification; and

(l) The labor and industries department file identification number;

(27) Within thirty calendar days after affixing the evaluation mark, the laboratory must submit a copy of the evaluation report to:

(a) The department's chief electrical inspector submitted electronically in a format approved by the department;

(b) Local electrical inspection office submitted electronically in a format approved by the department; and

(c) Client submitted in any format acceptable to the client and testing laboratory.

Facilities and equipment.

(28) The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.

(29) Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:

(a) Equipment description;

(b) Name of manufacturer;

(c) Model, style, serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

- (e) Statement of the equipment's allowable error and tolerances of readings;
- (f) Calibration or verification procedure and schedule;
- (g) Dates and results of last calibrations or verifications;
- (h) Specified maintenance practices;
- (i) Calibration and/or verification of equipment used;
- (j) Name and contact information of personnel or outside contractor providing the calibration or verification service; and
- (k) Traceability to National Institute of Standards and Technology or other equivalent standard reference authority.

Standards.

(30) The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.

(31) If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. The National Electrical Code, NFPA 70, will not be allowed to be the primary standard used to evaluate a product.

Product certification.

(32) The electrical product certification program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and authority necessary to ensure that the product complies with the standards (requirements) established by the program.

(33) All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.

(34) The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-to-date information must be available to the public at the office of the laboratory during normal business hours.

Certification laboratory/manufacturer - agreement.

(35) Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:

- (a) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation;
- (b) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice;

(c) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard;

(d) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard;

(e) Require reevaluation of products whenever the standard covering the product is revised;

(f) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard;

(g) Provide for control of certification marks by the laboratory;

(h) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data; and

(i) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

Certification mark.

(36) The laboratory owns the certification mark.

(37) The certification mark must be registered as a certification mark with the United States Patent and Trademark Office.

(38) The certification mark must:

(a) Not be readily transferable from one product to another; (b) Be directly applied to each unit of production in the form of labels or markings suitable for the environment and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed;

(c) Include the name or other appropriate identification of the certification laboratory;

(d) Include the product category; and

(e) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-46B-999(25).

(39) The certification mark may be applied to the product prior to authorizing the use of a certification mark on a product. The laboratory must:

(a) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype;

(b) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements; and

(c) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification

to the department of its intent to affix the certification mark in the field.

Certification laboratory product - assurance/follow up.

(40) To verify continued product acceptability, the laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

(41) The follow-up inspection file must include the:

(a) Conditions governing the use of the certification mark on products;

(b) Identification of the products authorized for certification;

(c) Identification of manufacturer and plant location at which manufacture and certification are authorized;

(d) Description, specifications, and requirements applicable to the product;

(e) Description of processes needed for control purposes;

(f) Description of the manufacturer's quality assurance program when used as part of the follow-up program;

(g) Description of inspections and tests to be conducted by the manufacturer and the laboratory; and

(h) Description of follow-up tests to be conducted in the laboratory.

(42) Follow-up procedures and activities must include:

(a) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples selected from production and, if appropriate, from the market;

(b) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data;

(c) Investigation of alleged field failures upon department request; and

(d) Procedures for control of the use of the certification mark by:

(i) Keeping records of the release and use of certification marks;

(ii) Removal of marks from noncomplying products;

(iii) Return or destruction of unused marks when the authority to use the marks is terminated; and

(iv) Legal action.

(43) The frequency of laboratory follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

Field evaluation - requirements.

(44) The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not review or recognize

laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee standards and proficiency, equipment requirements, and other requirements described in this chapter.

(45) 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.

(46) The field evaluation process must be completed within six months following department approval. If the field evaluation is not completed within six months following department approval, the laboratory must request permission from the department in writing to continue the evaluation process. If this secondary permission is granted to the laboratory, the department may require the equipment to be placed out-of-service except as necessary to complete the field evaluation process.

(47) The scope of a field evaluation will depend on the status of the item to be evaluated as follows:

(a) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine with a control panel, remote motors, sensors, controls, and other utilization equipment; and

(b) A product that has been modified internally or by an addition need have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

(48) Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

(49) The laboratory may perform the preliminary evaluation in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

Field evaluation mark.

(50) Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

(51) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided.

(52) A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

(53) The field evaluation mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product;

(c) Include the name or other appropriate identification of the certification laboratory; and

(d) Include a unique evaluation laboratory reference number.

(54) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See subsection (26) of this section.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-13-001	Foreword.
WAC 296-13-010	Definitions.
WAC 296-13-020	Officers.
WAC 296-13-030	Internal management.
WAC 296-13-035	Dates of meetings.
WAC 296-13-040	Duties of the board.
WAC 296-13-050	Hearings.
WAC 296-13-052	Hearing before administrative law judge or a board member.
WAC 296-13-053	Appeal of proposed decision to board.
WAC 296-13-055	Quorum.
WAC 296-13-057	Place and time of filing.
WAC 296-13-060	Appearance and practice before board.
WAC 296-13-080	Standards of ethical conduct.
WAC 296-13-090	Appearance by former employee.
WAC 296-13-100	Former employee as expert witness.
WAC 296-13-110	Computation of time.
WAC 296-13-130	Notice and opportunity for hearing.
WAC 296-13-140	Service of process—By whom served.
WAC 296-13-150	Service of process—Upon whom served.
WAC 296-13-160	Service of process upon parties.
WAC 296-13-170	Method of service of process.

WAC 296-13-180	When service of process is complete.
WAC 296-13-190	Subpoenas.
WAC 296-13-200	Subpoenas—Service and fees.
WAC 296-13-210	Quashing of subpoenas.
WAC 296-13-220	Enforcement of subpoenas.
WAC 296-13-230	Right to take depositions and interrogatories in contested cases.
WAC 296-13-240	Officer before whom depositions are taken.
WAC 296-13-250	Notice of depositions.
WAC 296-13-260	Depositions and interrogatories in contested cases—Protection of parties and deponents.
WAC 296-13-270	Oral examination and cross-examination in depositions.
WAC 296-13-280	Recording of depositions.
WAC 296-13-290	Depositions in contested cases—Signing attestation and return.
WAC 296-13-300	Use and effect of depositions.
WAC 296-13-310	Fees of deponents.
WAC 296-13-320	Submission of interrogatories.
WAC 296-13-330	Attestation and return of interrogatories.
WAC 296-13-340	Official notice—Matters of law.
WAC 296-13-350	Official notice—Material facts.
WAC 296-13-360	Presumptions.
WAC 296-13-370	Stipulations and admissions of record.
WAC 296-13-380	Form and content of board decisions in contested cases.
WAC 296-13-390	Definition of issues before hearing.
WAC 296-13-400	Prehearing conference.
WAC 296-13-410	Submission of documentary evidence in advance.
WAC 296-13-420	Continuances.
WAC 296-13-430	Rules of evidence—Admissibility criteria.

PROPOSED

WAC 296-13-440	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.	WAC 296-46A-41004	Lighting fixtures.
		WAC 296-46A-41030	Flexible cord connection pendant boxes and electric discharge fixtures.
		WAC 296-46A-422	Water heater circuit.
		WAC 296-46A-450	Transformers.
		WAC 296-46A-500	Sewage disposal systems.
		WAC 296-46A-514	Dispensing and service stations.
		WAC 296-46A-517	Health care facilities.
		WAC 296-46A-550	Mobile/manufactured homes.
		WAC 296-46A-553	Boat moorages, floating buildings, and similar installations.
		WAC 296-46A-600	Electrical signs.
		WAC 296-46A-680	Electrical equipment associated with spas, hot tubs, swimming pools or hydro-massage bathtubs.
		WAC 296-46A-700	Emergency systems.
		WAC 296-46A-702	Optional standby systems.
		WAC 296-46A-900	Electrical work permits and fees.
		WAC 296-46A-910	Inspection fees.
		WAC 296-46A-915	Electrical/telecommunications contractor license, administrator certificate and examination, and copy fees.
		WAC 296-46A-920	Civil penalty.
		WAC 296-46A-930	Electrical/telecommunications contractor license and administrator certificate designation.
		WAC 296-46A-931	Electrical/telecommunications contractor license.
		WAC 296-46A-932	Electrical/telecommunications contractor cash or securities deposit.
		WAC 296-46A-933	Telecommunications contractor insurance.
		WAC 296-46A-934	Electrical contractor exemptions.
		WAC 296-46A-935	Electrical utility exemptions.
		WAC 296-46A-940	Manufacturers of electrical/telecommunications products exemptions.
		WAC 296-46A-950	Administrator certificate.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-46A-090	Foreword.
WAC 296-46A-092	General definitions.
WAC 296-46A-095	Inspection.
WAC 296-46A-100	Approval for conductors and equipment.
WAC 296-46A-102	Industrial control panel inspection.
WAC 296-46A-104	Traffic management systems.
WAC 296-46A-110	Identification methods.
WAC 296-46A-130	Classification or definition of occupancies.
WAC 296-46A-140	Plan review for educational, institutional or health care facilities and other buildings.
WAC 296-46A-155	Wiring methods for designated building occupancies.
WAC 296-46A-21052	Tamper resistant receptacles.
WAC 296-46A-215	Feeders—Ground fault protection testing.
WAC 296-46A-220	Branch circuit and feeder calculations.
WAC 296-46A-22530	More than one building or other structure.
WAC 296-46A-23001	Service requirements.
WAC 296-46A-23028	Service or other masts.
WAC 296-46A-23040	Service conductors.
WAC 296-46A-23062	Service equipment.
WAC 296-46A-250	Grounding and bonding.
WAC 296-46A-300	Wiring methods.
WAC 296-46A-30011	Support of raceways, cables, or boxes in suspended ceilings.
WAC 296-46A-324	Knob-and-tube wiring.
WAC 296-46A-348	Electrical metallic tubing.
WAC 296-46A-365	Concerts, motion picture productions, stage shows, and similar shows.
WAC 296-46A-370	Boxes and fittings.

WAC 296-46A-960	Revocation or suspension of an electrical/telecommunications contractor's license or administrator's certificate.	WAC 296-401B-420	Qualifying for the journeyman electrician competency examination when work was performed in another state when certified.
REPEALER		WAC 296-401B-430	Qualifying for the journeyman electrician competency examination when work was performed in another jurisdiction when not certified.
The following chapter of the Washington Administrative Code is repealed:			
WAC 296-401B-092	General definitions.	WAC 296-401B-440	Experience in another country.
WAC 296-401B-100	Certificate of competency required.	WAC 296-401B-445	Military experience.
WAC 296-401B-110	Original journeyman and specialty electrician certificates of competency.	WAC 296-401B-450	Qualifying for the specialty electrician competency examination.
WAC 296-401B-120	Linemen exemptions.	WAC 296-401B-455	Opportunity for gaining credit for previous work experience in certain specialties.
WAC 296-401B-130	Renewal of journeyman and specialty electrician certificates of competency.	WAC 296-401B-460	Qualifying for the specialty electrician competency examination when work was performed in another state when certified.
WAC 296-401B-140	Late renewal of journeyman and specialty electrician certificates of competency.	WAC 296-401B-470	Qualifying for the specialty electrician competency examination when work was performed in another jurisdiction when not certified.
WAC 296-401B-180	Inactive status.	WAC 296-401B-475	Experience in another country.
WAC 296-401B-200	Qualifying for an electrician temporary permit to work in Washington when certified in another state.	WAC 296-401B-476	Military experience.
WAC 296-401B-250	Reciprocal agreements between Washington and other states.	WAC 296-401B-500	Failing a competency examination.
WAC 296-401B-260	Qualifying for a reciprocal electrician certificate.	WAC 296-401B-510	Subjects included in the journeyman electrician competency examinations.
WAC 296-401B-270	Ineligibility for reciprocal electrician certificate.	WAC 296-401B-520	Subjects included in the specialty electrician competency examinations.
WAC 296-401B-300	Training certificate required.	WAC 296-401B-600	Continuing education course approval.
WAC 296-401B-310	Ineligibility for electrical training certificates.	WAC 296-401B-610	Offering continuing education courses.
WAC 296-401B-320	Training certificate levels.	WAC 296-401B-620	Application for continuing education course approval.
WAC 296-401B-330	Renewal of training certificates.	WAC 296-401B-630	Electrician documentation of Washington approved training course completion.
WAC 296-401B-335	Credit for electrical work experience exempt from certification requirements.		
WAC 296-401B-340	Trainees working without supervision.		
WAC 296-401B-350	Audit of trainee hours.		
WAC 296-401B-410	Qualifying for the journeyman electrician competency examination.		

PROPOSED

WAC 296-401B-640	Electrician documentation of out-of-state approved training course completion.		accreditation or renewal required?
WAC 296-401B-700	Fees for certificates of competency, examination and reciprocity.	WAC 296-402A-080	When can the on-site inspection be waived?
WAC 296-401B-800	Penalties for false statements or material misrepresentations.	WAC 296-402A-090	Who pays for the on-site inspection?
WAC 296-401B-850	Revocation or suspension of a certificate of competency or training certificate.	WAC 296-402A-100	Do NRTL recognized laboratories have to apply for accreditation with the department?
WAC 296-401B-860	Revocation of an electrician temporary permit.	WAC 296-402A-110	What fees are involved in receiving or renewing accreditation by the state of Washington?
WAC 296-401B-870	Confiscation of a certificate of competency, an electrician temporary permit, or training certificate.	WAC 296-402A-130	When does a laboratory need to apply for renewal of accreditation?
WAC 296-401B-900	Enforcement.	WAC 296-402A-140	Who determines the adequacy of a laboratory for accreditation?
WAC 296-401B-910	Failure to comply with electrician certification law.	WAC 296-402A-150	Is continued accreditation subject to review by the department?
WAC 296-401B-920	Special enforcement procedures.	WAC 296-402A-160	What conditions are required to obtain and maintain accreditation?
WAC 296-401B-950	Appeal rights.	WAC 296-402A-170	How is notification of accreditation results made?
WAC 296-401B-960	Types of appeals.	WAC 296-402A-180	What categories of electrical products can the laboratory certify or evaluate after accreditation is obtained?
WAC 296-401B-970	Appeal procedures.	WAC 296-402A-190	Is electrical product acceptance in each category all-inclusive?
WAC 296-401B-980	Department conferences.	WAC 296-402A-200	What happens if the laboratory fails to comply with the requirements for accreditation?
WAC 296-401B-990	General.	WAC 296-402A-210	Can the department suspend or revoke the accreditation?

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-402A-010	What is the statutory authority for this chapter?	WAC 296-402A-220	Must the department provide written notice of intent to suspend, revoke or refusal to renew?
WAC 296-402A-020	What is the scope and purpose of this chapter?	WAC 296-402A-230	What must the laboratory do if department accreditation is suspended, revoked, or not renewed?
WAC 296-402A-030	Definitions.	WAC 296-402A-240	Is there an opportunity to confer with the department after notice of intent to sus-
WAC 296-402A-040	When is an electrical product considered safe?		
WAC 296-402A-050	Where do I obtain the forms and procedures for submitting an application for accreditation?		
WAC 296-402A-060	What is the period of accreditation?		
WAC 296-402A-070	Is an on-site inspection of a laboratory requesting initial		

	pend, revoke, or refusal to renew?	WAC 296-402A-450	What standards may be used for electrical product certification or evaluation?
WAC 296-402A-250	Can a laboratory appeal a decision of the department?	WAC 296-402A-460	What product safety standards are approved by the department?
WAC 296-402A-260	Who may appeal and what is the time allowed to enter an appeal?	WAC 296-402A-470	Are any product safety standards automatically accepted?
WAC 296-402A-270	What is the procedure for appealing a decision of the department?	WAC 296-402A-480	What is required if the product safety standard is not ANSI?
WAC 296-402A-290	How is a formal appeal made?	WAC 296-402A-490	What if there is no product safety standard that meets the criteria for department approval?
WAC 296-402A-300	Where is other appeal information located?	WAC 296-402A-500	What must the electrical product certification program contain?
WAC 296-402A-310	What type of business organization is required of the laboratory?	WAC 296-402A-510	Must all components of certified electrical products be certified for safety?
WAC 296-402A-320	What professional business practices must the laboratory meet?	WAC 296-402A-520	Is there a directory listing authorized products?
WAC 296-402A-330	Must the laboratory notify the department of any business changes?	WAC 296-402A-530	What must be included in a laboratory certification agreement with a manufacturer?
WAC 296-402A-340	What is a certification or evaluation program plan?	WAC 296-402A-540	Who owns the certification mark?
WAC 296-402A-350	What quality control requirements must the laboratory meet?	WAC 296-402A-550	Do certification marks need to be registered?
WAC 296-402A-360	What personnel requirements must the laboratory meet?	WAC 296-402A-560	Are there other requirements regarding the certification mark?
WAC 296-402A-370	What type of records must the laboratory maintain?	WAC 296-402A-570	When can a certification mark be applied to the product?
WAC 296-402A-380	Is the laboratory required to make records available to the department?	WAC 296-402A-580	Must the laboratory require assurance or follow-up with the manufacturer to verify continued product acceptability?
WAC 296-402A-390	What must be included in certification reports?	WAC 296-402A-590	What must be in the follow-up inspection file?
WAC 296-402A-400	What does the evaluation report include?	WAC 296-402A-600	What follow-up procedures and activities are required?
WAC 296-402A-410	Who gets a copy of the evaluation report and what format must be used to submit the report?	WAC 296-402A-610	What is the required frequency of follow-up inspections?
WAC 296-402A-430	How does the laboratory verify maintenance and calibration of facilities and/or equipment?		
WAC 296-402A-440	Must standards documents be available for use by laboratory personnel?		

- WAC 296-402A-620 What products can a field evaluation laboratory evaluate?
- WAC 296-402A-630 Must an evaluation laboratory apply to perform each field evaluation?
- WAC 296-402A-640 What must be included in the scope of a field evaluation?
- WAC 296-402A-650 When there is more than one unit of a product, does each product unit need to be evaluated?
- WAC 296-402A-660 Can field evaluations be performed in the manufacturer's facility?
- WAC 296-402A-670 When can the field evaluation mark be applied to the product?
- WAC 296-402A-675 Must the laboratory maintain control of field evaluation marks?
- WAC 296-402A-680 Can a product marked with a field evaluation mark be relocated or supplied from a different power source?
- WAC 296-402A-690 Are there other requirements regarding the field evaluation mark?

WSR 03-05-075**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed February 18, 2003, 1:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-17-118.

Title of Rule: Secondary and operational area containment for bulk pesticides, WAC 16-229-010 through 16-229-480.

Purpose: The current 2,500 gallon tank size restriction results in a substantial increase in the number of times the product (soil fumigant) is transferred, increasing the risk of accidental spills. Changing the rule to allow larger temporary field storage tanks of (10,000 gallons) will reduce the number of required deliveries and, consequently, the number of road miles in which accidental spills of the soil fumigants may occur. Fewer deliveries will also reduce the number of times the product is transferred which will substantially reduce the potential for accidental spills.

Statutory Authority for Adoption: RCW 15.58.040 and 17.21.030 and chapter 34.05 RCW.

Statute Being Implemented: RCW 15.58.020, 15.58.040 (2)(e) and 17.21.030 (1)(a).

Summary: The current rule limits the size of pesticide temporary field storage containers to 2,500 gallons. This limitation has become a concern of applicators and growers who are using soil fumigants. Soil fumigants are often used at rates of fifteen to twenty-five gallons per acre and higher. A large percentage of soil fumigant users grow upwards of 400 acres of crops often on the same farm. Given the rate per acre and the number of acres to be treated, the current tank size is inadequate causing the temporary field storage tanks to be filled several times and increasing the chances of accidental spills. Increasing the size of temporary field storage containers will also allow more efficient deliveries by the tanker trucks that deliver the product because the capacity of full tanker truckloads is usually 4,800 to 5,000 gallons. Changing the current rule to allow larger temporary field storage tanks of up to 10,000 gallons will increase product storage and delivery safety for the following reasons:

(1) Spills are most likely to occur during the transfer of product from trucks into temporary field storage tanks. It is less hazardous to have an operator empty a 5,000 gallon tank truck into a field storage tank that can hold at least that capacity rather than into a tank that can hold only a portion of that capacity thus requiring iterations of the transfer process to fill the containers.

(2) Larger tank capacity will reduce the number of delivery road miles of soil fumigants and lessen the risk associated with driving. Without this increase in tank size field storage dealers will be forced to make multiple trips to and from the tanks, increasing exposure of trucks and drivers to delivery accidents.

Reasons Supporting Proposal: There are already numerous 10,000 gallon temporary field storage tanks being used to store soil fumigants resulting in noncompliance with a rule that, from a storage standpoint, is technologically outdated. Growers, applicators, and transporters of soil fumigants will all be positively impacted by the proposed rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed, Natural Resources Building, 1111 Washington Street, Department of Agriculture, 2nd Floor, Olympia, WA 98504-2589, (360) 902-2036.

Name of Proponent: Washington State 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 proposed language amends two sections of the current rule. First, the definition of temporary field storage in WAC 16-229-010(22) Temporary field storage, is amended. The proposal language will increase the allowable size of temporary field storage tanks used for storing soil fumigants from the current size of 2,500 to a maximum of 10,000 gallons. The current rule requirement that temporary storage tanks can't remain in one location for more than fourteen consecutive days is not changed but new language is added requiring that temporary fumigant tanks must be chemically compatible with the material being stored.

Also, WAC 16-229-200 Primary containment of bulk liquid pesticides—Temporary field storage, is amended to require that bulk pesticide storage containers which contain

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soil fumigants used for temporary field storage must have attached in a weatherproof enclosure, a recorded log of the date and time of each inspection.

Changing the current rule to allow larger temporary field storage tanks of up to 10,000 gallons will increase product storage and delivery safety for the following reasons:

(1) Spills are most likely to occur during the transfer of product from trucks into temporary field storage tanks. It is less hazardous to have an operator empty a 5,000 gallon tank truck into a field storage tank that can hold at least that capacity rather than into a tank that can hold only a portion of that capacity thus requiring iterations of the transfer process to fill the containers.

(2) Larger tank capacity will reduce the number of delivery road miles of soil fumigants. Without this increase in tank size, field storage dealers will be forced to make multiple trips to and from the tanks, increasing exposure of trucks and drivers to delivery accidents.

There are already numerous 10,000 gallon temporary field storage tanks being used to store soil fumigants resulting in noncompliance with a rule that, from a storage standpoint, is technologically outdated. Growers, applicators, and transporters of soil fumigants will all be positively impacted by the proposed rules.

Requiring a record log to be attached to the container will give field inspectors a better idea of when the container was inspected. This record log will also provide the owner of the tank a history of the tank and the overall condition of the tank, thereby preventing the likelihood of tank failure.

Proposal Changes the Following Existing Rules: See above for a description of changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department concludes that the proposed rule amendments will not impose a more than minor cost on the regulated industry for the following reasons:

- The proposed amendments do not require that larger temporary storage tanks be used; rather they give the flexibility to do so if needed by updating the current rule to reflect storage capacity trends in the industry.
- The proposed amendment requiring that tanks must be compatible with the material being stored in them already appears in other sections of the current rule, therefore, this added language does not impose any additional cost on the regulated community. The proposed amendment simply makes the amended sections compatible with the rest of the rule.
- The fourteen day requirement is also a part of the current rule and, therefore, does not impose any additional costs on the regulated industry. Again, the proposed amendment simply makes the amended sections compatible with the rest of the rule.
- Finally, the department concludes that the proposed new requirement to keep, in a weatherproof enclosure, a recorded log of the date and time of each inspection does not impose a more than minor cost on the regulated industry. Current rule requires that temporary

field storage containers must be checked on a daily basis for leakage and soundness when in use. Since site visits must already occur, the department does not believe that simply keeping an on-site record of that visit in a weatherproof enclosure constitutes more than a minor cost. The department believes that such a record helps verify required daily inspections and, therefore, helps insure safe use of temporary storage tanks.

For the above reasons, the department does not believe that the proposed amendments impose more than a minor cost on business and a small business economic [impact] statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05 [34.05.328] (5)(a)(i).

Hearing Location: Three DIS locations simultaneously via teleconference: 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA 98504; 8551 West Gage Boulevard, Suite H, Kennewick, WA 99336; and 1101 North Argonne, Suite 109, Spokane, WA 99201; on March 25, 2003, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by March 10, 2003, TDD (360) 902-1996.

Submit Written Comments to: Cliff Weed, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by March 26, 2003, 5:00 p.m.

Date of Intended Adoption: April 8, 2003.

February 18, 2003

Bob Arrington

Assistant Director

AMENDATORY SECTION (Amending WSR 00-23-074, filed 11/17/00, effective 12/18/00)

WAC 16-229-010 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

(1) "**Approved air gap**" means a physical separation between the free-flowing end of a water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an approved air gap, the separation must be at least:

(a) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); or

(b) Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

(2) "**Approved reduced pressure principle backflow prevention assembly (RPBA)**" means an RPBA of a make, model and size that is approved by the Washington State Department of Health.

(3) "**Appurtenances**" means all valves, pumps, fittings, pipes, hoses, metering devices, and mechanical devices which are connected to a storage container, or which are used to transfer a material into or out of such container.

(4) "**Bulk pesticide**" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight.

(5) "**Certified engineer**" means a licensed professional engineer, registered in the state of Washington in the discipline in which he/she is practicing.

(6) "**Department**" means the Washington state department of agriculture.

(7) "**Discharge**" means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of pesticide which is made pursuant to sale, storage, distribution or use.

(8) "**Dry pesticide**" means pesticide which is in solid form prior to any application or mixing for application, and includes formulations such as dusts, wettable powders, dry flowable powders, granules, and water dispersible granules.

(9) "**Liquid pesticide**" means pesticide in liquid form, and includes solutions, emulsions, suspensions, slurries, and pesticide rinsates.

(10) "**Mini-bulk pesticide**" means an amount of liquid pesticide greater than fifty-five gallons but not exceeding five hundred gallons which is held in a single container designed for ready handling and transport, which has been filled by the original pesticide manufacturer or repackager, and to which no substance has been added by any person.

(11) "**Not technically feasible**" means compliance is not physically or technically possible or feasible, and/or compliance cannot be achieved without compromising operational safety, and/or significantly compromising operational access. Monetary cost of compliance alone shall not be sufficient for the department to determine that compliance is not technically feasible.

(12) "**Operational area**" means an area or areas where pesticides are transferred, loaded, unloaded, mixed, repackaged, refilled or where pesticides are cleaned, or rinsed from containers or application, handling, storage or transportation equipment.

(13) "**Operational area containment**" means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s).

(14) "**Permanent mixing/loading site**" means a site (location) at which more than three hundred gallons of liquid pesticide (formulated product) or three thousand pounds of dry pesticide or at which a total of fifteen hundred pounds of pesticides as active ingredients are being mixed, repackaged or transferred from one container to another within a calendar year: Provided, That wood preservative application systems already regulated by 40 CFR, Parts 264.570-575 and Parts 265.440-445 shall be exempt.

(15) "**Permanent storage facility**" means a location at which liquid bulk pesticide in a single container or aggregate quantities in excess of five hundred U.S. gallons or dry bulk pesticide in undivided quantities in excess of two thousand pounds is held in storage: Provided, That mini-bulk pesticide containers are exempt from this chapter.

(16) "**Pesticide**" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(d) For the purpose of establishing permanent mixing/loading site threshold values petroleum oils are exempt from this chapter.

(17) "**Primary containment**" means the storage of liquid or dry bulk pesticide in storage containers at a permanent storage facility.

(18) "**Rinsate**" means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any pesticide, including: recovered sedimentation, washwater, contaminated precipitation, or other contaminated debris.

(19) "**Secondary containment**" means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid pesticide from a permanent storage facility.

(20) "**Storage container**" means a container, including a rail car, nurse tank or other mobile container, that is used or intended for the storage of bulk liquid or dry pesticide. It does not include a mobile container at a storage facility for less than fifteen days if this storage is incidental to the loading or unloading of a storage container at the bulk pesticide storage facility. Storage container does not include underground storage containers or surface impoundments such as lined ponds or pits.

(21) "**Substantially similar protection**" means alternative containment and management practices that prevent or control releases to the environment to the same or similar degree as the protections afforded by full compliance with this chapter.

(22) "**Temporary field storage**" means a storage container with the capacity to store two thousand five hundred gallons or less of bulk liquid pesticide that remains in the same location for no more than fourteen consecutive days in any six-month period. Provided, That temporary field storage containers used to store soil fumigants shall be allowed a maximum capacity of ten thousand five hundred gallons or less. Containers must be chemically compatible with the material, which is being stored. Such containers can remain in the same location for no more than fourteen consecutive days in any six-month period. Liquid bulk pesticide application tanks directly attached to an apparatus for the purpose of chemigation are exempt from this chapter.

(23) "Washwater" means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any pesticide.

AMENDATORY SECTION (Amending WSR 00-23-074, filed 11/17/00, effective 12/18/00)

WAC 16-229-200 Primary containment of bulk liquid pesticides—Temporary field storage. (1) Containers used for temporary field storage of liquid bulk pesticide shall comply with the following sections: WAC 16-229-100, 16-229-110, 16-229-120, 16-229-140, 16-229-150, 16-229-160, and 16-229-180.

(2) All bulk pesticide storage containers and appurtenances used for field storage shall be inspected for leakage and soundness daily when in use.

(3) All bulk pesticide storage containers used for temporary field storage shall have attached, in a weatherproof enclosure, a recorded log of the date and time of each inspection.

(4) Valves on storage containers shall be closed and locked or otherwise secured when left unattended.

~~((4))~~ (5) The physical location and identifying number of all temporary field storage shall be provided to the department upon request.

~~((5))~~ (6) The department may issue a permit to extend the time temporary field storage may be in one place during any six-month period due to weather related conditions upon written request. No advisory group review, pursuant to WAC 16-229-310(2) is required for this type of permit.

WSR 03-05-087
PROPOSED RULES
GAMBLING COMMISSION
[Filed February 19, 2003, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-19-082.

Title of Rule: Digital surveillance for card rooms, amending WAC 230-40-625 Closed circuit television system requirements and procedures—Class F card rooms, 230-40-825 Closed circuit television system—House-banking, 230-40-550 Incompatible functions defined, 230-40-815 Administrative and accounting control structure—Organization—House-banking, 230-40-860 Table inventories and procedures for opening tables for house-banked card games, 230-40-875 Closing gaming tables—House-banking, and 230-40-895 Key control—House-banking.

Purpose: Currently, house-banked card rooms utilize video tapes to record surveillance in card rooms. This rules package sets for the regulatory requirements for card rooms that utilize digital surveillance.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: Language was added to authorize digital surveillance in house-banked card rooms: Safeguards were established to ensure the authenticity, integrity and readability

of recordings and to ensure our current regulatory program is not compromised by the use of digital surveillance. Furthermore, the retention period for recording jackpot payouts of \$500 or more was increased from seven days to thirty days for Class F card rooms. This change updates the rule to maintain consistency with the commission's current retention requirement for the recordings of jackpot payouts.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose 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 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on April 11, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by April 1, 2003, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by April 1, 2003.

Date of Intended Adoption: April 11, 2003.

February 19, 2003

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-625 Closed circuit television system ~~((requirements and procedures))~~—**Class F card rooms.** Critical activities related to the operation of a player-supported jackpot (PSJ) and assessment of fees based on amounts wagered (rake method) shall be closely monitored by the use of a closed circuit television (CCTV) system ~~((including video recording))~~ and recorded using analog and/or digital recording equipment. If a licensee is conducting both Class F and house-banked activities, the licensee shall be required to meet the surveillance requirements set forth in WAC 230-40-825. Each Class F card room licensee shall install and maintain a CCTV system that meets the following requirements:

Camera coverage.

(1) The following areas are required to be ~~((covered))~~ viewed by the CCTV system:

(a) All gaming at each table including, but not limited to, the:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings; and
- (v) Players and dealers.

(b) All activity in the count room or count area including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Drop boxes; and
- (iv) Drop box storage shelves/cabinets.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras that have the ability to determine card and chip values at each gaming table. Each video camera shall be capable of having its ~~((picture))~~ images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. Installed cameras shall cover the areas required by this rule and shall include, at a minimum, the following:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) At least one fixed camera focused over the dealer area covering the chip rack, all drop box openings, and the community card area;

(c) At least one fixed or pan, tilt, and zoom (PTZ) camera permanently programmed for the purposes of monitoring players at each gaming table. This camera must be capable of viewing each patron at each gaming position at least once every five minutes;

(d) A sufficient number of fixed and/or PTZ cameras in the cage only if the count process is conducted there;

(e) A sufficient number of fixed and/or PTZ cameras in the count area; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) ~~((Record))~~ Analog recording, including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty pictures per second on standard VHS format; and

~~((b) Insert))~~ (ii) Recorded images shall accurately reflect the time and date ~~((on))~~ of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; ~~((and))~~ or

~~((e))~~ (b) Digital recording, including audio recording where required, using a hard drive storage system, shall comply with the following requirements:

(i) Images shall be recorded on a hard drive that the licensed operator and their employees do not have access to the erase or reformat features;

(ii) The system must provide uninterrupted recording of surveillance, this shall include during playback or copying;

(iii) Recording systems shall be capable of copying original images;

(iv) Images shall be stored at a rate of not less than twenty-five images per second;

(v) Resolution shall be 640 x 480 or higher;

(vi) Images shall be stored in a format that is readable by commission computer equipment;

(vii) Images must be stored in a format that contains a method to verify the authenticity of the original recording and copies;

(viii) Recording systems shall be equipped with an audio alarm that shall notify the operator in the event a recording is interrupted for any reason;

(ix) Recorded images shall include the accurate time and date the video was originally recorded; and

(x) Previously recorded material may be overwritten after seven continuous days of gaming.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be ~~((videotaped))~~ recorded.

~~((4))~~ (6) Video signals from all cameras shall be recorded when:

- (a) Gaming tables are in operation;
- (b) Drop boxes or chip trays are stored on the gaming tables;
- (c) Drop boxes are being transported; or
- (d) Drop box contents are being counted.

Surveillance activity log.

~~((5))~~ (7) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;

- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and
- (e) A record of any equipment or camera malfunctions.

Employee sign-in log.

~~((6))~~ (8) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

~~(Tape labeling and retention.~~

~~(7)) Labeling and storing video and audio recordings.~~

(9) Video and audio (~~tapes~~) recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to (~~tapes~~) recordings:

- (a) (~~All tapes~~) Recordings shall be retained for a minimum of seven complete gaming days.
- (b) (~~Tapes~~) Recordings of evidentiary value shall be maintained as requested by commission staff; and
- (c) Tapes documenting jackpot payouts of five hundred dollars or more shall be retained for at least (~~seven~~) thirty days; and
- (d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

~~((8))~~ (10) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes (~~with~~) shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-825 Closed circuit television system—House-banking. Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system (~~including video recording~~) and recorded using analog and/or digital recording equipment. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

- (1) The following areas are required to be (~~covered~~) viewed by the CCTV system:
 - (a) All gaming at each table including, but not limited to, the following:
 - (i) Cards;
 - (ii) Wagers;

- (iii) Chip tray;
- (iv) Drop box openings;
- (v) Card shoe;
- (vi) Shuffling devices; and
- (vii) Players and dealers.
- (b) All activity in the pits.
- (c) All activity in the cashier's cage including, but not limited to, the:
 - (i) Outside entrance;
 - (ii) Fill/credit dispenser;
 - (iii) Customer transactions;
 - (iv) Cash and chip drawers;
 - (v) Vault/safe;
 - (vi) Storage cabinets;
 - (vii) Fill or credit transactions; and
 - (viii) Floor.
- (d) All activity in the count room including, but not limited to, the:
 - (i) Count table;
 - (ii) Floor;
 - (iii) Counting devices;
 - (iv) Trolley;
 - (v) Drop boxes;
 - (vi) Storage shelves/cabinets; and
 - (vii) Entrance and exits.
- (e) The movement of cash, gaming chips, and drop boxes.
- (f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities (~~that have the capability~~) having the ability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its (~~picture~~) images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

- (a) At least one fixed camera focused over each gaming table covering the entire layout;
- (b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players at each gaming table. The PTZ cameras must be capable of viewing each patron at each gaming position at least once every five minutes;
- (c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) ~~((Record))~~ **Analog recording**, including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty pictures per second

~~((Insert))~~ on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date ~~((of))~~ of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; ~~((and~~

~~((e)))~~ or

(b) **Digital recording**, including audio recording where required, using a hard drive storage system, shall comply with the following requirements:

(i) Images shall be recorded on a hard drive that the licensed operator and their employees do not have access to the erase or reformat features;

(ii) The system must provide uninterrupted recording of surveillance, this shall include during playback or copying;

(iii) Recording systems shall be capable of copying original images;

(iv) Images shall be stored at a rate of not less than twenty-five images per second;

(v) Resolution shall be 640 X 480 or higher;

(vi) Images must be stored in a format that is readable by commission computer equipment;

(vii) Images must be stored in a format that contains a method to verify the authenticity of the original recording and copies;

(viii) Recording systems shall be equipped with an audio alarm that shall notify the operator in the event a recording is interrupted for any reason;

(ix) Recorded images shall include the accurate time and date the video was originally recorded; and

(x) Previously recorded material may be overwritten after seven continuous days of gaming.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the

entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be ~~((videotaped))~~ recorded.

~~((4))~~ (6) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Video monitors.

~~((5))~~ (7) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

~~((6))~~ (8) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance staff not required.

~~((7))~~ (9) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

Surveillance activity log.

~~((8))~~ (10) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Employee sign-in log.

~~((9))~~ (11) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing ~~((tapes))~~ video and audio recordings.

~~((10))~~ (12) Video and audio ~~((tapes))~~ recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to ~~((tapes))~~ recordings:

- (a) ~~((All tapes))~~ Recordings shall be retained for a minimum of seven complete gaming days;
- (b) ~~((Tapes))~~ Recordings of evidentiary value shall be maintained as requested by commission staff; and
- (c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and
- (d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

~~((11))~~ (13) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes ~~((with))~~ shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-895 Key control—House-banking. All activities related to the operation of house-banked card games shall be closely monitored and controlled. The following restrictions and operating procedures shall apply for control of card room keys to restrict access to areas by unauthorized card room employees.

Specifications.

- (1) Each licensee shall install and maintain key control boxes that meet at least the specifications set forth below:
 - (a) Constructed of metal with a minimum of one keylock mechanism: Provided, That coded key boxes or combination key boxes are permitted;
 - (b) Be attached to a permanent structure without visibility of hardware used to attach the key box;
 - (c) Be tamper proof;
 - (d) Have keys stored therein to be easily identifiable, labeled, and displayed individually in numeric or alphabetic order; and
 - (e) The physical location of key control boxes may be determined by each licensee. The location shall not permit an individual to gain access to a restricted area that he/she would otherwise not be allowed to enter. If key boxes are located in

areas where unauthorized individuals have access, that person may only have custody of the key and open the key box in the presence of the key custodian; or while under camera coverage.

Access.

(2) Individual key control boxes shall be maintained by at least four departments including gaming operations, accounting, security, and surveillance. Access to key control boxes shall be limited to the licensed card room employee(s) responsible for overall supervision or management of the operation for which the box is maintained. Keys shall be controlled in the following manner:

Gaming operations department.

- (a) Keys included in the key control box maintained by the gaming operations department shall include:
 - (i) Key to each pit podium;
 - (ii) Key(s) to drawers and other locking cabinets located in each pit podium;
 - (iii) Key to remove the clear plastic cover from the container used to store gaming chips and secured to the gaming tables;
 - (iv) Key to the second lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables;
 - (v) Key to all upper tier and lower tier jackpot payout boxes included with authorized card games;
 - (vi) Key to all electrical control boxes used to maintain authorized card games; and
 - (vii) Other keys included in the licensee's internal controls and approved by commission staff.

Security department.

- (b) Keys included in the key control box maintained by security shall include:
 - (i) Key to the lock used to secure the count room door;
 - (ii) Key utilized to unlock and reset the drop boxes from the gaming tables;
 - (iii) Key to the first lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables to the count room;
 - (iv) Key to the storage cabinet(s) or other secure facility used to store the card inventory including decks which have not been placed into play and decks removed from play and waiting to be destroyed;
 - (v) Key to main entry or access door of the card room; and
 - (vi) Other keys included in the licensee's internal controls and approved by commission staff.

Accounting department.

- (c) Keys included in the key control box maintained by the accounting department shall include:
 - (i) Key to the lock securing the contents of the drop boxes;
 - (ii) Key to the rear of the locked dispenser used to store the triplicate of the fill/credit slips in a continuous, unbroken form;

- (iii) Key to the door to the cashier's cage;
- (iv) Key to reset the lock to the drop boxes;
- (v) Keys included in the licensee's internal controls and approved by commission staff;
- (vi) Keys maintained by the cashier's cage including:
 - (A) Key(s) to each cashier's window drawer;
 - (B) Key to the chip drawer or fill bank;
 - (C) Key to the vault or safe;
 - (D) Key to the door to the cashier's cage;
 - (E) Key to the front of the locked dispenser used to store the triplicate of the fill/credit slips in continuous, unbroken form;
 - (F) Other keys included in the licensee's internal controls and approved by commission staff; and
 - (G) Key(s) to the dealer tip boxes.

Surveillance department.

- (d) Keys included in the key control box maintained by surveillance shall include:
 - (i) Key to the room used for clandestine surveillance; and
 - (ii) Key to the storage cabinet(s) or locker(s) used to maintain ~~((tapes))~~ surveillance recordings of evidentiary value or ~~((tapes))~~ recordings documenting details of jackpot payouts.

Owner/CEO master key box.

- (e) A master key control box may be maintained with access strictly limited to the owner(s) or chief operating officer responsible for exercising the overall management or authority over all the operations of the card room and may include:
 - (i) All spare or extra keys for the areas noted above.
 - (ii) Other keys included in the licensee's internal controls and approved by commission staff.

Control log.

- (3) Each licensee shall maintain for each key control box, a key control log used to record the issuance of and return of all keys used to control the restricted access areas by card room employees identified. The key control log shall be maintained in the format prescribed by the commission.

Keys to key control box.

- (4) Keys to secure the contents of each key control box required above shall be strictly controlled as follows.
 - (a) There shall be one key for each key control box which shall be controlled by the manager of the department for which the key control box is designated. This key shall be distributed to the manager or supervisor in charge and maintained in their possession when gaming is being conducted.
 - (b) Keys to each key control box will be maintained in a secure manner as approved by commission staff and documented in the licensee's written internal controls.
 - (c) All spare or duplicate keys to the key control boxes identified above will be maintained in the master key control box and be controlled by the owner(s).

Electronic key control systems.

- (5) Licensees may utilize electronic key control systems, if reviewed and approved in writing by the director or the director's designee.

Extra key control box - emergencies only.

- (6) For emergency situations, licensees may maintain an additional key control box which can be accessed on a limited basis to protect the safety of employees. The key control boxes which meet this requirement shall be preapproved by commission staff.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-550 Incompatible functions defined.

Incompatible functions for accounting and internal control purposes are functions, duties, or responsibilities that place any person or department in a position to both perpetrate and conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities. For example, an employee that writes checks should not reconcile the bank account; or an employee that transports funds should not have access to keys for locks securing such funds or to surveillance ~~((tapes))~~ recordings of the transaction.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-815 Administrative and accounting control structure—Organization—House-banking. Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

Internal controls.

- (1) The licensee shall have a system of internal controls that include at least the following:
 - (a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and
 - (b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:
 - (i) Transactions are executed in accordance with management's general and specific authorization;
 - (ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;
 - (iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

Administrative controls.

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all accounting and internal control practices and procedures relevant to each employee's individual function.

Separate departments and functions.

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

Surveillance.

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

(i) The clandestine surveillance of the operation and conduct of the table games;

(ii) The clandestine surveillance of the operation of the cashier's cage;

(iii) The video and audio ((taping)) recording of activities in the count rooms;

(iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;

(v) The video ((taping)) recording of unusual or suspected illegal activities;

(vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities;

(vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed; and

(viii) Ensuring all surveillance employees have a demonstrated knowledge of the following:

(A) Operating surveillance systems;

(B) Rules of play and procedures for the games being played; and

(C) The overall procedures relating to the duties of all employees of the house-banked card room being monitored (dealers, shift managers, floor supervisors, cage cashier's and count team members).

Security.

(b) A security department, supervised by a security department manager, is responsible for at least the following:

(i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposi-

tion and/or destruction of same when removed from service; and

(ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

Gaming operations.

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

(i) Card games are operated by licensed dealers who are assigned to each gaming table;

(ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than five tables: Provided, That a single supervisor may supervise up to seven tables, if only seven tables are in operation and the layout was preapproved by commission staff;

(iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.

Accounting.

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

(i) Implementing and monitoring of accounting controls;

(ii) The preparation, control, and storage of records and data required;

(iii) The control of unused forms inventory along with reconciliation of forms used; and

(iv) The control and supervision of the cashier's cage.

Modifications.

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

Employees shall be informed of internal controls.

(5) All licensed operators shall inform their card room employees of the internal controls related to their respective area of responsibility. Furthermore, both the operator and all card room employees shall follow these internal controls at all times.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-860 Table inventories and procedures for opening tables for house-banked card games. Procedures shall be established to ensure proper accountability of gaming chips and coins stored at gaming tables and for beginning play at such tables. The following restrictions and procedures apply:

Removing and adding table inventory.

(1) Whenever a gaming table is opened for gaming, operations shall commence with an amount of gaming chips and coins to be known as the "table inventory" and the licensee shall not cause or permit gaming chips or coins to be added to or removed from such table inventory during the gaming day except:

- (a) In exchange for cash from patrons;
- (b) In payment of winning wagers and collection of losing wagers made at such gaming table;
- (c) In exchange for gaming chips received from a patron having an equal aggregate face value; and
- (d) In conformity with procedures set forth in WAC 230-40-865 and 230-40-870.

Storing containers and inventory slips.

(2) Each table inventory and the table inventory slip prepared in conformity with the procedures set forth in WAC 230-40-875 shall be stored during nongaming hours in a separate locked, clear container which shall be clearly marked on the outside with the game and the gaming table number to which it corresponds. The information on the table inventory slip shall be visible from the outside of the container. All containers shall be stored in the cashier's cage during nongaming hours: Provided, That containers may be secured at the gaming table if under taped surveillance.

Keys to locked containers.

(3) The keys to table inventory containers shall be maintained and controlled by the gaming operation department in a secure place and shall at no time be made accessible to any cashier's cage personnel or to any person responsible for transporting such table inventories to or from the gaming tables.

Opening tables for play.

(4) Licensees shall abide by the following procedures when opening gaming tables for play:

- (a) The locked container securing the table inventory and the table inventory slip shall be unlocked by the gaming operation supervisor assigned to such table;
- (b) A dealer assigned to the gaming table shall prove the contents of the container in the presence of the gaming operation supervisor assigned to such table and shall compare the count to the "opener," as defined in WAC 230-40-875, removed from the container. The procedures used to prove the chip and coin inventory shall be set forth in the licensee's internal controls;

(c) Signatures attesting to the accuracy of the information on the opener shall be placed on such "opener" by the dealer assigned to the table and the gaming operation supervisor that observed the dealer count the contents of the container;

(d) Any discrepancy between the amount of gaming chips and coins counted and the amount of the gaming chips and coins recorded on the "opener," shall be immediately reported to the gaming operation manager, assistant gaming operation manager, or gaming operation shift manager in charge at such time. The manager in charge shall complete the notification of error slip, which will be verified by security and transported to accounting or the cashier's cage. Accounting will maintain a copy in the log containing the notification of error slips. The licensee shall notify commission staff within twenty-four hours of errors of two hundred dollars or more or if there is a pattern relating to regular shortages;

(e) After the count of the contents of the container and the signing of the "opener," such slip shall be immediately deposited in the drop box attached to the gaming table by the dealer.

AMENDATORY SECTION (Amending Order 403, filed 6/19/01, effective 7/20/01)

WAC 230-40-875 Closing gaming tables—House-banking. Procedures shall be followed for closing gaming tables that ensure proper accountability of gaming chips and coins. The following restrictions and procedures apply:

Counting chips and coins.

(1) Whenever the gaming activity at each gaming table is concluded for the day, the gaming chips and coins shall be counted by the dealer assigned to the gaming table and observed by a gaming operation supervisor. The entire count and closure process shall be monitored and ((taped)) recorded by the surveillance department.

Recording the count.

(2) The gaming chips and coins counted shall be recorded on a table inventory slip by the gaming operation supervisor assigned to the gaming table.

Table inventory slips.

(3) Table inventory slips shall be three-part serially pre-numbered forms and on the original of the slip (closer), the duplicate of the slip (opener), and on the triplicate, which is maintained and controlled by security, the gaming operation supervisor shall record the following:

- (a) The date and identification of the shift ended;
- (b) The game and table number;
- (c) The total value of each denomination of gaming chips and coins remaining at the tables; and
- (d) The total value of all denominations of gaming chips and coins remaining at the gaming tables.

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Verification signatures.

(4) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing the gaming tables shall be of the dealer and the gaming operation supervisor assigned to the gaming table who observed the dealer count the contents of the table inventory.

Distributing table inventory slips.

(5) Upon meeting the signature requirements:

(a) The closer shall be deposited in a drop box attached to the gaming table immediately prior to the closing of the table;

(b) The opener and the gaming chips and coins remaining at the table shall be placed in a clear container provided for that purpose after which the container shall be locked; and

(c) The triplicate copy of the table inventory slip shall be forwarded to the accounting department by a security department employee.

VOID procedures.

(6) In the event the closer is voided, the preparer shall void this form by writing the word "VOID" on all copies of the form. All copies of the form shall then be forwarded to the accounting department.

(7) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned to the cage and adequately secured or, if the locked containers are secured to the gaming table, a gaming operation supervisor shall account for all the locked containers.

Removing drop boxes from tables.

(8) In the event drop boxes are removed from gaming tables at other than the close of the gaming day, they shall be removed at a shift change. A table inventory slip shall be prepared as required above with the incoming and outgoing supervisor verifying the inventory and signing.

Summary: If this rule amendment is adopted, the licensee would still be able to come before the commission; however, this would occur after an administrative hearing before an administrative law judge (ALJ), rather than through the variance process before an ALJ hears the case.

Reasons Supporting Proposal: See Purpose above and Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Also see Purpose and Summary above. RCW 9.46.070(10) requires that the commission regulate and establish limits on income derived from bingo and determine how much of the funds will be returned to a charity's stated purpose. WAC 230-20-059 sets forth the minimum gambling proceeds bingo licensees must return to their stated purpose. If a licensee fails to meet the minimum requirements, the director issues administrative charges revoking the gambling license. However, there is a provision in this rule to allow the licensee to petition the commission for a variance from the cash flow requirements. The commission may approve a variance if the licensee can show that the plan will bring the licensee back into compliance. If denied, the licensee would still have the right to a hearing before an ALJ and appeal rights to the commission. This is the same process used for other administrative cases.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Explanation of Rule 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 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Hampton Inn/Foxhall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on April 11, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by April 1, 2003, TDD (360) 486-3637 or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by April 1, 2003.

Date of Intended Adoption: April 11, 2003.

February 19, 2003

Susan Arland

Rules Coordinator

**WSR 03-05-088
PROPOSED RULES
GAMBLING COMMISSION
[Filed February 19, 2003, 10:52 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-03-084.

Title of Rule: Adjusted cash flow petition and variance process for bingo licensees, amending WAC 230-20-059 Minimum cash flow requirements for bingo games—Contributions to stated purpose—Sanctions.

Purpose: At the November 2002 commission meeting, the commission discussed the petition and variance process. At the January 2003, commission meeting, the commission asked staff to remove the petition and variance language from WAC 230-20-059 and have the rule up for filing at the February commission meeting.

Statutory Authority for Adoption: RCW 9.46.070.

AMENDATORY SECTION (Amending Order 397, filed 2/9/01, effective 4/1/01)

WAC 230-20-059 Minimum cash flow requirements for bingo games—Contributions to stated purpose—

Sanctions. Bingo shall be conducted only as a social pastime or for fund-raising to support the stated purpose(s) of a charitable or nonprofit organization. Organizations licensed to conduct bingo games shall comply with the following procedures and limitations:

Contributions.

(1) To ensure that organizations licensed to conduct bingo games meet the intent of RCW 9.46.010 and provide funds adequate to promote charitable and nonprofit programs, such organizations shall not allow their bingo operation to award prizes or pay expenses to conduct bingo games that are excessive and all capital expenditures for the bingo operation that exceed six thousand dollars shall be specifically approved by the governing board.

An organization licensed to conduct bingo games shall ensure that the adjusted cash flow from the bingo operation available for its charitable and nonprofit programs is at least the following amount during each calendar quarter:

- (a) For gross receipts above \$375,000 up to \$625,000 - 3% of gross receipts over \$375,000;
- (b) For gross receipts above \$625,000 up to \$875,000 - \$7,500 plus 4% of gross receipts over \$625,000;
- (c) For gross receipts above \$875,000 up to \$1,125,000 - \$17,500 plus 5% of gross receipts over \$875,000; and
- (d) For gross receipts above \$1,125,000 - \$30,000 plus 6% of gross receipts over \$1,125,000.

Failure to meet the requirements of this subsection for any single calendar quarter shall not result in sanctions against the licensee.

Definitions.

- (2) The following definitions shall apply to this section:
 - (a) "Gross receipts" shall mean the combined gross gambling receipts from bingo, pull-tab and punch board activities.
 - (b) "Adjusted cash flow from the bingo operation" shall mean the combined gross income of the bingo operation less all prizes and expenses, whether paid or accrued. For the purposes of computing expenses, depreciation or amortization, shall not be considered an expense of the bingo operation.
 - (c) "Bingo operation" shall mean bingo games and all associated activities conducted in conjunction with bingo games at the same location including punch boards, pull-tabs, ~~((raffles,))~~ snack bar, retail sales activities ~~((and))~~, rental of the bingo premises and drawings authorized under WAC 230-20-242.

Sanctions for failing to maintain a positive adjusted cash flow.

(3) If a bingo licensee does not maintain a positive adjusted cash flow from the bingo operation during any two consecutive calendar quarters measured independently, it shall be deemed to be operating primarily for gambling purposes. In this event, the director shall summarily suspend the organization's bingo license.

Sanctions for failing to meet adjusted cash flow requirements.

(4)(a) If a bingo licensee fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any two consecutive calendar quarters, the licensee shall:

- (i) Develop a plan to gain compliance;
- (ii) Take immediate steps to reduce expenses and prizes paid and to increase income from all activities conducted in conjunction with the bingo game; and
- (iii) Report the plan and action taken to commission staff no later than sixty days after the end of the period. Such report shall be in writing and signed by the president or chief operating officer.

(b) If a bingo licensee fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any four consecutive calendar quarters, administrative action shall be taken to revoke the organization's bingo license. ~~((+ Provided, That adjusted cash flow requirements shall be adjusted for any variance granted under subsection (5) of this section.~~

Petitions for variance.

~~((5) A bingo licensee may petition the commission for a variance in the following circumstances:~~

~~((a) A licensee who fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any four consecutive calendar quarters, but is within ten percent of those requirements, may petition the commission for a one-time variance based on their plans to gain compliance over the next four quarters.~~

~~((b) A licensee with long-term, legally binding financial obligations for its bingo facility as of the effective date of this rule, may petition the commission for a variance for a period of no more than two years based on their plans to gain compliance within the two years. This variance shall be in the form of a reduction to the dollar amount of adjusted cash flow required by subsection (1) of this section)).~~

WSR 03-05-094

PROPOSED RULE

HEALTH CARE AUTHORITY

(Basic Health)

[Order 03-01—Filed February 19, 2003, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-02-096.

Title of Rule: Limiting or closing basic health enrollment.

Purpose: Revises rules regarding enrollment limits for subsidized basic health, to simplify the process if the administrator finds that a danger of overexpenditure of appropriations exists, requiring that enrollment be limited or closed.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.060(4) and 70.47.080.

Summary: Basic health is required to be prepared to limit or close enrollment if the administrator finds that continued enrollment is likely to lead to an overexpenditure of appropriations. These revisions are intended to simplify the processes used, both for applicants and for program administration, if enrollment must be limited or closed.

Reasons Supporting Proposal: These revisions are intended to reduce costs and simplify the process currently in rule, for applicants and the agency.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Kathy Eberle, Lacey, Washington, (360) 412-4307.

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 is intended to simplify the processes used when the administrator finds that enrollment must be limited or closed because continued enrollment is likely to lead to an overexpenditure of appropriations. The rules regarding closing enrollment are not intended to replace the current managed enrollment process, but would take effect when managed enrollment can no longer be used effectively.

Proposal Changes the Following Existing Rules: Deletes this information from WAC 182-25-030 and moves the revisions to a new section, WAC 182-25-035.

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: 676 Woodland Square Loop S.E., Third Floor Conference Room (W302), Lacey, WA, on March 26, 2003, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by March 12, 2003, 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 March 26, 2003.

Date of Intended Adoption: March 27, 2003.

February 19, 2003
Melodie Bankers
Rules Coordinator

AMENDATORY SECTION (Amending Order 00-04, filed 12/20/00, effective 1/20/01)

WAC 182-25-030 Eligibility. (1) To be eligible for enrollment in BHP, an individual must be a Washington state resident who is not:

- (a) Eligible for free Medicare coverage or eligible to buy Medicare coverage; or
- (b) Institutionalized at the time of enrollment.
- (2) Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who is no longer a Washington resident, who becomes eligible for free or purchased Medicare, or who is later determined to have failed to meet BHP's eligibility criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090. An enrollee who was not confined to an institution at the time of enrollment, who is subsequently confined to an institution, will not be disenrolled, provided he or she remains otherwise eligible and continues to make all premium payments when due.
- (3) Eligibility for BHP Plus and maternity benefits through medical assistance is determined by DSHS, based on Medicaid eligibility criteria.
- (4) For subsidized enrollment in BHP, an individual must meet the eligibility criteria in subsection (1) of this section and the definition of "subsidized enrollee" in WAC 182-25-010(38), and must pay, or have paid on his or her behalf, the monthly BHP premium.
- (5) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level, must meet the eligibility criteria in subsection (1) of this section, and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.
- (6)(a) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP, or would result in an overexpenditure of BHP funds. An individual otherwise eligible for enrollment in either the subsidized or nonsubsidized program may also be denied enrollment if no MHCS is accepting new enrollment in that program or from the geographic area where the applicant lives.
 - (b) If the administrator closes or limits subsidized enrollment, to the extent funding is available, BHP ~~((with))~~ may continue to accept and process applications for enrollment ~~((from:~~
 - ~~(i) Applicants who will pay the full premium, provided at least one MHCS is accepting new nonsubsidized enrollment from the geographic area where the applicant lives;~~
 - ~~(ii) Children eligible for BHP Plus;~~
 - ~~(iii) Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus for reasons other than noncompliance;~~
 - ~~(iv) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;~~
 - ~~(v) Eligible individual home care providers;~~
 - ~~(vi) Licensed foster care workers;~~
 - ~~(vii) Limited enrollment of new employer groups; and~~
 - ~~(viii) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for current individual and group~~

accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

~~(e) If the administrator has closed or limited subsidized enrollment, applicants for subsidized BHP who are not in any of the categories in (b) of this subsection may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. When enrollment is reopened by the administrator, applicants whose names appear on the reservation list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility)) as described in WAC 182-25-035.~~

NEW SECTION

WAC 182-25-035 Limiting or closing enrollment. If the administrator finds that there is a danger that acceptance of additional enrollment would exceed limits established by the legislature, jeopardize the orderly development of BHP, or would result in an overexpenditure of appropriated funds, enrollment may be delayed, limited, or closed.

(1) If the administrator finds that enrollment must be delayed for an extended period of time, enrollment may be closed.

(2) If the administrator closes enrollment, applications for new enrollment will no longer be accepted or processed, with the exceptions noted in subsection (3) of this section. Applicants whose applications have already been accepted, but who have not yet been enrolled, will be notified that enrollment has closed and that they will not be enrolled.

(3) To the extent funding is available and with the priorities of providing coverage for children and ensuring continuous coverage for current BHP enrollees and their families, BHP may continue to accept and process applications from some or all of the following:

(a) Categories of enrollees for whom dedicated funding is specifically appropriated;

(b) Current enrollees whose coverage is being transferred from one category of BHP coverage to another, such as a dependent moving from the parent's account to his or her own account or a member moving from a group account to an individual account;

(c) Current enrollees who are otherwise eligible to return to coverage after a one-month break in coverage due to late payment under WAC 182-25-090(6);

(d) Within the guidelines established under WAC 182-25-040(9), adding new members to an existing account.

(4) If the administrator finds that enrollment of new applicants can resume, applicants must submit a new application and all necessary documentation, which must be current as of the date of the new application. Applications received after enrollment is reopened will be processed in the order in which they are received. An application received prior to or during a time when enrollment was closed will not be used, either for enrollment or to reserve space for enrollment.

WSR 03-05-101

PROPOSED RULES

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION

[Filed February 19, 2003, 11:43 a.m.]

Original Notice.

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

Title of Rule: Performance improvement goals.

Purpose: As provided by RCW 28A.655.030 (1)(a), the Academic Achievement and Accountability Commission is authorized to adopt and revise performance improvement goals. The purpose of this rule making is to provide school districts and schools with minimum performance improvement goals thereby encouraging improved student learning as measured by increasing percentages of students meeting the reading and mathematics standards on the Washington assessment of student learning and to align these goals with goals required under the federal No Child Left Behind Act. In addition, school districts and schools are required to set high school graduation rate improvement goals.

Statutory Authority for Adoption: RCW 28A.655.030 (1)(a).

Statute Being Implemented: RCW 28A.655.030 (1)(a).

Summary: The rule is intended to provide school districts and schools with specific goals for how much student learning should improve in reading and mathematics as measured on the Washington assessment of student learning at grades 4, 7 and 10 and how much graduation rates should improve for high schools.

Reasons Supporting Proposal: Performance improvement goals will help focus school and school district efforts to help continuously increasing percentages of students achieve the essential academic learning requirements in reading and mathematics and improve high school graduation rates as required by the federal No Child Left Behind Act. It is believed that state expectations should not be in conflict with federal expectations.

Name of Agency Personnel Responsible for Drafting: Christopher M. Thompson, Old Capitol Building, 7th and Washington Street, (360) 725-6032; and Implementation: Mary Alice Heuschel, Office of Superintendent of Public Instruction, (360) 725-6115.

Name of Proponent: Academic Achievement and Accountability Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 28A.655.030 (1)(a) authorizes the Academic Achievement and Accountability Commission to adopt and revise performance improvement goals. The rule requires school district and schools to set goals for improving student learning on reading and mathematics as measured by the fourth, seventh and tenth grade Washington assessment of student learning. The minimum improvement expected is a reduction in the percentage of students not meeting the standard on each of the six assessments by 10% annually beginning in 2004 through 2013 assessments, using the 2003 assessments as the baseline. In 2014 all students in fourth, seventh, and tenth grades shall be meeting standard. The purpose of the rule is to assist and encourage school and school district staff to help increase the proportions of students meeting the learning expectations established by the state in RCW 28A.150.210 and 28A.655.060. It is anticipated that adoption of specific student learning improvement targets will focus and strategically concentrate efforts of staff sufficiently to increase significantly the percentage of students who meet state learning expectations. The commission also directs school districts and schools to develop high school graduation rate goals for 2004 through 2013 that either meet or exceed the statewide graduation rate in 2003 or if less than the 2003 statewide average in any year shall improve the graduation rate by a minimum of 1% over the target rate for the previous year. In 2014 the graduation rate for all students shall be a minimum of 85%.

Proposal Changes the Following Existing Rules: The proposal repeals existing improvement goals (in the Washington Administrative Code) in accordance with RCW 28A.655.030 (1)(a), which authorizes the commission to revise improvement goals. The proposal would change current rules which require 2001 assessment results be used as the baseline for three-year improvement goals for 2004. The new rule would require annual goals starting in 2004 and ending in 2014.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not apply to any small businesses nor to any other nongovernmental entity.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption because the rule relates only to internal governmental operations that are not subject to violation by a non-government party.

Hearing Location: Tacoma School District, Central Office Auditorium, 601 South 8th Avenue, Tacoma, WA, on April 7, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Debra Crawford by March 28, 2003, TDD (360) 664-3631 or (360) 725-6034.

Submit Written Comments to: Christopher M. Thompson, Executive Director, Academic Achievement and Accountability Commission, P.O. Box 47220, Olympia, WA 98504-7220, fax (360) 586-9438, by March 31, 2003.

Date of Intended Adoption: April 7, 2003.

February 19, 2003

Christopher M. Thompson
Executive Director

NEW SECTION

WAC 3-20-200 Reading and mathematics. (1) Each school district board of directors shall by December 15, 2003:

(a) Establish district-wide performance improvement goals to increase the percentage of students who meet or exceed the standard on the Washington assessment of student learning for reading and mathematics in grades four, seven, and ten; and

(b) Direct each school in the district that administers the Washington assessment of student learning for grade four, seven, or ten to establish performance improvement goals related to the percentage of students meeting the standard for its fourth, seventh, or tenth grade students in reading and mathematics, subject to approval by the board.

(2) School districts and schools shall establish separate district-wide and school reading and mathematics improvement goals required under subsection (1) of this section for each of the following groups of students:

- (a) All students;
- (b) Students of each major racial and ethnic group;
- (c) Economically disadvantaged students;
- (d) Students with disabilities; and
- (e) Students with limited English proficiency.

(3) School districts and schools are not required to establish numerical improvement goals in a grade level for reading and mathematics for 2004 or in any year thereafter for any student group identified in subsection (2) of this section in which there were fewer than ten students eligible to be assessed on the Washington assessment of student learning in the prior year. However, this subsection shall not be construed to affect WAC 180-16-220 (2)(b) or any other requirements for school and school district improvement plans.

(4) Annual performance improvement goals for both school districts and schools shall be determined as follows:

(a) The initial district-wide and school performance improvement goals required under this section shall be based on the results obtained by the relevant group of students in the relevant subject and grade level on the Washington assessment of student learning administered in the spring of 2003.

(b) The performance improvement goals for assessments administered in the spring of 2004 and each year thereafter through and including assessments administered in the spring of 2013 shall not be less than the sum of:

(i) The percentage of students meeting standard on the assessments administered in the spring of the preceding year for the relevant student group, grade level and subject; and

(ii) The percentage of students not meeting standard on the assessments administered in the spring of the preceding year for the relevant student group, grade level and subject, multiplied by ten percent.

(c) The performance improvement goals for assessments administered in the spring of 2014 shall be that all students

eligible to be assessed meet standard on the Washington assessment of student learning.

(5) School districts and schools shall be deemed to have met the performance improvement goals established pursuant to this chapter if the school district or school achieves the minimum improvement goal required under subsection (4) of this section, even if the school district or school does not achieve the performance improvement goals adopted by its board of directors.

(6) No performance improvement goal for a group in a subject and grade established pursuant to this section shall be used for state or federal accountability purposes if fewer than thirty students in the group for a subject and grade are eligible to be assessed on the Washington assessment of student learning.

NEW SECTION

WAC 3-20-300 High school graduation. (1) Each school district board of directors shall by December 15, 2003:

(a) Establish district-wide goals to increase the percentage of students who graduate from high school on time with a regular diploma beginning with the graduating class of 2004; and

(b) Direct each high school in the district to establish goals to increase the percentage of students who graduate from high school on time with a regular diploma beginning with the graduating class of 2004, subject to approval by the board.

(2) High school graduation rate goals for both school districts and schools shall be determined as follows:

(a) The school district and high school graduation rate goals for the class of 2004 shall not be less than the lesser of:

(i) The statewide percentage of public school students in the class of 2003 who graduate on time with a regular diploma; or

(ii) The percentage of students who graduated on time with a regular diploma from the relevant school district or high school in 2003 plus one percentage point.

(b) The school district and high school graduation rate goals for the class of 2005 through and including the graduation rate goals for the class of 2013 shall not be less than the lesser of:

(i) The statewide percentage of public school students in the class of 2003 who graduate on time with a regular diploma; or

(ii) The prior year target level percentage of students graduating from the relevant school district or high school on time with a regular diploma plus one percentage point.

(c) The school district and high school graduation rate goals for the class of 2014 shall be that the percentage of students who graduate on time with a regular diploma meet or exceed eighty-five percent for each group of students listed in WAC 3-20-200(2).

(3) School districts and high schools in which fewer than ten students are enrolled with the graduating class of 2003 or would be enrolled with the class of 2003 but have dropped out of high school are not required to establish numerical graduation rate improvement goals. In 2004 or any subsequent year school districts and high schools in which the

number of students enrolled with their graduating class combined with the number of students who would be enrolled with their graduating class but have dropped out of high school is fewer than ten are not required to establish performance relative to the graduation rate goals.

(4) Performance improvement goals established pursuant to this section shall not be used for state or federal accountability purposes in any school district or high school in which the number of students who either are enrolled in a graduating class or who have dropped out of that graduating class is less than thirty.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 3-20-100

Reading and mathematics.



WSR 03-05-019
EXPEDITED RULES
UNIVERSITY OF WASHINGTON

[Filed February 10, 2003, 9:53 a.m.]

Title of Rule: Housekeeping amendments to Title 478 WAC, University of Washington rules.

Purpose: To correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130 for all sections. Additionally, RCW 28B.15.031 for WAC 478-168-170; chapter 42.17 RCW for WAC 478-276-140; and RCW 43.21C.120 for WAC 478-324-020, 478-324-045, 478-324-140, 478-324-145, and 478-324-180.

Summary: The University of Washington periodically reviews and makes housekeeping amendments to its Title 478 WAC rules. The university proposes amending nine rule sections and adopting one new section to bring the Title 478 WAC rules up-to-date.

Reasons Supporting Proposal: The University of Washington periodically reviews and makes housekeeping amendments to its Title 478 WAC rules in order to keep them current and accurate.

Name of Agency Personnel Responsible for Drafting and Implementation: Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, Room 6, Visitors Information Center, University of Washington, Seattle, WA, (206) 543-9199; and Enforcement: Norman G. Arkans, Associate Vice President and Executive Director of University Relations, 400 Gerberding Hall, University of Washington, Seattle, WA, (206) 543-2560.

Name of Proponent: University of Washington, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The University of Washington seeks housekeeping amendments to nine rule sections to update position titles, office locations, addresses, publication references, phone number formats; to provide website and e-mail addresses; to clarify language, and to correct a WAC reference, a superceded date, a committee name, and a punctuation mark. Additionally, the university seeks to adopt a new section to clarify the SEPA process: The new section states the University of Washington offers no administrative appeal, just a judicial appeal, to SEPA determinations. The university has not previously offered an administrative appeal and cannot offer an administrative appeal without specific rules for such. The new section clarifies this position and does not change it.

These proposed housekeeping amendments are intended to keep the University of Washington's Title 478 WAC rules up-to-date and accurate.

Proposal Changes the Following Existing Rules: The Washington Administrative Code would be amended as follows:

WAC 478-138-060 is amended to update a position title and publication reference.

WAC 478-140-018 is amended to update an office location.

WAC 478-160-085 is amended to update a mailing address, provide e-mail addresses, and clarify how to request information from the graduate admissions office.

WAC 478-168-170 is amended to update publication references.

WAC 478-276-140 is amended to update a phone number format.

WAC 478-324-020 is amended to correct a WAC reference number and to remove a superceded date.

WAC 478-324-045 is amended to correct a committee name.

WAC 478-324-140 is amended to correct a typographical error in punctuation.

WAC 478-324-180 is amended to update a position title.

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 Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, AND RECEIVED BY April 22, 2003.

February 6, 2003

Rebecca Goodwin Deardorff, Director
 Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 92-14-060, filed 6/26/92, effective 7/27/92)

WAC 478-138-060 Schedule of fees. Fees for stadium boat moorage and the effective date thereof shall be established by the director of intercollegiate athletics with approval of the (~~vice president for university relations~~) special assistant to the president. The approved fee schedule shall be published (~~in the University Operations Manual~~) on the intercollegiate athletics website.

AMENDATORY SECTION (Amending WSR 99-12-110, filed 6/2/99, effective 7/3/99)

WAC 478-140-018 Education records—Student's right to inspect. (1) A student has the right to inspect and review his or her education records except where otherwise provided in this chapter.

(a) The term "education records" means those records, files, documents and other materials which contain information directly related to a student and are maintained by the university.

(b) Types of education records, and the university officials responsible for those records, include, but are not limited to:

(i) Official transcripts of courses taken and grades received, records relating to prior education experience, and admission records. The executive director of admissions and records, whose office is located in Schmitz Hall, is responsible for the maintenance of such records. In addition, the director of graduate admissions, whose office is located in ((Gerberding)) Loew Hall, is responsible for the maintenance of certain admission and current education status records for graduate students, as are the admission directors of the professional schools of dentistry, law, medicine and pharmacy.

(ii) Tuition and fee payment records. The manager of the student accounts office, located in Schmitz Hall, is responsible for the maintenance of such records.

(iii) Student disciplinary records. The vice president for student affairs, whose office is located in Schmitz Hall, is responsible for the maintenance of such records.

(iv) Education records relating to a student's particular field of study may be maintained by the departments and colleges throughout the university. Where such education records are so maintained, the respective chair or dean of the department or college is responsible for maintenance of the records.

(c) The term "education records" does not include:

(i) Any record of instructional, supervisory, administrative or educational personnel which is in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. For the purposes of this subsection, substitute means:

(A) A person who is providing instruction in place of or as assistant to the regularly assigned faculty member in a course in which knowledge of the performance of individual students is essential to the provision of instruction, or

(B) A person who is supervising a student's thesis or research progress in place of or as an assistant to the regularly assigned faculty member during a prolonged absence.

(ii) Records created and maintained by the University of Washington police department for the purposes of law enforcement, except that education records created by another university department remain education records while in the possession of the police department.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes; however, records concerning a student who is employed as a result of his or her status as a student (e.g., graduate student service appointments) shall not be considered to relate exclusively to a student's capacity as an employee.

(iv) Health care records on a student that are created or maintained by a health care provider or health care facility in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, the student, or a health care provider of the student's choice (see also chapter 70.02 RCW).

(v) Records of an institution which contain only information relating to a person after that person is no longer a student at the university (e.g., information pertaining to the accomplishment of an alumnus or alumna).

(2)(a) Confidential recommendations, evaluations or comments concerning a student, shall nonetheless be made available to the student, except as provided in (b), (c) and (d) of this subsection.

(b) The student may specifically waive his or her right to inspect and review education records where the information consists only of confidential recommendations respecting the student's:

(i) Admission to the University of Washington or any other educational institution, or component part thereof, or

(ii) Application for employment, or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right to inspect and review confidential statements shall be valid only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning the student, the dates of such confidential statements and the purpose or purposes for which the statements were provided, and

(ii) Such confidential statements are used solely for the purpose or purposes for which they were provided, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from or receipt of any other services or benefits from the university, and

(iv) Such waiver is in writing and signed and dated by the student.

(d) Such a waiver may be revoked, in writing, by the student; however, the revocation will be effective only for confidential statements or records dated after the date of the revocation.

(e) Confidential recommendations, evaluations or comments concerning a student prior to January 1, 1975, shall not be subject to release under WAC 478-140-018 (2)(a); however, upon request the student shall be notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each such confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the university only for the purpose or purposes for which they were provided.

(3) Where requested education records include information on more than one student, the student making the request shall be entitled to inspect, review or be informed of only the specific portion of the record about that student.

(4) A student may not inspect and review education records that are or contain financial records of his or her parents.

(5) Students may obtain copies of their education records. Charges for copies shall not exceed the cost normally charged by a University of Washington copy center (except in cases where charges have previously been approved for certain specified services).

(a) The university may refuse to provide copies of education records including transcripts and diplomas in the following circumstances:

(i) If the record is a secure exam as determined by the department that maintains the exam, so that the integrity of such exams may be protected;

(ii) If the student has outstanding debts owed to the university, so that the university may facilitate collection of such debts;

(iii) If disciplinary action is pending or sanctions are not completed.

(b) The university must provide copies of education records, subject to the provisions of (a) of this subsection, in the following circumstances:

(i) If failure to do so would effectively prevent the student from inspecting and reviewing a record;

(ii) When records are released pursuant to a student's consent and the student requests copies; and

(iii) When the records are transferred to another educational agency or institution where the student seeks or intends to enroll and the student requests copies.

(6) The office of the registrar is the only office which may issue an official transcript of the student's academic record.

(7) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 478-140-018 or 478-140-021 be removed or destroyed prior to providing the student access.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-085 Application forms. Prospective applicants to the graduate school may obtain information about degree programs and the online application process on the graduate school website or by an e-mail request to uwgrad@u.washington.edu (for U.S. citizens, permanent residents and immigrants) or to intlgrad@u.washington.edu for international applicants. Secondly, an "Application for admission to the graduate school" form is available upon request by writing to the graduate program adviser of the department in which the applicant expects to engage in a program of study or by writing to the following address:

University of Washington
Office of Graduate Admissions
(98-~~Gerberding~~) 301 Loew Hall
P.O. Box ((351280)) 84808
Seattle, WA ((98195-1280)) 98124-6108

~~((An application form with instructions will be provided to prospective graduate or visiting graduate applicants upon request.))~~

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-170 Library borrowers. The following categories of individuals are eligible for library borrowing privileges:

- (1) Campus borrowers:
 - (a) Undergraduate and unclassified students.
 - (b) Graduate and professional students.
 - (c) Graduate students with on-leave graduate status.
 - (d) University extension participants.

(e) Faculty, consisting of the president, the vice presidents, professors, associate professors, assistant professors, instructors, research associates, and lecturers, whether serving under acting, research, clinical, or affiliate appointment, whether serving part time or full time, and whether serving in an active or emeritus capacity; academic personnel, and administrative personnel as determined by the office of the provost.

(f) Professional staff.

(g) Classified staff.

(h) Visiting scholars with official visiting scholar status.

(i) Individuals affiliated with the university who do not have official University of Washington identification cards but who have been granted borrowing privileges by the director of libraries.

(2) Off-campus borrowers who are granted free borrowing privileges:

(a) Spouses of faculty and staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(b) Retired faculty and staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(c) Spouses of retired staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(d) Spouses of visiting scholars.

(e) Faculty and other academic staff of each of the Washington state four year colleges and universities.

(f) Federal and state governmental employees who have need of library materials in an official capacity.

(g) Other individuals accorded borrowing privileges by the director of libraries.

(3) Off-campus individuals who have need for research purposes of material not available from other sources and other individuals accorded borrowing privileges by the director of libraries are granted borrowing privileges for a nonrefundable charge. The charge is set by the director of libraries or his/her designee. The approved schedule of charges shall be published ~~((in the University Operations Manual))~~ on the university libraries website.

(4) Organizations which have need for research purposes of material not available from other sources will be granted borrowing privileges for a nonrefundable charge. The charge is set by the director of libraries or his/her designee. The approved schedule of charges shall be published ~~((in the University Operations Manual))~~ on the university libraries website.

(5) Individuals granted privileges through contracts or agreements with the University of Washington libraries.

AMENDATORY SECTION (Amending WSR 01-11-136, filed 5/23/01, effective 6/23/01)

WAC 478-276-140 Public records and open public meetings office—Address. All requests for public records to the University of Washington shall be addressed as follows:

University of Washington
Public Records and Open Public Meetings Office
4014 University Way N.E.
Seattle, WA 98105-6203

(for internal campus mail use: Box 355502). The telephone number of the public records and open public meetings office is ((206)) 206-543-9180.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-020 Adoption by reference. The university hereby adopts by reference the following sections of the ((4984)) SEPA rules, chapter 197-11 of the Washington Administrative Code.

General Requirements

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- ((197-11-298)) MTCA interim actions.

197-11-268

Categorical Exemptions and Threshold Determination

WAC

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

Environmental Impact Statement (EIS)

WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.

- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
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- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
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- 197-11-700 Definitions.

- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
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- 197-11-950 Severability.
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- 197-11-960 Environmental checklist.
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- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-045 SEPA advisory committee responsibility. (1) The responsible official shall consult with the committee as follows:

- (a) After completion of an environmental checklist but before threshold determination.
- (b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.
- (c) Prior to the responsible official issuing a mitigated DNS.
- (d) Prior to the issuance of a scoping notice.
- (e) Prior to the publication of any draft EIS.
- (f) Prior to the publication of any final EIS.

(2) Committee review of DNS and mitigated DNS may occur without a formal meeting.

(3) The university shall give the committee notice of public hearings on the environmental impact of a proposal.

(4) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-140 Additional methods of public notice. The university shall provide public notice of scoping,

DNS with comment period, public hearings scheduled in accordance with these procedures and availability of draft and final EIS's by:

(1) Posting a notice on or near the proposed site (for project EIS's)(~~is~~).

(2) Providing notice in such form as a press release or advertisement in a legal newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., *Daily Journal of Commerce*).

(3) Providing notice in such form as a press release or advertisement in the *University Week* and *University of Washington Daily*. If the *University Week* and/or the *University of Washington Daily* is not in publication, then notice shall instead be published in a newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., *The Seattle Times* or *The Seattle Post-Intelligencer*).

NEW SECTION

WAC 478-324-145 No administrative appeal. There is no administrative appeal of any university determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

AMENDATORY SECTION (Amending WSR 00-04-039, filed 1/25/00, effective 2/25/00)

WAC 478-324-180 Designation of responsible official. The (~~assistant~~) associate vice president for capital projects or his or her designee shall serve as the responsible official for all university projects.

WSR 03-05-054**EXPEDITED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed February 14, 2003, 8:29 a.m.]

Title of Rule: WAC 388-543-1100 Scope of coverage and coverage limitations for DME (durable medical equipment).

Purpose: To correct an erroneous cross-reference in subsection (3).

Statutory Authority for Adoption: RCW 74.08.090, 34.05.353.

Statute Being Implemented: RCW 74.08.090.

Summary: WAC 388-543-1100(3) currently cross-references WAC 388-531-0050 for determining if a service is regarded as experimental or investigational. This reference is incorrect, due to a typographical error. The correct reference is WAC 388-531-0550. This action is a housekeeping action only, to correct this error.

Reasons Supporting Proposal: To ensure the reader is referred to the correct rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ann Myers, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule regulates coverage of durable medical equipment and other supplies. This filing action is a house-keeping action to correct a typographical error. This correction will direct the reader to the correct cross-reference.

Proposal Changes the Following Existing Rules: The rule will be changed by replacing the current cross-reference of "WAC 388-531-0050" with "WAC 388-531-0550."

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 Rules Coordinator, Rules and Policies Assistance Unit, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY 5:00 p.m., April 21, 2003.

February 12, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-16-054, filed 8/1/02, effective 9/1/02)

WAC 388-543-1100 Scope of coverage and coverage limitations for DME and related supplies, prosthetics, orthotics, medical supplies and related services. The federal government deems **durable medical equipment (DME)** and related supplies, **prosthetics, orthotics, and medical supplies** as optional services under the **Medicaid** program, except when prescribed as an integral part of an approved plan of treatment under the home health program or required under the early and periodic screening, diagnosis and treatment (**EPSDT**) program. The **department** may reduce or eliminate coverage for optional services, consistent with legislative appropriations.

(1) The medical assistance administration (MAA) covers DME and related supplies, prosthetics, orthotics, medical supplies, related services, repairs and labor charges when all of the following apply. They must be:

(a) Within the scope of an eligible client's medical care program (see chapter 388-529 WAC);

(b) Within accepted medical or physical medicine community standards of practice;

(c) Prior authorized as described in WAC 388-543-1600, 388-543-1800, and 388-543-1900;

(d) Prescribed by a qualified **provider**, acting within the scope of the provider's practice. The prescription must state the specific item or service requested, diagnosis, prognosis, estimated length of need (weeks or months, not to exceed six months before being reevaluated), and quantity;

(e) Billed to the department as the payor of last resort only. MAA does not pay first and then collect from Medicare;

(f) **Medically necessary** as defined in WAC 388-500-0005. The provider or client must submit sufficient objective evidence to establish medical necessity. Information used to establish medical necessity includes, but is not limited to, the following:

(i) A physiological description of the client's disease, injury, impairment, or other ailment, and any changes in the client's condition written by the prescribing physician, licensed prosthetist and/or orthotist, physical therapist, occupational therapist, or speech therapist; or

(ii) Video and/or photograph(s) of the client demonstrating the impairments as well and client's ability to use the requested equipment, when applicable.

(2) MAA evaluates a request for any equipment or devices that are listed as noncovered in WAC 388-543-1300 under the provisions of WAC 388-501-0165.

(3) MAA evaluates a request for a service that is in a covered category, but has been determined to be experimental or investigational under WAC ((~~388-531-0050~~) 388-531-0550), under the provisions of WAC 388-501-0165 which relate to medical necessity.

(4) MAA evaluates requests for covered services in this chapter that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions when medically necessary, under the standards for covered services in WAC 388-501-0165.

(5) MAA does not reimburse for DME and related supplies, prosthetics, orthotics, medical supplies, related services, and related repairs and labor charges under **fee-for-service (FFS)** when the client is any of the following:

(a) An inpatient hospital client;

(b) Eligible for both **Medicare** and Medicaid, and is staying in a **nursing facility** in lieu of hospitalization;

(c) Terminally ill and receiving hospice care; or

(d) Enrolled in a risk-based managed care plan that includes coverage for such items and/or services.

(6) MAA covers medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services, repairs, and labor charges listed in MAA's published issuances, including Washington Administrative Code (WAC), billing instructions, and numbered memoranda.

(7) An interested party may request MAA to include new equipment/supplies in the billing instructions by sending a written request plus all of the following:

(a) Manufacturer's literature;

(b) Manufacturer's pricing;

(c) Clinical research/case studies (including FDA approval, if required); and

(d) Any additional information the requester feels is important.

(8) MAA bases the decision to purchase or rent DME for a client, or to pay for repairs to client-owned equipment on medical necessity.

(9) MAA covers replacement batteries for purchased medically necessary DME equipment covered within this chapter.

(10) MAA covers the following categories of medical equipment and supplies only when they are medically necessary, prescribed by a physician or other licensed practitioner of the healing arts, are within the scope of his or her practice as defined by state law, and are subject to the provisions of this chapter and related WACs:

(a) Equipment and supplies prescribed in accordance with an approved plan of treatment under the home health program;

(b) Wheelchairs and other DME;

(c) Prosthetic/orthotic devices;

(d) Surgical/ostomy appliances and urological supplies;

(e) Bandages, dressings, and tapes;

(f) Equipment and supplies for the management of diabetes; and

(g) Other medical equipment and supplies, as listed in MAA published issuances.

(11) MAA evaluates a **BR** item, procedure, or service for its medical appropriateness and reimbursement value on a case-by-case basis.

(12) For a client in a **nursing facility**, MAA covers only the following when medically necessary. All other DME and supplies identified in MAA billing instructions are the responsibility of the nursing facility, in accordance with chapters 388-96 and 388-97 WAC. See also WAC 388-543-2900 (3) and (4). MAA covers:

(a) The purchase and repair of a speech generating device (SGD), a wheelchair for the exclusive full-time use of a permanently disabled nursing facility resident when the wheelchair is not included in the nursing facility's per diem rate, or a **specialty bed**; and

(b) The rental of a specialty bed.

(13) Vendors must provide instructions for use of equipment; therefore, instructional materials such as pamphlets and video tapes are not covered.

(14) Bilirubin lights are limited to rentals, for at-home newborns with jaundice.

ments, and aids in the fight against terrorism. The department must be updated to comply with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE).

Amended Sections:

WAC 296-52-61040 Reasons why applicants may be disqualified.

- The proposal will disqualify applicants who:
 - Do not provide proof of an explosive license or permit issued by the BATFE.
 - Have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
 - Is fugitive from justice.
 - Have been dishonorably discharged from the United States armed forces.
 - Have renounced their citizenship from the United States from receiving an explosive license.
 - Are aliens.
 - Have been committed to a mental institution.

WAC 296-52-62005 Responsibility to obtain a dealer's license.

- The proposal will require dealers to first obtain a license from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

WAC 296-52-63005 How to obtain a purchaser's license.

- The proposal will require purchasers to first obtain a license from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

WAC 296-52-65005 Responsibility to obtain a manufacturer's license.

- The proposal will require manufacturers to first obtain a license from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

WAC 296-52-66005 Responsibility to obtain a storage license.

- The proposal will require licensee to first obtain a license from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, chapter 70.74 RCW.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The proposed changes to chapter 296-52 WAC are a result of the Homeland Security Bill. The changes will restrict the availability of explosives to felons and other persons prohibited from possessing explosives, strengthens licensing and permitting requirements, and aids in the fight against terrorism.

Reasons Supporting Proposal: The expedited proposal is a result of the Homeland Security Bill that was signed November 25, 2002.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

WSR 03-05-073 EXPEDITED RULES DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed February 18, 2003, 12:34 p.m.]

Title of Rule: Chapter 296-52 WAC, Safety standards for possession and handling of explosives.

Purpose: On November 25, 2002, the Homeland Security Bill was signed, which restricts the availability of explosives to felons and other persons prohibited from possessing explosives, strengthens licensing and permitting require-

Rule is necessary because of federal law, HR 5710 EH.

Explanation of Rule, its Purpose, and Anticipated Effects: On November 25, 2002, the Homeland Security Bill was signed, which restricts the availability of explosives to felons and other persons prohibited from possessing explosives, strengthens licensing and permitting requirements, and aids in the fight against terrorism. The department must update chapter 296-52 WAC to comply with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE).

Proposal Changes the Following Existing Rules: The proposal will:

- Prohibit aliens, persons dishonorably discharged from the armed forces, and citizens of the United States who have renounced their citizenship from obtaining a license.
- Require people to first obtain a federal permit issued by the BATFE.

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 Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY April 21, 2003.

February 18, 2003

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-61040 Reasons why applicants may be disqualified. Licenses will not be issued for the manufacture, retail sale, purchase, storage, or use of explosives to any applicant, who is any of the following:

• Who does not provide proof of a valid explosive license or permit issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE)

- Under twenty-one years of age
- Whose license is suspended or revoked, except as provided in this section
- Convicted in ~~((this state or elsewhere of:~~
 - A violent offense (RCW 9.94A.030)
 - Perjury
 - Providing false information (false swearing)
 - Bomb threats
 - A crime involving a Schedule I or II Controlled Substance (chapter 69.50 RCW)
 - Any other drug or alcohol related offense (unless the offense is not related to drug or alcohol dependency).

Note: A license may be issued to an applicant with a drug or alcohol dependency history.

- ~~Who is participating in, or has completed, treatment in an alcohol or drug recovery program~~
- ~~Has established control of their alcohol or drug dependency~~
- ~~Provides proof to the department of participation in a recovery program and control over their dependency))~~

any court of a crime punishable by imprisonment for a term exceeding one year

- Legally determined at the time of application to be:
 - Mentally ill
 - Insane
 - Committed to a mental institution
 - Incompetent due to any mental disability or disease at the time of application.

Note: The department will not reissue a license until competency has been legally restored.

- Physically ill or disabled, and cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:

- Blindness
- Deafness
- Epileptic or diabetic seizures or coma.

Note: The department will not reissue a license until the applicant's physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065, Violation appeals).

- Who is an alien, unless:

– They are lawfully admitted for permanent residence

– They are in lawful nonimmigrant status

• Who has been dishonorably discharged from the United States armed forces

• Who has renounced their citizenship from the United States.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-62005 Responsibility to obtain a dealer's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives (including black powder and blasting agents) for resale, must have a valid dealer's license issued by the department and a valid license issued by the BATFE.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-63005 ((How)) Responsibility to obtain a purchaser's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives or blasting agents must have a valid purchaser's license issued by the department and a valid license issued by the BATFE.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-65005 Responsibility to obtain a manufacturer's license. Any person, firm, partnership, corporation, or public agency wanting to manufacture explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or

product must have a valid manufacturer's license from the department and a valid use permit or license issued by the BATFE.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-66005 Responsibility to obtain a storage license. Any person, firm, partnership, corporation, or public agency wanting to store explosive materials must have a valid license from the department and a valid use permit or license issued by the BATFE.

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY April 21, 2003.

February 18, 2003

Cullen D. Stephenson

Solid Waste and Financial
Assistance Program Manager

WSR 03-05-095
EXPEDITED RULES
DEPARTMENT OF ECOLOGY

[Order 03-04—Filed February 19, 2003, 11:32 a.m.]

Title of Rule: Repeal of chapter 173-314 WAC, Waste tire carrier and storage site licenses.

Purpose: Chapter 173-314 WAC has been replaced by chapter 173-350 WAC, Solid waste handling standards. The Department of Ecology is repealing chapter 173-314 WAC to prevent having two rules addressing the same issues with potentially contradictory aspects.

Statutory Authority for Adoption: Chapter 70.95 RCW, Solid waste management reduction and recycle.

Statute Being Implemented: Chapter 70.95 RCW, Solid waste management reduction and recycle.

Summary: This action would repeal chapter 173-314 WAC, Waste tire carrier and storage site licenses, which has been replaced by chapter 173-350 WAC, Solid waste handling standards.

Reasons Supporting Proposal: During the development of chapter 173-350 WAC it was made clear that once the new rule, chapter 173-350 WAC became effective, chapter 173-314 WAC would be repealed.

Name of Agency Personnel Responsible for Drafting and Implementation: Marvin Vialle, 300 Desmond Drive, Lacey, 98503, 407-6999.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: As a result of repealing chapter 173-314 WAC, topics previously regulated by this rule will now be regulated by chapter 173-350 WAC.

Proposal Changes the Following Existing Rules: This would repeal chapter 173-314 WAC. Chapter 173-314 WAC has been replaced by chapter 173-350 WAC, Solid waste handling standards. The Department of Ecology is repealing chapter 173-314 WAC to prevent having two rules addressing the same issues with potentially contradictory aspects.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

EXPEDITED

WSR 03-05-007
PERMANENT RULES
WASHINGTON STATE PATROL
 [Filed February 7, 2003, 9:39 a.m.]

Date of Adoption: February 7, 2003.

Purpose: The regulation is intended to cover all criminal justice records systems that contain criminal history record information, whether the systems are manual or automated. The change will improve the name search capability in the effort to identify criminals.

Citation of Existing Rules Affected by this Order: Amending WAC 446-20-285.

Statutory Authority for Adoption: RCW 10.97.030 and 43.830-845 [43.43.830-43.43.845].

Adopted under notice filed as WSR 02-22-067 on November 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 1, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 7, 2003

Ronald W. Serpas
Chief

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

WAC 446-20-285 Employment—Conviction records—Child and adult abuse information. After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon written or electronic request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

(1) Convictions of crimes against children or other persons as defined in RCW 43.43.830(6), and as amended by chapter 9A.44 RCW;

(2) Department of health disciplinary authority final decisions of specific findings of physical or sexual abuse or exploitation of a child and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary authority final decision; for the businesses and professions defined in chapter 9A.44 RCW; and

(3) Civil adjudications of child abuse, as amended by chapter 9A.44 RCW.

Criminal history information will be furnished from the Washington state patrol, consistent with the provisions of RCW 43.43.830 through 43.43.840, upon receipt of a written or electronic request.

School districts, the superintendent of public instruction, educational service districts and their contractors will also receive conviction information under RCW 10.97.030 and 10.97.050 pursuant to chapter 159, Laws of 1992.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification and criminal history section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in RCW 43.43.830 through 43.43.845.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match ~~((, where))~~ to the applicant's name and date of birth ~~((as submitted varies from that of the record contained by the Washington state patrol identification and criminal history section))~~, the right thumb fingerprint impression will be used for identification verification purposes only. ~~((An exact name and date of birth match will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.))~~

(d) After processing a properly completed request for criminal history information form, if the conviction record, disciplinary authority final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no evidence shall be issued to the business or organization by the Washington state patrol identification and criminal history section within fourteen working days of receipt of the request. Possession of such identification shall satisfy future record check requirements for the applicant for a two-year period.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

WSR 03-05-009
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed February 7, 2003, 10:48 a.m.]

Date of Adoption: January 16, 2003.

Purpose: Provides that the county road administration board shall maintain the county road log for the purposes of computing estimated county road replacement costs estimated annual maintenance costs for county fuel tax allocations.

Citation of Existing Rules Affected by this Order: Amending WAC 136-60-010, 136-60-020, 136-60-030, 136-60-040, 136-60-050, and 136-60-060.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-23-008 on November 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 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.

February 3, 2003

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-60-010 Purpose and authority. RCW 46.68.124(2) provides that the county road administration board shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations. It further provides that each county shall submit changes, corrections, additions, and deletions (i.e., "updates") to the county road administration board which in turn are subject to validation prior to inclusion in the road log maintained by the county road administration board. This chapter describes the manner in which the county road administration board will administer this responsibility.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-60-020 Definitions. For purposes of implementing procedures for updating, validating and maintaining the county road log, the following definitions shall apply:

(1) County road log - the listing, by county, of all roads under county jurisdiction including their description, length, milepost identification, functional class, surface type, traffic volume, and other administrative and physical inventory items that may be included.

(2) Computer data base (~~((CDB))~~) application software - the computer data base application software by which the county road log data is updated and maintained by all counties and the county road administration board.

(3) Updates - periodic changes to the county road log involving any or all of the included data elements.

(4) Control fields - those fields within the county road log for which all updates need to be verified by the county road administration board prior to inclusion in the master county road log. Control fields are (~~(only)~~) those fields utilized for the computation of gas tax allocations in accordance with RCW (~~((46.68.129))~~) 46.68.124. The control fields are: Unique identifier (county road number, beginning milepost, ending milepost), jurisdiction, length, function class, surface type, surface width, right and left shoulder type, right and left shoulder width, and average daily traffic volume.

(5) Master county road log - the combination of all county road logs as kept by the county road administration board containing (~~(all updates (including validation of control fields))~~) the county roadlog of all counties as of July 1st of each year.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-60-030 Submittal of annual updates. Each county shall be responsible for maintaining current information regarding its road log and, no later than May 1st of each year, shall submit an updated road log for its complete road system with all data elements as of December 31st of the preceding year. This annual update must be on computer-readable medium and written in the computer data base (~~((program))~~) application software format as prescribed by the county road administration board. All updates involving changes in control fields must include supporting documentation as required in WAC 136-60-050.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-60-040 Validation of annual updates. All control field updates will be subject to review, approval and acceptance (i.e., "validation") by the county road administration board. This process will involve reviewing the submitted documentation and conducting spot-checks as may be necessary. All such updates which are reviewed, approved and accepted by July 1st of each year will be entered into the master county road log. Noncontrol field updates will be entered into the master county road log file without review. The mas-

ter county road log as of July 1st of each year will be utilized by the county road administration board for general informational purposes and(,);:

(1) On each odd-numbered year, for computation of motor vehicle fuel tax allocations to the counties;

(2) Annually, for the computation of county arterial preservation program allocations to the counties; and

(3) On each odd-numbered year, for computation of rural arterial program allocations to the rural arterial program regions.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-60-050 Validation requirements for control fields. Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the county road administration board. Documentation necessary to support control field changes is as follows:

(Functional) Function class - notice of FHWA approval from WSDOT.

Pavement type - statement signed by county engineer with list of pavement type changes. ~~((A suitable scale map showing the limits of the change(s) must also be included.))~~

Responsible agency - ~~((see requirements under "Addition of mileage" and "Deletion of mileage."))~~ the responsible agency is the legislative authority of the appropriate governmental agency with the authority to make the decision required for the action, or the state or federal government person authorized to approve changes.

Addition of mileage - ~~((statement))~~ official document signed by ((county engineer)) responsible agency authorizing and describing the circumstances of the addition. For example, additions can occur through ((commissioner)) county legislative approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction. ((Appropriate map(s) showing the changes must also be included.))

Deletion of mileage - ~~((statement))~~ official document signed by ((county engineer)) responsible agency authorizing and describing the circumstances of the deletion. For example, deletions can occur through legislative approval of vacations or a change in jurisdiction. ((Appropriate map(s) showing the changes must also be included.))

Traffic volume - statement signed by county engineer with list of segments affected by change in traffic volume. ~~((A statement is required only if it involves road segments with urban classification and with an ACP or PCC surface type and it involves a volume change crossing the 5000 ADT value.))~~

All changes to a control field will be located on appropriate map(s) with sufficient detail to identify the location of each change. All map(s) furnished in support of control field changes will be forwarded by the county road administration board to WSDOT for future map base updates.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-60-060 Utilization of common computer data base. Each county shall utilize ~~((a common))~~ the computer data base application software for the maintenance and updating of its county road log. This data base application software shall be prescribed by the county road administration board and each county shall be responsible for the purchase and installation of the requisite software on its own ~~((DOS compatible microcomputer))~~ Windows compatible computer.

**WSR 03-05-010
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD**

[Filed February 7, 2003, 10:49 a.m.]

Date of Adoption: January 16, 2003.

Purpose: Revisions to chapter 136-50 WAC, Eligibility for rural arterial trust account, has been revised to include compliance with revised statutes regarding removal of barriers to fish passage.

Citation of Existing Rules Affected by this Order: Repealing WAC 136-150-024; amending WAC 136-150-023, 136-150-030 and 136-150-040; and new sections WAC 136-150-050 and 136-150-060.

Statutory Authority for Adoption: Chapter 36.79 RCW. Adopted under notice filed as WSR 02-23-007 on November 7, 2003.

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.

February 3, 2003

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-023 ((Identifying eligible counties.)) Ascertaining the expenditures for fish passage barrier removal. ~~((Counties eligible to receive RATA funds shall be:~~

~~(1) Those in which there has been no diversion of the county road levy;~~

~~(2) Those in which the actual expenditures for traffic law enforcement have been equal to or greater than either the amount of diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;~~

~~(3) Those in which road funds have been transferred to other funds and have been used for legitimate road purposes;~~

~~(4) Those with a population of less than eight thousand; and~~

~~(5) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.)~~ In those counties in which road funds have been used for removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, the county engineer shall submit a certification showing that activities related to the removal of barriers to fish passage performed beyond the county right of way did not exceed twenty-five percent of the total costs for activities related to fish barrier removal on any one project, and that the total annual cost of activities related to the removal of barriers to fish passage performed beyond the county rights of way did not exceed one-half of one percent of the county's annual road construction budget. Such certification shall be submitted to the county road administration board no later than March 15 of each year.

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-030 ((~~Certification required.~~) **Identifying eligible counties.** ((~~The contract between the county road administration board and a county relative to a RAP project shall contain a certification, signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.~~)) **All counties with a population of less than eight thousand shall be eligible to receive RATA funds. Counties with a population greater than eight thousand shall be eligible to receive RATA funds only if, during the immediately preceding calendar year:**

(1) The actual expenditures for traffic law enforcement have been equal to or greater than either the amount of the diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;

(2) The amount of county road funds used beyond the county right of way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county did not exceed twenty-five percent of the total cost of activities related to fish barrier removal on any one project and the total cost of activities related to fish barrier removal beyond the county right of way did not exceed one-half of one percent of the county's total annual road construction budget;

(3) All road funds that have been transferred to other funds have been used for legitimate road purposes;

(4) Revenues collected for road purposes have been expended on other governmental services only after authorization from the voters of that county under RCW 84.55.050; and

(5) County road levy funds have been expended in accordance with chapter 36.82 RCW.

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-150-040 ((~~Post audit penalty.~~) **Constraint of contract execution.** ((Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board and may be cause for the board to withdraw or deny the certificate of good practice of that county. The board may also require that all or part of the RATA funds received by the county be returned to the county road administration board.)) **The county road administration board shall not execute a contract with any county for any RAP project unless the appropriate certifications have been submitted and unless the county has been identified as being eligible to receive RATA funds.**

NEW SECTION

WAC 136-150-050 Certification required. The contract between the county road administration board and a county relative to a RAP project shall contain a certification signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

NEW SECTION

WAC 136-150-060 Post audit penalty. Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board and may be cause for the board to withdraw or deny the certificate of good practice of that county. The board may also require that all or part of the RATA funds received by the county be returned to the county road administration board.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 136-150-024

Constraint of contract execution.

WSR 03-05-011
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed February 7, 2003, 10:49 a.m.]

WSR 03-05-015
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed February 7, 2003, 3:51 p.m., effective March 1, 2003]

Date of Adoption: January 16, 2003.

Purpose: Amends WAC 136-163-030.

Citation of Existing Rules Affected by this Order:
 Amending WAC 136-163-030.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Adopted under notice filed as WSR 02-23-006 on November 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 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.

February 3, 2003

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-163-030 Limitations and conditions—

Emergency projects. To be eligible for emergency project approval, the county must declare an emergency as provided for in RCW ((36.04.180)) 36.40.180. If there is not yet a state declaration of emergency, the county must also, in consultation with the state military department, emergency management division and the WSDOT, evaluate the probability of receiving a state declaration of emergency. A state declaration of emergency is required as a condition of receiving federal funding for road-related damages via the Emergency Relief Program or FEMA. If such federal funding has been approved or is likely to be approved, the county road administration board may provide up to one hundred percent of a county's required matching funds for such federal funding but only after the approval of the federal funds.

Should such federal funding not be forthcoming, or if the emergency is of such a scope and size that federal funding is clearly improbable, the county road administration board may provide up to eighty percent or ninety percent of the estimated eligible damages depending upon the regional limitations as provided for in WAC 136-161-090, with the total project cost limited to the actual expenditures by the county.

Date of Adoption: February 5, 2003.

Purpose: These rules are being simplified and consolidated to make it easier for clients to understand department policy regarding any resources they may own. 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. With this change, we will also be eliminating the excess real property program in order to streamline program rules regarding the treatment of real property.

Citation of Existing Rules Affected by this Order:
 Repealing 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; and amending WAC 388-470-0005, 388-470-0012, 388-470-0045, and 388-470-0055.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 02-21-095 on October 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes from the rules as proposed to the adopted rules were made because of comments received during the review period from both internal and external stakeholders.

	Summary of Changes
Throughout the various WACs	<ul style="list-style-type: none"> The term "food assistance" was changed to "basic food." The term "medical program for families" was changed to "family medical programs."
WAC 388-470-0005	<ul style="list-style-type: none"> Added subsection (3) to state that clients must try to make potential resources available in order to receive assistance. This requirement had been inadvertently deleted in the rewrite process. Added (4)(c) to state that we count resources for medical applications as of the first day of the month of application. This requirement had been inadvertently deleted in the rewrite process. (14)(b): Added new text that clarifies how we treat joint resources for cash assistance, medical assistance, and basic food.
WAC 388-470-0045	<ul style="list-style-type: none"> (1): Added the word "family" to clarify that this WAC is for family medical programs, not all medical programs. (1)(a)(iv): Consolidated (iv), (v), and (vi) into one statement that states all available retirement funds or pension benefits are considered liquid resources. (1)(a)(vi): Added trust accounts as a liquid resource. (1)(f): Removed sales contracts, real estate mortgages, and security interest as liquid resources for both cash assistance and family medical programs. Sales contracts are countable liquid resources for cash assistance only. See (j).

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	Summary of Changes
	<ul style="list-style-type: none"> • Added (1)(h) to state that personal property that is not a household good, needed for self-employment, or of "great sentimental value" is a countable resource. This requirement had been inadvertently deleted in the rewrite process. • Added a new subsection (2) that lists liquid resources that are not counted. • (3)(c)(iv): Added a clarifying statement that retains the exclusion for real property used by self-employed farmers and fishers for one year after that employment ends. • Added subsection (4) that clarifies the treatment of excluded liquid resources placed into an account with countable liquid resources. This requirement had been inadvertently deleted in the rewrite process.
WAC 388-470-0055	<ul style="list-style-type: none"> • (1)(a)(vi): Removed simplified employer pension plans. These are not countable liquid resources for basic food. • (1)(a)(vii): Added trust accounts as a liquid resource. • (2)(c)(iv): Added a clarifying statement that retains the exclusion for real property used by self-employed farmers and fishers for one year after that employment ends. • (2)(c)(vi): Clarified that this specific exemption applies to real property that has an equity value less than half of the resource limit as described in WAC 388-470-0005. • (2)(f): Clarified that the exemption for life insurance policies includes those policies with a cash surrender value. • Added subsection (3) that clarifies the treatment of excluded liquid resources placed into an account with countable liquid resources. This requirement had been inadvertently deleted in the rewrite process.

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 3, 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 0, Amended 4, Repealed 8.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier adoption date is needed to prevent imminent harm to department clients. If these rules are not adopted, needy clients may be incorrectly denied benefits.

Effective Date of Rule: March 1, 2003.

February 5, 2003

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 assistance, medical assistance, and basic food? (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 (MAA), the resources for each MAA 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, family medical programs, or basic food 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; and

(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) For cash assistance and family medical programs, you must try to make your resources available even if it will take you more than twenty days to do so, unless:

(a) There is a legal barrier; or

(b) You must petition the court to release part or all of a resource.

(4) 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; or

(c) The first day of the month of application, for medical assistance.

(5) If your total countable resources are over the resource limit in subsection (6) through (13) of this section, you are not eligible for benefits.

(6) For cash assistance and applicants for family medical programs, 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.

(7) Recipients of family medical programs do not have a resource limit.

(8) We do not count your resources for children's medical or pregnancy medical benefits.

(9) For SSI-related medical assistance, see chapter 388-475 WAC.

(10) For clients receiving institutional or wavered services, see chapters 388-513 and 388-515 WAC.

(11) If your household consists of more than one medical assistance unit (MAU), as described in WAC 388-408-0055, we look at the resources for each MAU separately.

(12) If your AU is categorically eligible (CE) as described in WAC 388-414-0001, you do not have a resource limit for basic food.

(13) 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 basic food:

(a) Three thousand dollars if your AU has either an elderly or disabled individual; or

(b) Two thousand dollars for all other AUs.

(14) 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 assistance, we count an equal portion of the resource that belongs to each person who owns it.

(b) For medical assistance and basic food, we count the entire amount unless you can prove that the entire amount is not available to you.

(15) 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.

(16) We may not consider an item to be separate property if you used both separate and community funds to buy or improve it.

(17) We do not count the resources of victims of family violence when:

(a) The resource is owned jointly with members of the former household; or

(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.

(18) You may give us proof about a resource anytime, including when we ask for it or 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 per-

son 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 basic food, 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 assistance, medical assistance, and basic food, 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)) family 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 not specifically excluded in subsection (2) below. These 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) Available retirement funds or pension benefits, less any withdrawal penalty;

(v) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(vi) Available trusts or trust accounts; or

(vii) 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) Any real property like a home, land or buildings not specifically excluded in subsection (3) below.

(g) The equity value of vehicles as described in WAC 388-470-0070.

(h) Personal property that is not:

(i) A household good;

(ii) Needed for self-employment; or

(iii) Of "great sentimental value," due to personal attachment or hobby interest.

(i) Resources of a sponsor as described in WAC 388-470-0060.

(j) For cash assistance only, sales contracts.

(2) The following types of liquid resources do not count when we determine your eligibility:

(a) Bona fide loans, including student loans;

(b) Basic food benefits;

(c) Income tax refunds in the month of receipt;

(d) Earned income tax credit (EITC) in the month received and the following month;

(e) Advance earned income tax credit payments;

(f) Individual development accounts (IDAS) established under RCW 74.08A.220;

(g) Retroactive cash benefits or TANF/SFA benefits resulting from a court order modifying a decision of the department;

(h) Underpayments received under chapter 388-410 WAC;

(i) Educational benefits that are excluded as income under WAC 388-450-0035;

(j) The income and resources of an SSI recipient;

(k) A bank account jointly owned with an SSI recipient if SSA already counted the money for SSI purposes;

(l) Foster care payments provided under Title IV-E and/or state foster care maintenance payments;

(m) Adoption support payments;

(n) Self-employment accounts receivable that the client has billed to the customer but has been unable to collect; and

(o) Resources specifically excluded by federal law.

(3) 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. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing.

(d) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

(4) If you deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit.

(5) 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 basic 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 basic food under WAC 388-414-0001, we count the following resources toward your AU's resource limit for basic food to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources. These 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) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(vii) Available trusts or trust accounts; or

(viii) 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. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing; or

(v) Is essential for the maintenance or use of an income-producing vehicle; or

(vi) Has an equity value equal to or less than half of the resource limit as described in WAC 388-470-0005.

(d) Household goods

(e) Personal effects;

(f) Life insurance policies, including policies with cash surrender value (CSV);

(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 basic food recipient when you got the EITC and you remain on basic food for all twelve months; or

(ii) The month you get it and the month after, if you were not getting basic food 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 deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit.

(4) 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 03-05-021
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)
 [Filed February 10, 2003, 1:21 p.m.]

Date of Adoption: January 10, 2003.

Purpose: Repeal of WAC 246-851-390 Practice under trade name. This rule was adopted to clarify the identity of the practitioner to the patient. Because other Board of Optometry rules govern the same activity in a clearer more well defined manner, this rule is redundant and should be repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-851-390 Practice under trade name.

Statutory Authority for Adoption: RCW 18.54.070(2).

Adopted under notice filed as WSR 02-22-080 on November 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

January 14, 2003

R. Richard Ryan, Jr., O.D.
 Chair, Board of Optometry

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-390	Practice under trade name.
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PERMANENT

WSR 03-05-028
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 10, 2003, 3:41 p.m., effective April 1, 2003]

Date of Adoption: February 6, 2003.

Purpose: Amending WAC 388-400-0040 General eligibility requirements for the federal food assistance program and 388-400-0045 Food assistance program for legal immigrants (FAP)—General eligibility requirements. The department is amending these rules to implement changes in immigrant eligibility for the federal food stamp program and to adopt the name Washington Basic Food Program or Basic Food for the department's food assistance programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0040 and 388-400-0045.

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

Adopted under notice filed as WSR 03-02-064 on December 27, 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 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: April 1, 2003.

February 6, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

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

WAC 388-400-0040 (~~General eligibility requirements~~) **Am I eligible for benefits through the ((federal)) Washington Basic Food ((assistance)) program((s))?** ~~(((1) Persons applying for benefits for the federal food assistance program must meet certain eligibility criteria established under the Food Stamp Act of 1977 as amended.~~

~~(2) When a person applies for benefits, a decision is made about who must be included in the assistance unit as specified under WAC 388-408-0035.~~

~~(3) After the assistance unit is determined, all members must:~~

~~(a) Be U.S. citizens or nationals as specified under WAC 388-424-0005(1); or~~

~~(b) Be qualified aliens as specified under WAC 388-424-0020;~~

~~(c) Be residents of the state of Washington as specified under chapter 388-468 WAC; and~~

~~(d) Provide Social Security numbers as specified under chapter 388-476 WAC.~~

~~(4) To be eligible, an assistance unit must:~~

~~(a) Have income at or below gross and net income standards unless excluded from these standards as specified under WAC 388-478-0060;~~

~~(b) Own resources at or below the applicable resource limits as specified in WAC 388-470-0005;~~

~~(c) Provide identity as specified under WAC 388-406-0015;~~

~~(d) Participate in the food stamp employment and training program (FSE&T) as specified under chapter 388-444 WAC;~~

~~(e) Meet the eligibility criteria for strikers as specified in chapter 388-480 WAC;~~

~~(f) Return a completed monthly report as required under chapter 388-456 WAC.~~

~~(5) Assistance units are allowed deductions from their income as specified under WAC 388-450-0200.~~

~~(6) Persons with disabilities may be allowed special consideration as explained in subsection (7) of this section, when the person:~~

~~(a) Receives SSI;~~

~~(b) Receives disability payments:~~

~~(i) Under Titles I, II, XIV, or XVI of the Social Security Act;~~

~~(ii) From a local, state or federal government agency that considers the disability as permanent under section 221(i) of the Social Security Act;~~

~~(iii) From the Railroad Retirement Act under sections 2(a)(1)(iv) and (v) and meets Title XIX disability elements or is eligible for Medicare.~~

~~(c) Receives disability related medical assistance under Title XIX of the Social Security Act;~~

~~(d) Is a veteran and receives disability payments rated at one hundred percent;~~

~~(e) Is a spouse of a veteran and:~~

~~(i) Is in need of an attendant or permanently housebound;~~

~~or~~
~~(ii) Has a disability as described under section 221(i) of the Social Security Act and entitled to death or pension payments under Title 38 of the USC.~~

~~(7) A person with disabilities described in subsection (6) of this section:~~

~~(a) Does not have to have income at or below the gross income standard, only the net income standard;~~

~~(b) May be entitled to a medical deduction as described under chapter 388-450 WAC; or~~

~~(c) Is not required to count the value of a vehicle when the vehicle is needed to transport them as specified under WAC 388-470-0070 and 388-470-0075.~~

~~(8) The following persons applying for food assistance are denied benefits:~~

~~(a) Students attending an institution of higher education when the student does not meet the eligibility factors as specified under WAC 388-482-0005;~~

~~(b) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030; and~~

~~(c) Assistance units who participate in the food distribution program. This program is available to assistance units living on or near an Indian reservation. The program is administered by tribal organizations approved by the federal Food and Nutrition Service (FNS).~~

~~(9) The following persons applying for food assistance are denied benefits but some of their income and all of their resources are considered available to the eligible assistance unit members:~~

~~(a) Fugitive felons including probation and parole violators and felons convicted of drug-related felonies as specified under chapter 388-442 WAC;~~

~~(b) Persons failing to attest to citizenship or alien status under WAC 388-408-0035(9);~~

~~(c) Persons disqualified for:~~

~~(i) An intentional program violation as specified under WAC 388-446-0015;~~

~~(ii) Failure to provide a Social Security number under chapter 388-476 WAC; or~~

~~(iii) Not participating with work requirements as specified under chapter 388-444 WAC; or~~

~~(d) Persons who are ineligible aliens under WAC 388-424-0020)) The Washington Basic Food Program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.~~

~~(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0035.~~

~~(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of the most current version of the Food Stamp Act of 1977.~~

~~(3) To be eligible for **federal** Basic Food benefits, each AU member must:~~

~~(a) Be a U.S. citizen or national as described under WAC 388-424-0005; or~~

~~(b) Meet the alien status requirements for federal benefits described under WAC 388-424-0020.~~

~~(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.~~

~~(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:~~

~~(a) Be a resident of the state of Washington as required under WAC 388-468-0005;~~

~~(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;~~

~~(c) Provide their Social Security number as required under WAC 388-476-0005;~~

~~(d) Provide proof of identity as required under WAC 388-490-0005;~~

(e) Participate in the food stamp employment and training program (FSE&T) as required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) Have countable income at or below gross and net income standards as described under WAC 388-478-0060; and

(b) Have countable resources at or below your AU's resource limit under WAC 388-470-0005.

(7) If your AU has income under the gross income standard, we deduct certain expenses from your income under WAC 388-450-0200 before we calculate your Basic Food benefits.

(8) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to get more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470-WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the gross income standard under WAC 388-478-0060.

(9) For Basic Food, **elderly** means a person who is age sixty or older;

(10) For Basic Food, **disabled** means a person who:

(a) Gets SSI;

(b) Gets disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Gets disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Gets disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for Medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(11) If a person in your AU attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not consider this person as a member of your AU.

(12) If your AU lives on or near an Indian reservation and participates in a tribal food distribution program

approved by Food and Nutrition Service (FNS), your AU is not eligible for Basic Food benefits.

(13) If an AU member is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons convicted of a drug-related felony or fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status under WAC 388-424-0005;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

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

WAC 388-400-0045 (~~Food assistance program for legal immigrants (FAP) — General eligibility requirements~~) **If I am not eligible for federally-funded benefits through Washington Basic Food Program because of my alien status, can I receive state-funded Basic Food?** (1) (~~A legal immigrant meets alien status eligibility for the state-funded food assistance program if the immigrant:~~

~~(a) Meets those alien status requirements of the Food Stamp Act of 1977 in effect prior to August 22, 1996;~~

~~(b) Is not eligible for federal food stamps solely due to the immigrant provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended. The immigrant must meet alien status rules under WAC 388-424-0025.~~

~~(2) FAP provides the same amount of benefits as the federal food stamp program. Some assistance units may receive a combined benefit of both state and federal food stamps. Food assistance benefit levels are found in WAC 388-478-0060.~~

~~(3) FAP follows the same eligibility rules, except for alien status, as the federal food stamp program. The federal food stamp program summary is found in WAC 388-400-0040)~~ **If you are not eligible for federally-funded Basic Food benefits because you do not meet the alien status requirements under WAC 388-424-0020, you may be eligible for state-funded Basic Food if you meet both of the following requirements:**

(a) You are a Washington state resident; and

(b) You meet the immigrant eligibility requirements under WAC 388-424-0025.

(2) State-funded Basic Food follows the same eligibility rules as federally-funded Basic Food except for rules related to alien status. A summary of the rules for Basic Food is found in WAC 388-400-0040.

(3) Some assistance units (AUs) may receive a combined benefit of both state and federal Basic Food benefits. Your AU's maximum allotment of Basic Food benefits is found under WAC 388-478-0060.

WSR 03-05-029
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed February 10, 2003, 3:52 p.m., effective April 1, 2003]

Date of Adoption: February 6, 2003.

Purpose: Amending WAC 388-424-0020 How does my alien status impact my eligibility for the federal food stamp program? and 388-424-0025 Citizenship and alien status—Eligibility requirements for the food assistance program for legal immigrants. The department is amending these rules to implement changes in immigrant eligibility for the federal food stamp program and to adopt the name Washington Basic Food Program or Basic Food for the department's food assistance programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0020 and 388-424-0025.

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

Adopted under notice filed as WSR 03-02-065 on December 27, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: April 1, 2003.

February 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-22-046, filed 10/30/02, effective 12/1/02)

WAC 388-424-0020 **How does my alien status impact my eligibility for the ((federal)) federally-funded Washington Basic Food ((stamp)) Program benefits?** (1) If you are not a U.S. citizen or U.S. national, you must ~~((meet))~~ **fall within one of the following ((conditions and be otherwise eli-**

gible)) three categories, and meet all other eligibility requirements, in order to receive federal Basic Food ((stamp)) benefits:

((Column 1))

((Refugee

Asylee

Deportation withheld

Cuban or Haitian entrant

Aliens lawfully admitted for permanent residence

–(immigrants)

Parolee for at least one year

Conditional Entrant

Battered spouse, battered child, or parent or child of a

–battered person as defined in WAC 388-424-0005))

((Column 2))

~~((You are eligible for seven years from the date you entered the U.S. or from the date you were granted INS status))~~

((Refugee/Amerasian/Asylee

Deportation withheld/Cuban or Haitian entrant

If you entered the U.S. under an INS status listed above, you are still eligible for federal food stamps even if you change your INS status to immigrant during the seven-year period.))

~~((You may be eligible for federal benefits without a time limit if you meet any of the following conditions:))~~

~~((1. You are a permanent resident alien and you have worked or can get credit for forty Social Security Administration (SSA) work quarters–~~

~~2. You are a honorably discharged veteran, you are in active duty military (other than training), or you are the spouse, or unmarried dependent child of someone who meets this requirement.~~

~~3. You are blind or disabled and receive cash or medical benefits based on supplemental Security Income (SSI) disability or blindness criteria.~~

~~4. You were legally living in U.S. on August 22, 1996 and:~~

~~–a. You are currently under age eighteen, or~~

~~–b. You were born on or before August 22, 1931.))~~

~~((6))~~

~~(a) You are a member of one of the following groups of qualified aliens (as defined in WAC 388-424-0005): A refugee, or an asylee, or a victim of trafficking, or have deportation/removal withheld, or are a Cuban or Haitian entrant; or are a qualified alien (as defined in WAC 388-424-0005) and Amerasian;~~

~~(b) You are a lawful permanent resident, or paroled for one year or more, or a conditional entrant, or a victim of domestic violence or parent or child of a victim (as defined in WAC 388-424-0005), and one of the following also apply to you:~~

~~(i) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - see subsections (2) through (5) below;~~

~~(ii) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement;~~

~~(iii) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;~~

~~(iv) You have lived in the U.S. as a "qualified" alien as described in WAC 388-424-0005 for at least five years;~~

~~(v) You are under age eighteen;~~

~~(vi) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.~~

~~((2) In addition to the above noncitizens, you may be eligible for federal food stamp benefits if you legally live in the U.S. and are a member of one of the following groups:~~

~~(a) Hmong or Highland Laotian tribe members (including the tribal member's spouse and dependent children) when tribe assisted the U.S. during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;~~

~~(b) Canadian born American Indians who are fifty percent American Indian blood; and~~

~~(c) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.~~

~~(3) If you are a lawful permanent resident, you can receive credit for SSA work quarters by:~~

~~(a) Earning enough money to qualify for work quarters;~~

~~(b) Getting credit for quarters earned by a parent or step-parent while you are under eighteen; or~~

~~(c) Getting credit for quarters earned by a spouse while you are married if you are still married to them or they are deceased.~~

~~(4) You cannot receive credit for a SSA work quarter after January 1, 1997 if you received TANF, nonemergency Medicaid, or food stamp benefits during the quarter.~~

~~(5) If you apply for TANF, nonemergency Medicaid, or food stamp benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.~~

(c) You are not in one of the groups listed under (a) or (b) of this subsection but belong to one of the following groups:

(i) You are legally residing in the U.S. and are a Hmong or Highland Laotian tribal members (including the tribal members' spouse and dependent children) when the tribe assisted U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975; or

(ii) Canadian born American Indians who are fifty percent American Indian blood; or

(iii) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(2) For those immigrants who must have credit for forty SSA work quarters to receive Basic Food benefits, you can receive credit for SSA work quarters, earned only in the U.S., by:

(a) Earning enough money to qualify for work quarters;

(b) Getting credit for quarters earned by a parent or step-parent while you are under age eighteen including before you were born; or

(c) Getting credit for quarters earned by your spouse while you are married if you are still married to them or they are deceased.

(3) You cannot receive credit for a SSA work quarter after January 1, 1997 if you received TANF, nonemergency Medicaid, food stamps, or federal Basic Food benefits during the quarter.

(4) If you apply for TANF, nonemergency Medicaid, or Basic Food benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.

(5) You can get ~~((federal))~~ federally-funded Basic Food ~~((stamp))~~ benefits for up to six months while we wait for verification of your eligibility if you or the department:

(a) Asked SSA for proof of your work quarters, SSA responded that you have less than forty quarters, and you provide proof that SSA is making an investigation to decide if they can credit you with more quarters; or

(b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for ~~((federal))~~ federally-funded Basic Food ~~((stamp))~~ benefits. If you requested this proof, you must provide proof that the agency has accepted this request.

AMENDATORY SECTION (Amending WSR 00-13-036, filed 6/13/00, effective 7/14/00)

WAC 388-424-0025 ~~((Citizenship and))~~ How does my alien status ~~((—))~~ impact my eligibility ~~((requirements for the))~~ for state-funded benefits under the Washington Basic Food ~~((assistance))~~ Program ~~((for legal immigrants))~~? To receive state-funded benefits under ~~((the))~~ Washington Basic Food ~~((assistance program (FAP) for legal immigrants))~~ Program (Basic Food), you must be one of the following:

(1) A qualified alien, as defined in WAC 388-424-0005, who ~~((cannot receive federal food stamps because of))~~ does not meet the eligibility ~~((restrictions described in))~~ require-

ments under WAC 388-424-0020 to receive federally-funded Basic Food benefits; or

(2) An alien who does not meet the definition of a qualified alien as defined in WAC 388-424-0005 but who is:

(a) Allowed to enter the U.S. for permanent residence by permission of the U.S. Attorney General under section 249 of the Immigration and Nationality Act (INA); or

(b) Admitted for temporary residence under section 245A of the INA and is aged, blind, or disabled as described in Title XVI of the Social Security Act; or

(c) Granted temporary resident status by the Immigration and Naturalization Service (INS) as a special agricultural worker under section 210 of the INA; or

(d) Granted Family Unity status by the INS and the alien's spouse or parent is eligible to ~~((participate in FAP or the federal food stamp program))~~ receive federal- or state-funded Basic Food benefits; or

(e) Permanently Residing Under Color of Law (PRUCOL) in the United States as defined in WAC 388-424-0005(4).

WSR 03-05-030

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 10, 2003, 3:54 p.m., effective April 1, 2003]

Date of Adoption: February 6, 2003.

Purpose: Amending WAC 388-450-0156 When am I exempt from the deeming process? The department is amending this rule to implement changes in immigrant eligibility for the federal food stamp program and to adopt the name Washington Basic Food Program or Basic Food for the department's food assistance programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0156.

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

Adopted under notice filed as WSR 03-02-066 on December 27, 2003 [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.

Effective Date of Rule: April 1, 2003.

February 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-026, filed 10/9/01, effective 11/1/01)

WAC 388-450-0156 When am I exempt from ((the)) deeming ((process))? (1) If you meet any of the following conditions, you are **permanently** exempt from deeming and we do not count your sponsor's income or resources against your benefits:

(a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. Immigrants who are not required to have a sponsor include those with the following status with Immigration and Naturalization Service (INS):

- (i) Refugee;
- (ii) Parolee;
- (iii) Asylee;
- (iv) Cuban entrant; or
- (v) Haitian entrant.

(b) You were sponsored by an organization or group as opposed to an individual;

(c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;

(d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, Basic Food, SSI, CHIP, or nonemergency Medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:

- (i) Yourself;
- (ii) Each of your parents for the time they worked before you turned eighteen years old (including the time they worked before you were born); and
- (iii) Your spouse if you are still married or your spouse is deceased.

(e) You become a United States (U.S.) Citizen;

(f) Your sponsor is dead; or

(g) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor and:

- (i) You no longer live with your sponsor; and
- (ii) Leaving your sponsor caused your need for benefits.

(2) You are exempt from the deeming process while you are in the same AU as your sponsor;

(3) For Basic Food, you are exempt from deeming while you are under age eighteen.

(4) For state family assistance, general assistance, ~~((the food assistance program for legal immigrants))~~ state-funded Basic Food benefits, and state-funded medical assistance for legal immigrants you are exempt from the deeming process if:

- (a) Your sponsor signed the affidavit of support more than five years ago;
- (b) Your sponsor becomes permanently incapacitated; or

(c) You are a qualified alien according to WAC 388-424-0005 and you:

(i) Are on active duty with the U.S. armed forces or you are the spouse or unmarried dependent child of someone on active duty;

(ii) Are an honorably-discharged veteran of the U.S. armed forces or you are the spouse or unmarried dependent child of a honorably-discharged veteran;

(iii) Were employed by an agency of the U.S. government or served in the armed forces of an allied country during a military conflict between the U.S. and a military opponent; or

(iv) Are a victim of domestic violence and you have petitioned for legal status under the Violence Against Women Act.

~~((4))~~ (5) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:

(a) You no longer live with the person who committed the violence; and

(b) Leaving this person caused your need for benefits.

~~((5))~~ (6) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:

(a) Earned and unearned income your AU receives from any source; and

(b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization.

~~((6))~~ (7) If you are exempt from deeming because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:

- (a) The names of the sponsored people in your AU;
- (b) That you are exempt from deeming due to your income; and
- (c) Your sponsor's name.

WSR 03-05-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed February 10, 2003, 3:56 p.m., effective April 1, 2003]

Date of Adoption: February 6, 2003.

Purpose: Amending WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions. Amending this rule is necessary to implement a federal regulation that exempts some able-bodied adults without dependents (ABAWDs) clients from time-limited food assistance benefits. If there is a food assistance household member under the age of eighteen, then all adult household members are exempt from the ABAWD time limits and ABAWD requirements. Some clients are receiving incorrect food assistance benefits based on the current rule.

The proposed rule adopts without material change language in federal rule 7 C.F.R. 273.24 (c)(4).

Citation of Existing Rules Affected by this Order: Amending WAC 388-444-0035.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Adopted under notice filed as WSR 03-01-062 on December 11, 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: April 1, 2003.

February 6, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-04-006, filed 1/20/00, effective 3/1/00)

WAC 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions? Some food assistance household members are exempt from ABAWD provisions. You are exempt from the ABAWD rules provided in WAC 388-444-0030 if you are:

- (1) Under eighteen or fifty years of age or older;
- (2) Determined to be physically or mentally unable to work;
- (3) A ~~((parent or other))~~ member of a household with responsibility for a ~~((dependent child under eighteen years of age or a))~~ person determined to be incapacitated;

(4) An adult in a household that has a member who is under the age of eighteen, even when the child is an ineligible household member;

(5) Pregnant;

~~((5))~~ (6) Living in an area approved as exempt by U.S. Department of Agriculture;

~~((6))~~ (7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);

~~((7))~~ (8) Applying for or receiving unemployment compensation;

~~((8))~~ (9) Students enrolled at least half time as defined by the institution in:

- (a) Any accredited school;
- (b) Training program; or

(c) Institution of higher education. A student enrolled in higher education must follow the student criteria defined in chapter 388-482 WAC.

~~((9))~~ (10) Participating in a chemical dependency treatment program;

~~((10))~~ (11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;

~~((11))~~ (12) Eligible for one of the annual federal-approved exemption slots under what is called the fifteen percent exemption rule.

WSR 03-05-033

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 11, 2003, 2:43 p.m.]

Date of Adoption: February 11, 2003.

Purpose: The adopted rules are intended to provide enhanced protection for honeybees when used to pollinate pome fruits which have been treated with products containing the active ingredient thiamethoxam.

Citation of Existing Rules Affected by this Order: New sections WAC 16-228-1262, 16-228-1264, and 16-228-1266.

Statutory Authority for Adoption: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW.

Adopted under notice filed as WSR 03-02-098 on January 2, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 11, 2003

Valoria Loveland

Director

NEW SECTION

WAC 16-228-1262 When are pesticides containing the active ingredient thiamethoxam restricted use pesticides? Pesticides containing the active ingredient thiamethoxam are declared to be restricted use pesticides when labeled for use on pome fruits, including apples and pears.

NEW SECTION

WAC 16-228-1264 What are the restrictions on the use of pesticides containing the active ingredient thiamethoxam when labeled for use on pome fruits, including apples and pears? In addition to the restrictions placed on the product label, pesticides containing the active ingredient thiamethoxam cannot be applied to pome fruits, including apples and pears, without complying with the requirements in WAC 16-228-1266.

NEW SECTION

WAC 16-228-1266 What requirements must I comply with before making an application of a pesticide containing the active ingredient thiamethoxam to pome fruits, including apples and pears? Before applying thiamethoxam to pome fruits, including apples and pears, you must comply with the following requirements:

- (1) For product labeled for use on **apples**, apply thiamethoxam prior to prebloom (prepink or tight cluster growth stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.
- (2) For **pears**, apply thiamethoxam prior to prebloom (green cluster or cluster bud stage) or after post bloom (petal fall). Do not apply thiamethoxam between prebloom and petal fall.
- (3) Do not apply thiamethoxam to blooming plants or allow it to drift onto blooming plants. This is especially critical if there are adjacent orchards that are blooming. (Refer to recommendations to avoid spray drift on the product label for additional information.)
- (4) After an application of thiamethoxam, wait at least five days before placing the beehives in the treated orchard.
- (5) If bees are foraging in the orchard ground cover and it contains any blooming plants or weeds, always remove flowers before making an application of thiamethoxam. This may be accomplished by mowing, disking, mulching, flailing or applying a labeled herbicide.

WSR 03-05-034
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Filed February 11, 2003, 2:44 p.m.]

Date of Adoption: February 11, 2003.

Purpose: The purpose is to adopt rules exempting pesticide products labeled only for home and garden use for the control of mosquito larvae from being declared "state restricted use" pesticides.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-1231.

Statutory Authority for Adoption: RCW 15.58.040 and chapter 34.05 RCW.

Adopted under notice filed as WSR 03-02-099 on January 2, 2003.

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.

February 11, 2003

Valoria Loveland
 Director

AMENDATORY SECTION (Amending WSR 02-04-041, filed 1/29/02, effective 3/1/02)

WAC 16-228-1231 State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only. (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or to their duly authorized agents. The certified applicator must have a valid certification, license or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

- (a) Any EPA restricted use pesticide.
- (b) 2, 4-D - all dry formulations and all liquid amine or salt formulations distributed in quantities larger than one gallon, that are used in counties located east of the crest of the Cascade Mountains.
- (c) Strychnine and its salts
- (d) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water.

(e) Pesticides containing the following active ingredients and their isomers are hereby declared state restricted use pesticides for the protection of groundwater.

- atrazine
- bromacil
- dcpa
- disulfoton
- diuron
- hexazinone
- metolachlor
- metribuzin
- picloram
- prometon
- simazine
- tebuthiuron

PERMANENT

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses shall be exempt from the requirements of this section:

- (a) Swimming pools
- (b) Wholly impounded ornamental pools or fountains
- (c) Aquariums
- (d) Closed plumbing and sewage systems
- (e) Enclosed food processing systems
- (f) Air conditioners, humidifiers, and cooling towers
- (g) Industrial heat exchange, air washing and similar industrial systems
- (h) Disinfectants
- (i) Aquatic environments in states other than Washington
- (j) Animal pets
- (k) Use within wholly enclosed structures (with floors) or fumigation chambers.

Greenhouses are not considered as wholly enclosed structures for the purposes of this section

(1) Home and garden control of mosquito larvae.

(3) Products listed in subsection (1)(e) of this section and dry formulations of 2, 4-D which are labeled and intended only for Home & Garden use are exempt from the requirements of this section.

(4) Distribution of pesticides bearing combined labeling of uses onto or into water plus non-aquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it will not be applied into or onto water. If requested by the department, dealers shall furnish record on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

(5) Licensed pesticide dealers shall keep records of distribution of state restricted use pesticides for a period of seven years from the date of distribution. Records shall be furnished to the director immediately upon request. The records shall contain the following information:

- (a) Name and address of certified applicator;
- (b) Name of authorized agent (if applicable);
- (c) Product name and EPA registration number;
- (d) Quantity in pounds or gallons of the pesticide distributed;
- (e) Date of distribution;
- (f) Certified applicator's license number;
- (g) Crop or site to which the pesticide will be applied.

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license number.

WSR 03-05-043
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed February 13, 2003, 7:56 a.m.]

Date of Adoption: February 5, 2003.

Purpose: To establish rules for a mail-order prescription service as directed by the legislature, the department is adopting new WAC 388-530-1270 Mail-order services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510.

Other Authority: Chapter 371, Laws of 2002 (2001-03 Revised Omnibus Operating Budget - 2002 Supp.).

Adopted under notice filed as WSR 03-01-011 on December 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 5, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-530-1270 Mail-order services. The medical assistance administration (MAA) provides a contracted mail-order pharmacy service for client use. The mail-order contractor is selected as a result of a competitive procurement process.

(1) The contracted mail-order pharmacy service is available as an option to all medical assistance clients, subject to the:

- (a) Scope of the client's medical care program;
- (b) Availability of services from the contracted mail-order provider; and
- (c) Special terms and conditions described in subsection (2) and (3) of this section.

(2) The mail-order prescription service may not dispense medication in a quantity greater than authorized by the prescriber. (See RCW 18.64.360(5), Nonresident pharmacies.)

(3) Prescribed medications may be filled by the mail-order pharmacy service within the following restrictions:

(a) Drugs available from mail-order in no more than a ninety day supply include:

- (i) Preferred drugs (see WAC 388-530-1260);
- (ii) Generic drugs; and,
- (iii) Drugs that do not require prior authorization or expedited prior authorization (see WAC 388-530-1200 and 388-530-1250).

(b) Drugs available in no more than a thirty-four-day supply:

- (i) Controlled substances (schedules II through V); and
- (ii) Drugs requiring prior authorization or expedited prior authorization (see WAC 388-530-1200).

(c) Other pharmacy restrictions (chapter 388-530 WAC, Pharmacy services) continue to apply.

(4) The contracted mail-order pharmacy services are reimbursed at levels lower than those established for the regular outpatient pharmacy services.

the public health, safety, or welfare. The nation is currently on orange—"high-risk"—terrorism alert. Government officials have warned attacks could involve biological devices.

Effective Date of Rule: Immediately [February 13, 2003, 3:09 p.m.]

December 19, 2002

Don Sloma

Executive Director

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall ~~(review and determine appropriate action for:~~

~~Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary))~~ establish, in consultation with local health care providers, health facilities, emergency management personnel, law enforcement agencies, and any other entity he or she deems necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination.

(2) Local health officers shall:

(a) Notify health care providers within the health district regarding requirements in this chapter;

(b) Ensure anonymous HIV testing is reasonably available;

(c) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;

(d) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

(e) Use identifying information on HIV-infected individuals provided according to chapter 246-101 WAC only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; and

(f) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Local health officers shall ~~(conduct investigations and institute control measures consistent with those indicated in the seventeenth edition, 2000, of Communicable Diseases Manual, James Chin, MD, MPH, editor, except:~~

~~(a) When superseded by more up-to-date measures, or~~

WSR 03-05-048

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed February 13, 2003, 3:09 p.m., effective February 13, 2003, 3:09 p.m.]

Date of Adoption: December 10, 2002.

Purpose: To provide guidance to first-responders in the event of bioterrorism attack, chemical, or radiologic attack, or major infectious disease outbreak about the enforceability of local health officers' orders and the due process rights of individuals subject to isolation or quarantine orders.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-036 and 246-101-505.

Statutory Authority for Adoption: RCW 43.20.050 (2)(d).

Other Authority: RCW 70.05.050 and 70.05.060.

Adopted under notice filed as WSR 02-22-107 on November 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: Isolation and quarantine definitions reworded. Persons entering isolation or quarantine premises may be required to wear protective gear or be vaccinated. Judicial isolation or quarantined order should specify site.

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 7, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The earlier effective date is necessary because of imminent peril to

~~(b) When other measures are more specifically related to Washington state), when necessary, conduct investigations and institute disease control and contamination control measures, including medical examination, testing, counseling, treatment, vaccination, decontamination of persons or animals, isolation, quarantine, vector control, condemnation of food supplies, and inspection and closure of facilities, consistent with those indicated in the 18th edition, 2002 of the *Control of Communicable Disease Manual*, published by the American Public Health Association, or other measures he or she deems necessary based on his or her professional judgment, current standards of practice and the best available medical and scientific information.~~

~~(4) A local health department may make agreements with tribal governments, with federal authorities or with state agencies or institutions of higher education that empower the local health officer to conduct investigations and institute control measures in accordance with WAC 246-100-040 on tribal lands, federal enclaves and military bases, and the campuses of state institutions. State institutions include, but are not limited to, state-operated colleges and universities, schools, hospitals, prisons, group homes, juvenile detention centers, institutions for juvenile delinquents, and residential habilitation centers.~~

NEW SECTION

WAC 246-100-040 Procedures for isolation or quarantine. (1) At his or her sole discretion, a local health officer may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine in accordance with subsection (3) of this section, or may petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine in accordance with subsection (4) of this section, provided that he or she:

(a) Has first made reasonable efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities, or has determined in his or her professional judgment that seeking voluntary compliance would create a risk of serious harm; and

(b) Has reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken; and

(c) Has reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine.

(2) A local health officer may invoke the powers of police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department to enforce immediately orders given to effectuate the purposes of this section in accordance with the provisions of RCW 43.20.050(4) and 70.05.120.

(3) If a local health officer orders the immediate involuntary detention of a person or group of persons for purposes of isolation or quarantine:

(a) The emergency detention order shall be for a period not to exceed ten days.

(b) The local health officer shall issue a written emergency detention order as soon as reasonably possible and in all cases within twelve hours of detention that shall specify the following:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises subject to isolation or quarantine;

(iii) The date and time at which isolation or quarantine commences;

(iv) The suspected communicable disease or infectious agent if known;

(v) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would create a risk of serious harm; and

(vi) The medical basis on which isolation or quarantine is justified.

(c) The local health officer shall provide copies of the written emergency detention order to the person or group of persons detained or, if the order applies to a group and it is impractical to provide individual copies, post copies in a conspicuous place in the premises where isolation or quarantine has been imposed.

(d) Along with the written order, and by the same means of distribution, the local health officer shall provide the person or group of persons detained with the following written notice:

NOTICE: You have the right to petition the superior court for release from isolation or quarantine in accordance with WAC 246-100-055. You have a right to legal counsel. If you are unable to afford legal counsel, then counsel will be appointed for you at government expense and you should request the appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that counsel for assistance.

(4) If a local health officer petitions the superior court *ex parte* for an order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine pursuant to this section:

(a) The petition shall specify:

(i) The identity of all persons or groups to be subject to isolation or quarantine;

(ii) The premises where isolation or quarantine will take place;

(iii) The date and time at which isolation or quarantine will commence;

(iv) The suspected communicable disease or infectious agent if known;

(v) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known;

(vi) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local

health officer determined that seeking voluntary compliance would create a risk of serious harm;

(vii) The medical basis on which isolation or quarantine is justified.

(b) The petition shall be accompanied by the declaration of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(c) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(d) The court shall hold a hearing on a petition filed pursuant to this section within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays.

(e) The court shall issue the order if there is a reasonable basis to find that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

(f) A court order authorizing isolation or quarantine as a result of an *ex parte* hearing shall:

(i) Specify a maximum duration for isolation or quarantine not to exceed ten days;

(ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(iii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;

(v) Specify the premises where isolation or quarantine will take place; and

(vi) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(5) A local health officer may petition the superior court for an order authorizing the continued isolation or quarantine of a person or group detained under subsections (3) or (4) of this section for a period up to thirty days.

(a) The petition shall specify:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises where isolation or quarantine is taking place;

(iii) The communicable disease or infectious agent if known;

(iv) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known;

(v) The medical basis on which continued isolation or quarantine is justified.

(b) The petition shall be accompanied by the declaration of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(c) The petition shall be accompanied by a statement of compliance with the conditions and principles for isolation and quarantine contained in WAC 246-100-045.

(d) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(e) The court shall hold a hearing on a petition filed pursuant to this subsection within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays. In extraordinary circumstances and for good cause shown, the local health officer may apply to continue the hearing date for up to ten days, which continuance the court may grant at its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the public health threat, and the availability of necessary witnesses and evidence.

(f) The court shall grant the petition if it finds that there is clear, cogent, and convincing evidence that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

(g) A court order authorizing continued isolation or quarantine as a result of a hearing shall:

(i) Specify a maximum duration for isolation or quarantine not to exceed thirty days;

(ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(iii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;

(v) Specify the premises where isolation or quarantine will take place; and

(vi) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(6) Prior to the expiration of a court order for continued detention issued pursuant to subsection (5) of this section, the local health officer may petition the superior court to continue isolation or quarantine provided:

(a) The court finds there is a reasonable basis to require continued isolation or quarantine to prevent a serious and imminent threat to the health and safety of others.

(b) The order shall be for a period not to exceed thirty days.

(7) State statutes, rules, and state and federal emergency declarations governing procedures for detention, examination, counseling, testing, treatment, vaccination, isolation, or quarantine for specified health emergencies or specified communicable diseases, including, but not limited to, tuberculosis and HIV, shall supercede this section.

NEW SECTION

WAC 246-100-045 Conditions and principles for isolation or quarantine. The local health officer shall adhere to the following conditions and principles when isolating or quarantining a person or group of persons in accordance with WAC 246-100-040:

(1) Isolation or quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but are not limited to, confinement to private homes or other public or private premises;

(2) Isolated individuals must be confined separately from quarantined individuals;

(3) The health status of isolated or quarantined individuals must be monitored regularly to determine if they require continued isolation or quarantine;

(4) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease that the local health officer believes poses a significant threat to the health and safety of other quarantined individuals, he or she must promptly be placed in isolation;

(5) Isolated or quarantined individuals must be released as soon as practicable when the local health officer determines that they have been successfully decontaminated or that they pose no substantial risk of transmitting a communicable or possibly communicable disease that would constitute a serious or imminent threat to the health and safety of others;

(6) The needs of a person isolated or quarantined must be addressed to the greatest extent possible in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;

(7) Premises used for isolation or quarantine must be maintained in a safe and hygienic manner to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;

(8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation or quarantine premises;

(9) Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat a communicable or possibly communicable disease in accordance with religious tenets and practices, nor shall anything in this chapter be deemed to prohibit a person so relying who is infected with a contagious or communicable disease from being isolated or quarantined in a private place of his or her own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. At his or her sole discretion, the local health officer may isolate infected individuals declining treatment for the duration of their communicable infection.

NEW SECTION

WAC 246-100-050 Isolation or quarantine premises.

(1) Entry into isolation or quarantine premises shall be restricted under the following conditions:

(a) The local health officer may authorize physicians, health care workers, or others access to individuals in isolation or quarantine pursuant to WAC 246-100-040 as necessary to meet the needs of isolated or quarantined individuals;

(b) No person, other than a person authorized by the local health officer, shall enter isolation or quarantine premises;

(c) Any person entering isolation or quarantine premises shall be provided with infection control training and may be required to wear personal protective equipment or receive vaccination as appropriate;

(d) Any person entering isolation or quarantine premises with or without authorization of the local health officer may be isolated or quarantined.

(2) Persons subject to isolation or quarantine and persons entering isolation or quarantine premises shall obey the rules established by the state board of health and the orders of the local health officer, and failure to do so shall constitute a misdemeanor consistent with the provisions of RCW 43.20.050(4) and 70.05.120.

NEW SECTION

WAC 246-100-055 Relief from isolation or quarantine. Any person or group of persons isolated or quarantined pursuant to this chapter may seek relief from the superior court.

(1) Any person or group of persons detained by order of a local health officer pursuant to WAC 246-100-040(3) may apply to the court for an order to show cause why the individual or group should not be released.

(a) The court shall rule on the application to show cause within forty-eight hours of its filing.

(b) If the court grants the application, the court shall schedule a hearing on the order to show cause as soon as practicable.

(c) The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.

(2) An individual or group isolated or quarantined may request a hearing in the court for remedies regarding breaches to the conditions of isolation or quarantine required by WAC 246-100-045.

(3) A request for a hearing shall not stay or enjoin an isolation or quarantine order.

(4) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court shall fix a date for hearing on the matters alleged as soon as practicable.

(5) Otherwise, upon receipt of a request under this section, the court shall fix a date for hearing on the matters alleged within five days from receipt of the request.

(6) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, the local health authority may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.

(7) Any hearings for relief under this section involving a petitioner or petitioners judged to be contagious for a communicable disease will be conducted in a manner that utilizes appropriate infection control precautions and minimizes the risk of disease transmission.

NEW SECTION

WAC 246-100-060 Right to counsel. A person or group of persons isolated or quarantined pursuant to WAC 246-100-040 has a right to be represented by counsel if they so elect. If such person or group requests counsel and cannot

afford counsel, the court shall appoint counsel consistent with the provisions of chapter 10.101 RCW. The local health officer must provide adequate means of communication between such persons or groups and their counsel.

NEW SECTION

WAC 246-100-065 Consolidation. In any proceedings brought pursuant to this chapter, to promote the fair and efficient operation of justice and having given due regard to the rights of affected persons, the severity of the threat to the public's health, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into group claims where:

- (1) The number of individuals involved or to be affected is so large as to render individual participation impractical;
- (2) There are questions of law or fact common to the individual claims or rights to be determined;
- (3) The group claims or rights to be determined are typical of the affected persons' claims or rights; and
- (4) The entire group will be adequately represented in the consolidation.

NEW SECTION

WAC 246-100-070 Enforcement of local health officer orders. (1) An order issued by a local health officer in accordance with this chapter shall constitute the duly authorized application of lawful rules adopted by the state board of health and must be enforced by all police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department in accordance with RCW 43.20.050.

(2) Any person who shall violate any of the provisions of this chapter or any lawful rule adopted by the board shall be deemed guilty of a misdemeanor punishable as provided under RCW 43.20.050.

(3) Any person who shall fail or refuse to obey any lawful order issued by any local health officer shall be deemed guilty of a misdemeanor punishable as provided under RCW 70.05.120.

WSR 03-05-051
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed February 14, 2003, 8:21 a.m.]

Date of Adoption: February 13, 2003.

Purpose: The department established a new section, WAC 388-543-1225, to codify specific requirements for providers who furnish items under the department's durable medical equipment program. The new section includes cross-references to chapter 388-502 WAC; requires that providers be able to furnish proof of delivery, when asked by MAA, of items delivered to clients; requires that providers obtain prior authorization from MAA before shipping an item

that requires such approval; and ensures there is no conflict of interest by requiring the medical professional who provides medical justification for durable medical equipment, etc., to MAA not have financial arrangements with suppliers of such items.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Adopted under notice filed as WSR 02-16-079 on August 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: Changes were made after consideration of comments received.

The text of the adopted rule varies from the text of the proposed rule. The changes (other than editing changes) follow (additions are underline, deletions are in ~~strike through~~):

WAC 388-543-1225(2) When a provider delivers an item directly to the client or the client's authorized representative, the provider must be able to furnish proof of delivery when MAA requests that information. All of the following apply:

(a) MAA requires a delivery slip is required as proof of delivery, and it must:

(i) Be signed and dated by the client or the client's authorized representative (the date of signature must be the date the item was received); ~~and~~

(ii) Include the client's name and a detailed description of the item(s) delivered, including the quantity and brand name; and

(iii) For durable medical equipment that would require future repairs, include the serial number.

WAC 388-543-1225(3) When a provider uses a delivery/shipping service to deliver items which are not fitted to the client, the provider must be able to furnish proof of delivery that the client received the equipment, when MAA requests that information. All of the following apply: ~~(e.g., a shipping invoice signed by the client or the client's representative).~~

(a) MAA requires the delivery service tracking slip as proof of delivery, and it must include:

(i) The client's name or a reference to the client's package(s);

(ii) The delivery service package identification number; and

(iii) The delivery address. And

(b) MAA requires the supplier's shipping invoice as proof of delivery, and it must include:

(i) The client's name;

(ii) The shipping service package identification number;

(iii) The quantity, detailed description(s), and brand name(s) of the items being shipped; and

(iv) For durable medical equipment that would require future repairs, include the serial number.

(c) When the provider submits a claim for payment to MAA, the date of service on the claim must be the shipping date.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 13, 2003

Bonita H. Jacques

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-543-1225 Provider requirements. (1) Providers and suppliers of durable medical equipment (DME) and related supplies, prosthetics and orthotics, medical supplies and related items must meet the general provider documentation and record retention requirements in WAC 388-502-0020. In addition to these requirements, the medical assistance administration (MAA) requires providers to furnish, upon request, documentation of proof of delivery as stated in subsections (2) and (3) of this section.

(2) When a provider delivers an item directly to the client or the client's authorized representative, the provider must be able to furnish proof of delivery when MAA requests that information. All of the following apply:

(a) MAA requires a delivery slip as proof of delivery, and it must:

(i) Be signed and dated by the client or the client's authorized representative (the date of signature must be the date the item was received);

(ii) Include the client's name and a detailed description of the item(s) delivered, including the quantity and brand name; and

(iii) For durable medical equipment that would require future repairs, include the serial number.

(b) When the provider or supplier submits a claim for payment to MAA, the date of service on the claim must be one of the following:

(i) For a one-time delivery, the date the item was received by the client or authorized representative; or

(ii) For nondurable medical supplies for which MAA has established a monthly maximum, on or after the date the item was received by the client or authorized representative.

(3) When a provider uses a delivery/shipping service to deliver items which are not fitted to the client, the provider must be able to furnish proof of delivery that the client received the equipment, when MAA requests that information. All of the following apply:

(a) MAA requires the delivery service tracking slip as proof of delivery, and it must include:

(i) The client's name or a reference to the client's package(s);

(ii) The delivery service package identification number; and

(iii) The delivery address.

(b) MAA requires the supplier's shipping invoice as proof of delivery, and it must include:

(i) The client's name;

(ii) The shipping service package identification number; (iii) The quantity, detailed description(s), and brand name(s) of the items being shipped; and

(iv) For durable medical equipment that would require future repairs, include the serial number.

(c) When the provider submits a claim for payment to MAA, the date of service on the claim must be the shipping date.

(4) A provider must not use a delivery/shipping service to deliver items which must be fitted to the client.

(5) Providers must obtain prior authorization on any item that requires such before delivering that item to the client. The item must be delivered to the client before the provider bills MAA.

(6) MAA does not pay for DME and related supplies, prosthetics and orthotics, medical supplies and related items furnished to MAA clients when:

(a) The medical professional who provides medical justification to MAA for the item provided to the client is an employee of, has a contract with, or has any financial relationship with the provider of the item; or

(b) The medical professional who performs a client evaluation is an employee of, has a contract with, or has any financial relationship with a provider of DME and related supplies, prosthetics and orthotics, medical supplies, and related items.

(7) See WAC 388-502-0100, 388-502-0110, 388-502-0120, and 388-502-0130 for provider payment requirements.

(8) See WAC 388-502-0150 and 388-502-0160 for provider billing requirements.

(9) See WAC 388-502-0220, 388-502-0230, 388-502-0240, and 388-502-0260 for provider appeal requirements.

**WSR 03-05-057
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-24—Filed February 14, 2003, 4:16 p.m., effective May 1, 2003]

Date of Adoption: February 8, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-12-020, 220-56-105, 220-56-175, 220-56-230, 220-56-235, 220-56-250, 220-56-255, 220-56-265, 220-56-320, 220-56-325, 220-56-350, 220-56-380, 232-28-619, and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-21-059 on October 15, 2002; and WSR 02-21-094 on October 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-56-129, change to a total prohibition on possession of freshwater bivalves.

WAC 220-56-175, delete proposed subsection [(2)](c).
 WAC 220-56-230 and 220-56-255, change closure to a "C" bounded by points at:
 48°N, 124°59'W
 48°N, 125°18'W
 48°18'N, 125°18'W
 48°18'N, 124°59'W
 48°11'N, 124°59'W
 48°11'N, 124°11'W
 48°04'N, 125°11'W
 48°04'N, 124°59'W

WAC 220-56-235, add new subsection, "(i) It is unlawful to land yelloweye rockfish taken for personal use into any port in Catch Record Card Areas 1-13. It is unlawful to land canary rockfish taken for personal use into any port in Catch Record Card Areas 1-13 unless the adjacent waters are open to retention of canary rockfish, and a landing may not exceed the allowable catch from the adjacent waters."

WAC 220-56-265, add "stretched mesh size" after "one-half inch."

WAC 220-56-350, Ala Spit closed; Brown Point open 1/1 - 4/15; Camano Island State Park closed; Dosewallips State Park open 3/1/ - 5/31; Eagle Creek open 6/1 - 7/15; Fort Flagler open 4/1/ - 5/15; Kitsap Memorial Park open 5/15 - 6/15; Kopachuck open 6/1 - 7/31; North Sequim Bay open year around; Oak Bay open 6/1 - 6/15; Point Whitney lagoon open 5/1 - 5/15; Port Townsend Canal open 1/1 - 4/30; Potlatch areas closed; restore night closure at Quilcene Bay; South Indian Island closed; Triton Cove open 7/15 - 9/30; West Dewatto open 1/1 - 5/31.

WAC 220-56-380, Dosewallips open 3/1 - 12/31; Kitsap Memorial Park open 5/15 - 7/15; Kopachuck open 3/1 - 7/31; Point Whitney open year around; Potlatch east and State Park open 4/1 - 6/30; restore night closure at Quilcene Bay; Scenic Beach open 4/16 - 6/30; Triton Cove open year around.

WAC 232-12-619, do not adopt amendments.

WAC 232-28-619, do not adopt season extension from October 31 to November 30; Cowlitz River - insert "Ohanepecosh River and mouth of" before "Muddy Fork"; amend Crab Creek to read, "March 1 through May 31 terminal gear restricted to a one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams"; do not adopt bait allowance in Grande Ronde River; Hoh River after "South Fork: June 1 through April 15 season." add, "Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing boat launch, June 1 through November 30 from Morgan's Crossing boat launch to the mouth of the South Fork, and" and delete "selective gear rules" after "mouth of south fork" in existing text; Lewis River East Fork add "Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day"; Little Pend Orielle River delete "Buffalo Road" and substitute, "the Little Pend Orielle wildlife refuge boundary about 1 mile downstream from the refuge headquarters office"; do not adopt Similkameen River proposal; do not adopt Skokomish River proposal; do not

adopt Soos Creek proposal; do not adopt Spokane River proposal; do not adopt Starvation Lake proposal; do not adopt Tye River proposal; do not adopt Van Winkle Creek proposal; do not adopt Wallace River proposal; Washougal River restore mouth to Mt. Norway Bridge additional season, selective gear, release all fish except 2 hatchery steelhead per day; do not adopt Wenas Lake proposal; do not adopt Willapa River proposal; Yakima River after "whitefish December 1 through last day in February" add, "Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam."

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 14, 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: May 1, 2003.

February 13, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

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	<i>Haliotis refescens</i>
Pinto abalone	<i>Haliotis kamtschatkana</i>
Mussel	
Blue mussel	<i>Mytilis edulis</i>
California mussel	<i>Mytilis californianus</i>
Scallops	
Pacific pink scallop	<i>Chlamys rubida</i>
Rock scallop	<i>Crassadoma gigantea</i>
Spiny scallop	<i>Chlamys hastata</i>
Weatherwane scallop	<i>Patinopecten caurinus</i>
Clams	
Bent nose clam	<i>Macoma secta</i>
All other macoma clams	<i>Macoma spp.</i>
Butter clam	<i>Saxidomus giganteus</i>

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Common cockle	<i>Clinocardium nuttalli</i>
Geoduck	<i>Panope abrupta</i>
Horse or Gaper clam	<i>Tresus nuttalli</i> , <i>Tresus capax</i>
Mud or soft shell clam	<i>Mya arenaria</i>
Manila clam	<i>Tapes philippinarum</i>
Piddock	<i>Zirfaea pilsbryi</i>
Razor clam	<i>Siliqua patula</i>
Rock or native little neck clam	<i>Protothaca staminea</i>
All other native <u>marine</u> clams	((Eulamellibranchia))
Oysters	
Eastern oyster	<i>Crassostrea virginica</i>
Olympia or native oyster	<i>Ostrea lurida</i>
Pacific oyster	<i>Crassostrea gigas</i>
Kumamoto oyster	<i>Crassostrea gigas (kumamoto)</i>
European oyster	<i>Ostrea edulis</i>
All other oysters	(Ostreidae)
Squid	
Pacific Coast squid	<i>Loligo opalescens</i>
Nail squid	<i>Onychoteuthis borealijaponica</i>
Flying squid	<i>Ommastrephes bartramai</i>
All other squid	Sepioidea or Teuthoiden
Octopus	
Octopus	<i>Octopus dofreni</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>

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.
- Humtulsips River - Mouth of Jessie Slough.
- Johns River - Highway 105 Bridge.

PERMANENT

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - 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:

Rockfish, <u>except canary and yelloweye rockfish</u>	1 fish
<u>except</u>	
((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 yellow-eye 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:

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Rockfish, <u>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:

Rockfish, <u>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.

(i) It is unlawful to land yelloweye rockfish taken for personal use into any port in Catch Record Card Areas 1-13. It is unlawful to land canary rockfish taken for personal use into any port in Catch Record Card Areas 1-13 unless the adjacent waters are open to retention of canary rockfish, and a landing may not exceed the allowable catch from the adjacent waters.

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 stretched mesh size, 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.

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(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~~) Closed the entire year.

(b) Brown Point (DNR 57-B): Open January 1 through (~~June 30~~) April 15.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: (~~Open June 1 through June 30~~) Closed the entire year.

(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~~) May 31 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~~) June 1 through (~~May 31~~) July 15.

(l) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through (~~June 30~~) May 15.

(m) Freeland County Park - Open January 1 through June 30.

(n) Frye Cove - Open January 1 through (~~June 30~~) May 31.

(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~~) 15.

(v) Kopachuck State Park: Open June 1 through (~~June 30~~) July 31.

(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.

(~~ee~~) Oak Bay County Park: Open (~~July~~) June 1 through (~~July~~) June 15.

(~~dd~~) (~~cc~~) 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~~) (~~dd~~) Penrose Point State Park: Open April 1 through April 30.

(~~ff~~) (~~ee~~) Picnic Point County Park: Closed the entire year.

(~~gg~~) (~~ff~~) Pitship Point: Closed the entire year.

(~~hh~~) (~~gg~~) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(~~ii~~) (~~hh~~) Point Whitney (excluding Point Whitney Lagoon): April 1 through April 30.

(~~jj~~) (~~ii~~) Point Whitney Lagoon: Open May 1 through May (~~31~~) 15.

~~((kk))~~ (jj) Port Townsend Ship Canal/Portage Canal: Open January 1 through ~~((March 31))~~ April 30.

~~((hh))~~ (kk) Potlatch DNR tidelands: ~~((Open April 1 through July 15-))~~ Closed the entire year.

~~((mm))~~ (ll) Potlatch East: ~~((Open April 1 through July 15-))~~ Closed the entire year.

~~((nn))~~ (mm) Potlatch State Park: ~~((Open April 1 through July 15-))~~ Closed the entire year.

~~((oo))~~ (nn) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

~~((pp))~~ (oo) 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))~~ (pp) Rendsland Creek: Open January 1 through May 31.

~~((rr))~~ (qq) Saltwater State Park: Closed the entire year.

~~((ss))~~ (rr) Scenic Beach State Park - Open April 16 through June 15.

~~((tt))~~ (ss) Seahurst County Park: Closed the entire year.

~~((uu))~~ (tt) Sequim Bay State Park - Open May 1 through June 15.

~~((vv))~~ (uu) Shine Tidelands State Park: Open January 1 through May 15.

~~((ww))~~ (vv) South Indian Island County Park: ~~((Open May 1 through August 15-))~~ Closed the entire year.

~~((xx))~~ (ww) Spencer Spit State Park: Open March 1 through July 31.

~~((yy))~~ (xx) Triton Cove ~~((Oyster Farm))~~ Tidelands: ~~((Closed the entire year-))~~ Open July 15 through September 15.

~~((zz))~~ (yy) Triton Cove State Park: Open April 1 through June 30.

~~((aaa))~~ (zz) Twanoh State Park: Closed the entire year.

~~((bbb))~~ (aaa) West Dewatto: DNR Beach 44A is open January 1 through ~~((June 30))~~ May 31.

~~((eee))~~ (bbb) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

~~((ddd))~~ (ccc) 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))~~ December 31 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))~~ June 30.

(g) Kitsap Memorial State Park: Open May 15 through ~~((August 31))~~ July 15.

(h) Kopachuck State Park: Open March 1 through ~~((June 30))~~ July 31.

(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.~~

~~((e))) Potlatch East: Open April 1 through ((September)) June 30.~~

~~((f))) (o) Potlatch State Park: Open April 1 through ((September)) June 30.~~

~~((g))) (p) 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.~~

~~((h))) (q) Scenic Beach State Park: Open April 16 through ((September)) July 30.~~

~~((s) Triton Cove Oyster Farm: Open May 1 through September 30.~~

~~((t))) (r) Triton Cove State Park: Open April 1 through June 30.~~

~~((u))) (s) 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))) (t) 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.

NEW SECTION

WAC 220-56-129 Unclassified freshwater invertebrates. (1) Definitions. For purposes of this section, "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 take or possess freshwater clams and mussels taken for personal use.

(3) Violation of this rule is punishable under RCW 77.15.140.

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.

(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 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 an eastward facing "C" shaped closed area defined as: Beginning at 48°N, 124°59'W, thence to 48°N, 125°18'W, thence to 48°18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to the point of origin.

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 1))~~ 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 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°18'N, 125°11'W; 48°18'N, 124°59'W; 48°04'N, 125°11'W; 48°04'N, 124°59'W))~~ an eastward facing "C" shaped closed area defined as: Beginning at 48°N, 124°59'W, thence to 48°N, 125°18'W, thence to 48°18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to the point of origin.

(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 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 02-249, 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 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release all steelhead June 1 through August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area

two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters June 1 through August 31.

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rodgers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rodgers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):
From mouth to Calispell Lake: Year around season.
From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon:

Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only 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.

~~((Cashmere Pond (Chelan County): Juveniles only.))~~

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

PERMANENT

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, September 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 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Land-locked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only. September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hyas Lake 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 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)) Spring 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 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

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 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout 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 Ohanepecosh River and 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.))~~ March 1 through May 31 ~~((from State Highway 17 to Grant County Road 7))~~ terminal gear restricted to one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Minimum length 14 inches. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): (~~Last Saturday in~~) April 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 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only 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 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon:

Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. 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.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cut-throat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 sea-

son. 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 season.

Hamilton Creek (Skamania County): ~~((June 1 through March 15 season.))~~ Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and 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 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through last day in February season. 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 1 through last day in February season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks

required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from Highway 109 Bridge to Ocean Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only 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 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 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

((~~Kiwanas~~) Kiwanis) Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 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 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit 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))~~ Trout: Release all ~~((fish))~~ trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from ~~((Buffalo Road))~~ the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to

Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at 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.

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 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April ~~((t))~~ through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): 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 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. (~~Mainstem from Roosevelt Street Bridge to Panjab Bridge~~) Selective gear rules. Trout: Maximum length twenty inches. (~~Upstream from Panjab Bridge~~: Closed waters.)

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum. All species: Release all fish except chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Moses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake 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 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 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon and of which not more than one may be an adult chinook salmon. Release pink salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): 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 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Wall-eye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

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 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 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 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake, North (Spokane County): ~~((Fly fishing only))~~
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 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 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: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30 and 6 salmon October 1 through December 15, except October 1 through December 15 the daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure 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 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Olympic National Park boundary. November 1 through April 30 from the Highway 101 Bridge downstream from Snider Creek to the Olympic National Park boundary unlawful to fish from a floating device and all species: Release all fish. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season. September 1 through October 31 - night closure. Trout: Minimum length fourteen inches. Salmon: Open only October 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 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 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release 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 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only 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 Novem-

ber 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suitttle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Game fish: Selective gear rules and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. 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 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 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 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish except sturgeon may be retained downstream from Highway 300 Bridge. From Highway 300 Bridge upstream to watershed boundary: Selective gear rules.

From Highway 300 Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the

lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish and of the adult fish not more than one may be a wild adult coho. Release chum and adult chinook.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 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))~~ Selective gear rules. Trout: Release all ~~((fish))~~ trout except up to 2 hatchery steelhead per day may be retained.

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 trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenoha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night

closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: July 1 through March 31 season. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season. Night closure and single point barbless hooks August 16 through November 30 mouth to Highway 6 Bridge. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30 Highway 6 Bridge to Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: Nonbuoyant lure restriction and night closure August 16 through October 31. All species: Release all fish except up to two hatchery steelhead may be retained. Additional November 1 through last day of February season. Nonbuoyant lure restriction and night closure November 1 through November 30. All species: Release all fish except that up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season. Mouth to High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31 from mouth to railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only 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 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. 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 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted. Channel catfish: No daily limit. Salmon: Open only September 16 through October 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam: Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size ((from Lake Easton to Keechelus Dam)).

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

AMENDATORY SECTION (Amending Order 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 Hoodport 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 03-05-059

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-32—Filed February 18, 2003, 10:44 a.m.]

Date of Adoption: February 7, 2003.

Purpose: Adopt direct retail sales rules and amend wholesale dealer and fisher selling at retail rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-69-240 and 220-69-241.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-21-115 on October 22, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-20-080, after first sentence in subsection (2), add, "except if the salmon or crab are being offered for sale directly off the catcher vessel, the fisher may 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 enter the actual number and weight of salmon or crab that were sold at retail." In the third sentence in subsection (2) delete all beginning with, "price at which..." and replace with, "actual sale price of the salmon or crab." In subsection (5) change "forty-eight" to "twenty-four," and after "food service establishment" add, ", except if the temporary food service establishment is in a county that did not issue the health certification letter, forty-eight hour notice is required." Insert a new subsection (7), "Each fisher offering salmon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of salmon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year." Renumber accordingly. To renumbered subsection (9) add, "(8)."

WAC 220-69-241, amend consistent with the above.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

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. Appli-

cants 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, except if the salmon or crab are being offered for sale directly off the catcher vessel, the fisher may 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 enter the actual number and weight of salmon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon or crab.

(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 twenty-four hours prior to sale and identify the location of the fisher's temporary food service establishment except if the temporary food service establishment is in a county that did not issue the health certification letter, forty-eight hour notice is required. The only acceptable notification is by telephone to 360-902-2936, 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) Each fisher offering salmon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of salmon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(8) 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.

(9) Violations of subsections (2), (3), (7), and (8) of this section are punishable under RCW 77.15.640.

(10) 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.

(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 enter 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 except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may 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 actual sale price of the fish or shellfish.

(2) Each fisher offering food fish or shellfish for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(3) 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 03-05-060
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-30—Filed February 18, 2003, 10:48 a.m.]

Date of Adoption: February 8, 2003.

Purpose: Amend coastal shrimp commercial fishery rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-050.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-030 on December 23, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Susan Yeager
for Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-165, filed 8/22/00, effective 9/22/00)

WAC 220-52-050 Ocean pink shrimp trawl fishery—Coastal waters. It is unlawful to fish for, possess or deliver ocean pink shrimp taken for commercial purposes from the

waters of the Exclusive Economic Zone except as provided for in this section:

(1) Ocean pink shrimp fishery:

(a) The open season for trawl gear is April 1 through October 31 of each year.

(b) The following gear is prohibited: Trawl gear having a net mesh size greater than two inches in the intermediate or codend, except for net mesh used in fish excluder devices. It is lawful to have net mesh larger than two inches in the wings or body of the trawl.

(c) It is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless an approved by-catch reduction device is used in each net. Approved by-catch reduction devices are:

(i) Soft Panel By-catch Reduction Device which uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(A) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal end of the codend;

(B) The panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots and must be constructed of a single panel of continuous netting, without zippers or other devices designed to allow disabling of the panel such that large fish can pass back into the codend;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net;

(ii) Nordmore Grate By-catch Reduction Device uses a rigid panel of narrowly spaced vertical bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. An approved Nordmore grate must meet the following criteria:

(A) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(B) None of the openings between the vertical bars in the rigid panel may exceed two inches in width;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(d) All by-catch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of an authorized agent of the state. No trawl gear may be removed from the vessel prior to offloading of shrimp.

(e) It is unlawful to modify by-catch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the by-catch reduction device to measure shrimp loss. Autho-

ri- sized testing of by-catch reduction devices must meet the following criteria:

(i) Testing is allowed by special permit only, consistent with the terms and conditions of the permit;

(ii) For vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled by-catch reduction device, the other net must be fishing a fully functional by-catch reduction device as described in (c) of this subsection.

((e)) (f) Minimum number of shrimp per pound: The count per pound must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound of each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This shall apply only to loads of 3,000 pounds of shrimp or more.

((d)) (g) Incidental catch-finish: It is unlawful to take salmon incidental to any shrimp fishery. It is unlawful to retain any bottomfish species taken incidental to shrimp trawl fishery except as provided for in WAC 220-44-050.

((e)) (h) Incidental catch-shellfish: (i) It is unlawful to retain any species of shellfish except that it is lawful to retain up to 50 pounds round weight of other shrimp species taken incidentally in the ocean pink shrimp fishery, or octopus or squid.

(ii) It is unlawful to fish for ocean pink shrimp within the territorial boundaries of the state.

((f)) (i) An ocean pink shrimp delivery license is the license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in the waters of the Exclusive Economic Zone.

(2) Fisheries for shrimp species other than ocean pink shrimp or ocean spot shrimp: Species other than ocean pink shrimp and ocean spot shrimp may only be taken incidentally to the ocean pink shrimp and ocean spot shrimp fisheries.

WSR 03-05-061

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-29—Filed February 18, 2003, 10:50 a.m.]

Date of Adoption: February 7, 2003.

Purpose: Add a new geographical definition.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-290.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-044 on December 24, 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.

PERMANENT

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-36, filed 3/13/01, effective 4/13/01)

WAC 220-33-060 Herring and anchovies. It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Purse seine and lampara gear may be used to fish for ~~((herring or))~~ anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(2) Lampara gear may be used to fish for herring if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(3) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

Licensing

~~((3))~~ (4)(a) A baitfish purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(b) ~~((A herring purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.~~

(c) A baitfish lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

~~((d))~~ (c) A herring lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

Fishing periods

~~((4))~~(5)(a) Purse seine and lampara gear may be used to fish for ~~((herring or))~~ anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.

(b) Lampara gear may be used to fish for herring in SMCRA 1A 7 days per week from January 1 through December 31.

General

~~((5))~~ (6) Species of fish other than herring or anchovies, except shad and pilchard, taken in the operation of the purse seine and lampara gear shall be returned immediately to the water. Pilchard taken incidental to the herring and anchovy fisheries provided for in this section may not exceed twenty-five percent of the weight of any landing.

NEW SECTION

WAC 220-16-290 Geographical definitions—Deep River (Wahkiakum County). For commercial fisheries, the mouth of the Deep River is defined as the Highway 4 Bridge.

WSR 03-05-062

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 03-26—Filed February 18, 2003, 10:53 a.m.]

Date of Adoption: February 8, 2003.

Purpose: Amend coastal commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-33-060, 220-36-03001, and 220-40-030.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-077 on December 30, 2002.

Changes Other than Editing from Proposed to Adopted Version: In WAC 220-36-03001 (6)(b) change closure to start February 1st.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

AMENDATORY SECTION (Amending Order 95-166, filed 11/8/95, effective 12/9/95)

WAC 220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.

(1) It ~~((shall be))~~ is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60B to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It ~~((shall be))~~ is lawful to fish for and possess bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It ~~((shall be))~~ is lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D, and it ~~((shall be))~~ is lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(4) It ~~((shall be))~~ is lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It ~~((shall be))~~ is lawful to fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It ~~((shall be))~~ is lawful to fish for ~~((take))~~ and possess ~~((herring,))~~ anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided ~~((such))~~ it is unlawful to use gear ~~((shall not exceed))~~ exceeding 1,400 feet in length ~~((not contain))~~ or containing meshes of less than 1/2-inch stretch measure. It is lawful to fish for herring with lampara gear in the waters of Grays Harbor, provided it is unlawful to use gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately ~~((with care,))~~ returned to the water.

(b) ~~((March))~~ February 1 through April 15 - Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It ~~((shall be))~~ is lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

(8) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

AMENDATORY SECTION (Amending Order 95-166, filed 11/8/95, effective 12/9/95)

WAC 220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon. (1) It ~~((shall be))~~ is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes of less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It ~~((shall be))~~ is lawful to fish for and possess bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gear.

(3)(a) June 1 through October 31 - It ~~((shall be))~~ is lawful to fish for and possess ~~((herring,))~~ anchovy, candlefish, or pilchards taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay, provided ~~((such))~~ it is unlawful to use gear ~~((shall not exceed))~~ exceeding 1,400 feet in length ~~((not contain))~~ or containing meshes less than one-half inch stretch measure. It is lawful to fish for and possess herring taken for commercial purposes with lampara gear from the waters of Willapa Bay, except it is unlawful to use lampara gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It ~~((shall be))~~ is lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It ~~((shall be))~~ is lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(5) It ~~((shall be))~~ is lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Bay except it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It ~~((shall be))~~ is lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

(7) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Manage-

ment and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

WSR 03-05-063
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-27—Filed February 18, 2003, 10:56 a.m.]

Date of Adoption: February 8, 2003.

Purpose: Amend dogfish shark commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-029 and 220-48-032.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-036 on December 23, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Susan Yeager

For Will Roehl, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

WAC 220-48-029 Set net—Dogfish—Seasons. (1) It is ~~((lawful)) unlawful~~ to take, fish for and possess dogfish and other species of bottomfish ~~((, except halibut, salmon and shellfish,))~~ taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

~~((1))~~ (a) Areas 20A and 20B - November 1 through June 15.

~~((2))~~ (b) Area 21A - March 1 through June 15.

~~((3))~~ (c) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.

~~((4))~~ (d) Areas 23C and 23D - ~~((Open all year))~~ September 16 through June 15.

~~((5))~~ (e) Areas 24A, 24B, and 24D - ~~((Open all year))~~ September 16 through June 15.

~~((6))~~ (f) Area 24C - ~~((Open all year))~~ September 16 through June 15, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.

~~((7))~~ (g) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - ~~((Open all year))~~ September 16 through June 15.

~~((8))~~ (h) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

~~((9))~~ (i) Area 25E - Closed all year ~~((except by permit issued by the director)).~~

~~((10))~~ (j) Area 26A - ~~((Open all year))~~ September 16 through June 15, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

~~((11))~~ (k) Area 26B - ~~((Open all year))~~ September 16 through June 15, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

~~((12))~~ (l) Area 26C - Open April 16 through June 15 and September 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

~~((13))~~ (m) Area 26D - ~~((Open all year))~~ September 16 through June 15, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

~~((14))~~ (n) Areas 27A, 27B, and 27C - ~~((Open all year))~~ September 16 through June 15.

~~((15))~~ (o) Area 28A - ~~((Open all year))~~ September 16 through June 15, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

~~((16))~~ (p) Areas 28B, 28C, and 28D - ~~((Open all year))~~ September 16 through June 15, except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

~~((17))~~ (q) Area 29 - ~~((Open all year))~~ September 16 through June 15.

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-48-032 Set line—Seasons. (1) Set line fishing for dogfish and other bottomfish is open in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas year round except as provided in this section.

(2) It is ~~((lawful)) unlawful~~ to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) All Marine Fish-Shellfish Management and Catch Reporting Areas (~~the entire year except as follows:~~

(+) June 16 through September 15.

(b) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

((2)) (c) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

((3)) (d) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

((4)) (e) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

((5)) (3) Incidental catch: It is unlawful to retain any shellfish and any fish other than bottomfish, and the cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

WSR 03-05-064

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 03-28—Filed February 18, 2003, 10:58 a.m.]

Date of Adoption: February 8, 2003.

Purpose: Amend shrimp district and logbook rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-051, 220-52-075, and 220-69-240.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-037 on December 23, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-52-051(8) after "1B" add "1C" and after "1B-22A" add "1C-21A"; in WAC 220-69-240 refer to "catch area."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 02-01-068, filed 12/14/01, effective 1/14/02)

WAC 220-52-051 Shrimp fishery—Puget Sound. (1)

A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(c) Area restrictions:

(i) Pot gear closed in all Puget Sound Shrimp Districts except the Port Townsend Shrimp District.

(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule:

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

(c) Area restrictions:

(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.

(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

~~((iii) Closed in waters shallower than 50 fathoms from March 16 through July 31.))~~

(4) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer, or if transferred at sea, without transfer to a licensed wholesale dealer. A fisher who is a licensed wholesale dealer may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(5) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (catch areas) are modified as follows:

(a) That portion of Catch Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Catch Area 23A.

(b) Catch Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59 N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59 N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(c) Catch Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(d) Catch Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(6) For purpose of shrimp trawl harvest allocation and catch reporting, 23A East is that portion of Catch Area 23A, east of a line projected true north from the Dungeness light-

house. 23A West is that portion of Catch Area 23A, west of the line described herein.

(7) The following areas are defined as Puget Sound Shrimp Management Areas:

(a) Shrimp Management Area 1A: The portion of Crustacean Management Region 1 which includes all waters of Catch Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island, west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island.

(b) Shrimp Management Area 1B: That portion of Crustacean Management Region 1 which includes all waters of Catch Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island, east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and east of a line projected true south from Point Colville, and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(c) Shrimp Management Area 1C: That portion of Crustacean Management Region 1 which includes all waters of Catch Areas 20A, 21B, 22B, and all waters of Catch Area 21A not included in Management Area 1B.

(d) Shrimp Management Area 2E: That portion of Crustacean Management Region 2 which includes all waters of Catch Areas 24A, 24B, 24C, 24D, and 26A-E (east).

(e) Shrimp Management Area 2W: That portion of Crustacean Management Region 2 which includes all waters of Catch Areas 25B, 25C, 25D, and 26A-W (west).

(8) In Shrimp Management Areas 1A, 1B and 1C, all catch will be reported by Management Area and Catch Area combined, either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A.

AMENDATORY SECTION (Amending Order 00-267, filed 12/29/00, effective 1/29/01)

WAC 220-52-075 Shellfish harvest logs. It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, shrimp other than ocean pink shrimp, squid, or sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fish and wildlife. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp other than ocean pink shrimp, squid, scallops, clams, or sand shrimp aboard. The vessel operator must submit the harvest logs for inspection upon request by authorized department of fish and wildlife representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred, except that commercial sea cucumber harvest logs must be received for each month of the season provided for in WAC

220-52-072 regardless of whether harvest activity occurred during the month, and all shellfish harvesters must submit a log that must be received by the tenth day following the termination of commercial fishing activity showing that shellfish harvest has terminated for the year.

(1) Vessel operators engaged in commercial harvest of shrimp other than Puget Sound shrimp or sand shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fish and wildlife boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale.

(2) Vessel operators engaged in commercial harvest of shrimp other than ocean pink shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location fished, trawl width, Marine Fish-Shellfish Management and Catch Reporting Area, depth fished, latitude and longitude to the nearest (~~tenth~~) hundredth of a minute (~~or to the nearest second~~) at the beginning (~~and end~~) of each tow, tow speed, duration of tow and estimated weight of shrimp of each species caught for each tow before leaving the site where the catch was taken or before commencing a new tow, whichever occurs first.

It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch.

(3) Vessel operators engaged in commercial harvest of sea urchins or sea cucumbers must record the vessel identity, date, location fished, depth fished, latitude and longitude to the nearest tenth of a minute or to the nearest second, and the approximate number of sea urchins or sea cucumbers taken before leaving the site where taken and the exact weight must be recorded upon landing or sale.

(4) Vessel operators engaged in commercial harvest of clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Vessel operators engaged in commercial harvest of scallops must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow or dive hour before leaving the catch area where taken.

(6) Vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel department of fish and wildlife boat registration number, gear type, catch area, starting and ending time of fishing, and

numbers of other species caught and returned. Weights of squid must be recorded on landing or sale.

(7) Vessel operators engaged in commercial harvest of sand shrimp, except when taken incidental to any other lawful fishery, must record the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens), total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

(8) Vessel operators engaged in commercial harvest of shrimp (other than sand shrimp) using shellfish pot gear in Puget Sound must record the vessel's Washington department of fish and wildlife boat registration number, date, number of pots pulled, pot mesh size, depth fished, soak time, gear location (including latitude and longitude to the nearest (~~tenth~~) hundredth of a minute), species targeted, and weight(s) of catch before leaving the site where catch is taken. A separate weight for each species caught and retained must be recorded. When single pots are fished an entry is required for each pot site. When two or more pots are fished on a common ground line the catch site must be recorded at the location of the last pot on the ground line that is pulled. It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch. Vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear must report their daily catch by telephone before leaving the last catch site fished each day. For harvest in Crustacean Management Regions 1A, 1B, 1C, or 2, reports must be made to the voice recorder at the La Conner district office. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the voice recorder at the Point Whitney shellfish laboratory. All reports must specify the fisher's name, estimated total number of pounds of each shrimp species in possession, number of pots fished, number of pot pulls (pots multiplied by pulls), the Marine Fish-Shellfish Management and Catch Reporting Area where shrimp were harvested, and the port or name of vessel where the catch will be landed or sold. The fish receiving ticket reporting requirements of WAC 220-69-240 remain in effect.

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, firms, or individuals, regardless of whether

or not the receiver or purchaser holds a license as required under Title 77 RCW, 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. 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) 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.

(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) 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 except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish gatherer shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish gatherer possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license 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.

(c) 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) Private sector cultured aquatic products.

(4) Fishermen, fishermen-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, 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) 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) 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 ((6))360((9)) - 466-4345 ext. 243.

(7) It is unlawful for any person receiving or purchasing geoducks from fishermen, 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) 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) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous ~~((day's))~~ week'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))~~ Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 360-796-4601, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(a) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish

receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, shall record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 360-796-4601, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(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.

((H)) (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. 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 ((F))360((P))_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 ((F))360((P))_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 ((F))360((P))_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 ((F))360((P))_906-6776 or ((F))360((P))_906-6777
- (ii) E-mail to crfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1281

((H)) (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 ((F))360((P))_586-8408 or by telephone to ((F))360((P))_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.

WSR 03-05-071

PERMANENT RULES

HORSE RACING COMMISSION

[Filed February 18, 2003, 12:14 p.m.]

Date of Adoption: February 13, 2003.

Purpose: To amend WAC on marijuana testing to coincide with the level of commission testing cups and the private testing facilities.

Citation of Existing Rules Affected by this Order: Amending WAC 260-34-090.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 03-02-016 on December 20, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

R. M. Lechner

Executive Secretary

AMENDATORY SECTION (Amending WSR 00-07-038, filed 3/16/00 [3/6/00])

WAC 260-34-090 A positive test. A drug test shall be positive when the presence of a controlled substance is confirmed by two independent tests performed on the same sample supplied by a licensee, employee, or applicant. The tests used will be the E.M.I.T. screen test, followed by a gas chromatography/mass spectrometry confirmatory test, or other tests which the scientific community recognizes as equally or more accurate and reliable. If marijuana or its derivatives, salts, isomers, or salts of isomers are detected in a drug test, such a result will not be reported positive unless found at levels of at least (~~one hundred~~) fifty nanograms per milliliter.

A positive drug test shall be reported by the laboratory to the presiding steward at the track. On receiving written notice from the laboratory that a specimen has been found positive for a controlled substance, the presiding steward shall initiate the following procedure:

(1) Written notice shall be given to the licensee, employee or applicant, setting a hearing by the board of stewards in accordance with WAC 260-24-440 within the next two racing days or seven calendar days, whichever is less, after service of the notice. The hearing may be held within a shorter or longer period of time if the licensee, employee, or applicant named and the board of stewards agree. Service shall be to the licensee, employee, or applicant personally, by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mail to the person's last known address. If by mail, service shall be deemed completed on the third day after mailing.

(2) The hearing shall be conducted before the board of stewards pursuant to WAC 260-24-440. At the hearing, the licensee, employee, or applicant shall be provided an opportunity to explain the positive test.

(3) The board of stewards' hearing shall be closed and the facts therein will be kept confidential unless for use with respect to any stewards ruling, order by the horse racing commission or judicial hearing with regard to such facts. Closure of the hearing and confidentiality of the proceedings may be waived by the licensee, employee, or applicant. The board may issue a public ruling which complies with the confidentiality requirements of this section and WAC 260-34-100.

(4) Lacking a satisfactory explanation and documentation or upon the licensee, employee, or applicant agreeing with the test results, the board of stewards shall suspend the licensee, employee, or applicant until:

(a) A negative test can be submitted by that licensee, employee, or applicant and the results reviewed by the board of stewards; and

(b) The licensee, employee, or applicant is referred to an approved agency for a drug evaluation interview and completes the evaluation.

(i) If the evaluation concludes that the licensee, employee, or applicant is not addicted or habituated, and if the board of stewards determines that the licensee's, employee's, or applicant's condition is not detrimental to the best interests of racing, the licensee, employee, or applicant shall be allowed to participate in racing provided he or she agrees that further testing may be done as described in WAC 260-34-030.

(ii) If such drug evaluation concludes that the licensee, employee, or applicant is addicted or habituated, or the board of stewards determines that the licensee's, employee's, or applicant's condition is detrimental to the best interests of racing, the licensee, employee, or applicant shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show official documentation that he or she has successfully completed a certified drug rehabilitation program approved by the board of stewards, in consultation with the executive secretary of the horse racing commission. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030.

(5) For a second positive drug test in the calendar year, the licensee, employee, or applicant shall be suspended for the balance of the calendar year or one hundred twenty days, whichever is greater, and the person is required to complete a certified drug rehabilitation program approved by the board of stewards in consultation with the executive secretary of the horse racing commission before applying for a reinstatement of license. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030.

(6) When any licensee, employee, or applicant has a history of more than two violations of WAC 260-34-020 or positive drug tests, the horse racing commission may, pursuant to a hearing conducted under chapter 260-08 WAC, declare such person detrimental to the best interests of racing and revoke that person's license or application. Reapplication shall not be permitted for such period of months or years as the commission determines is necessary to ensure the person's freedom from use of controlled substances and not until meeting the requirements of subsection (5) of this section.

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

WSR 03-05-076
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-34—Filed February 18, 2003, 2:40 p.m.]

Date of Adoption: February 7, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-47-301.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-031 on
 December 23, 2002.

Number of Sections Adopted in Order to Comply with
 Federal Statute: New 0, Amended 0, Repealed 0; Federal
 Rules or Standards: New 0, Amended 0, Repealed 0; or
 Recently Enacted State Statutes: New 0, Amended 0,
 Repealed 0.

Number of Sections Adopted at Request of a Nongov-
 ernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
 tiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify,
 Streamline, or Reform Agency Procedures: New 0,
 Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule
 Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-
 ing: New 0, Amended 0, Repealed 0; or Other Alternative
 Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 18, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-32, filed
 3/13/01, effective 4/13/01)

**WAC 220-47-301 Puget Sound—Lawful gear—
 Purse seine.** (1) Lawful purse seine salmon nets in Puget
 Sound shall not exceed 1,800 feet in length along the cork
 line while wet and purse seine and lead combined shall not
 exceed 2,200 feet. Neither shall contain meshes of a size less
 than ((4)) 3-1/2 inches, nor shall the meshes of the seine and
 lead be lashed together to form one continuous piece of
 webbed gear. It shall be lawful as part of the purse seine to
 have a bunt not more than 10 fathoms long which may con-
 tain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with
 purse seine gear in Puget Sound which contains mesh web-
 bing constructed of a twine size smaller than 210/30d nylon,
 12 thread cotton or the equivalent diameter in any other mat-
 erial.

(3) It shall be unlawful for any purse seine vessel to carry
 an extra lead or portion thereof unless stowed below decks
 during the fishing operation, nor may an extra lead or portion
 thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance
 between the inside of one knot to the outside of the opposite
 vertical knot of one mesh. Minimum mesh size is met if a

wedge of legal size can be passed without undue force
 through the mesh while wet.

(5) A purse seine will not be considered to be fishing
 once both ends of the seine are attached to the primary vessel.

(6) It shall be unlawful to take or fish for salmon with
 purse seine gear in Puget Sound unless at least four sections,
 each measuring no less than 12 inches in length, along the
 corkline in the bunt and within 75 fathoms of the bunt have
 no corks or floats attached. These four sections must be
 spaced such that one section is along the corkline in the bunt,
 within 5 fathoms of the seine net, and the other three sections
 must be spaced at least 20 fathoms apart along the corkline
 within 75 fathoms of the bunt.

WSR 03-05-078
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-31—Filed February 18, 2003, 4:28 p.m.]

Date of Adoption: February 7, 2003.

Purpose: Amend coastal bottomfish commercial fishery
 rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-105 on Janu-
 ary 2, 2003.

Changes Other than Editing from Proposed to Adopted
 Version: Subsection (1)(b), change "twenty" to "forty"; at
 end add ", not to exceed ten thousand pounds."

Number of Sections Adopted in Order to Comply with
 Federal Statute: New 0, Amended 0, Repealed 0; Federal
 Rules or Standards: New 0, Amended 0, Repealed 0; or
 Recently Enacted State Statutes: New 0, Amended 0,
 Repealed 0.

Number of Sections Adopted at Request of a Nongov-
 ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
 tiative: New 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 Mak-
 ing: New 0, Amended 0, Repealed 0; or Other Alternative
 Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 18, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-288, filed
 12/27/01, effective 1/27/02)

WAC 220-44-050 Coastal bottomfish catch limits. (1)
 It is unlawful to possess, transport through the waters of the

state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear handling or landing requirement, established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume 66, No. 8, published January 11, 2001, except thresher shark are further restricted as provided for in this section. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at ((☎)360(☎))-902-2930.

(a) It is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) It is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed ten thousand pounds.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research

work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

(5) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean north of the Washington-Oregon boundary and south of the United States-Canada boundary, and it is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

WSR 03-05-079

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 19, 2003, 8:26 a.m.]

Date of Adoption: February 19, 2003.

Purpose: Chapter 16-465 WAC, rules and regulations for the official determination of bacterial ring rot in seed potatoes. This rule specifies the sampling procedure, determination of bacterial ring rot, and disposition of infected planting stock. This proposal repeals WAC 16-465-001 Promulgation and 16-465-060 Effective date. Neither section is necessary and reflects an outdated approach to writing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-465-001 and 16-465-060.

Statutory Authority for Adoption: Chapters 15.08, 17.24, 15.14, 15.17, and 34.05 RCW.

Adopted under notice filed as WSR 03-01-126 on December 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 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 2.

Effective Date of Rule: Thirty-one days after filing.
February 19, 2003
Valoria Loveland
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-465-001 Promulgation.
WAC 16-465-060 Effective date.

WSR 03-05-080
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed February 19, 2003, 8:49 a.m.]

Date of Adoption: February 19, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-177 Replacement of license plates; and amending WAC 308-96A-021.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 03-01-013 on December 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 1, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 19, 2003
Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 98-19-075, filed 9/21/98, effective 10/22/98)

WAC 308-96A-021 Replacement plates—Requirements. (1) **How do I obtain replacement plate(s)?**

You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) **When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, stolen, destroyed, or mutilated; or

(b) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or

(c) Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233.

(3) **Who can apply for replacement plate(s)?**

One of the registered owners ((shall)) must apply for replacement plate(s).

(4) **What documentation do I need to apply for replacement plate(s)?**

(a) If your plate(s) are lost, stolen, destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent. A replacement plate fee will be charged.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department ((shall)) will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) **What if the department issued incorrect plate(s) for my vehicle?**

When incorrect plate(s) have been issued due to departmental error, the department ((shall)) will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

(6) **What is the replacement cycle date for my license plate?** The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

(7) **How will I obtain replacement plate(s)?** You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(8) **When I am required to replace a special license plate, will I receive the same license plate number/letter combination?** Special license plates in subsection (9)(b) through (m) of this section, upon request, will be replaced with the same number/letter combination as shown on the vehicle computer record.

(9) **What license plates are required to be replaced?** Vehicles that have license plates seven years or older that include:

- (a) Standard issue;
- (b) Collegiate;
- (c) HAM/MARS;
- (d) Personalized;
- (e) Ride share;
- (f) Disabled person;

- (g) Disabled veterans;
- (h) Pearl Harbor survivors;
- (i) Purple heart;
- (j) Stadium;
- (k) Square dancer;
- (l) Honorary Consular;
- (m) Former prisoner of war;
- (n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under.

(10) What license plates are exempt from the replacement requirements?

- (a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;
- (b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;
- (c) Collector vehicle, horseless carriage vehicle and restored plates;
- (d) Plates issued to government agencies with exempt use class; and
- (e) Congressional Medal of Honor license plates.

NEW SECTION

WAC 308-96A-047 Cooper Jones/Share the Road license plate emblems affixed to license plates. (1) **Where do I order the Cooper Jones/Share the Road license plate emblem?** You order them from the Washington state department of printing's general store located at www.prt.wa.gov or by mail to Department of Printing, P.O. Box 798, Olympia, WA 98507-0798.

(2) **Who may purchase the emblems?** Anyone may purchase as many emblems as they choose.

(3) **Is there a fee for the plate emblems?** A fee will be charged for each set of emblems described under RCW 46.16.333.

(4) **Are there vehicles that may not bear the Cooper Jones/Share the Road emblems?** Yes, those vehicles excluded under chapter 46.87 RCW, nonmotorized, and one-plated vehicles.

(5) **How shall I affix my Cooper Jones/Share the Road license plate emblem to my license plate?** In addition to requirements and limitations in RCW 46.16.327, the "SHARE THE ROAD" portion of the emblem set shall be displayed between the bottom license plate bolt holes of the front or rear license plate.

(6) **Do I have to affix my Cooper Jones/Share the Road emblem to a license plate?** No. There are no restrictions regarding placement of the emblem other than the license plate, or except where the law stipulates you may not obstruct the driver's view.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-177 Replacement of license plates.

WSR 03-05-081
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed February 19, 2003, 8:51 a.m.]

Date of Adoption: February 19, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-020, 308-56A-030, 308-56A-040, 308-56A-056, 308-56A-060, 308-56A-110, 308-56A-115, 308-56A-150, 308-56A-210, and 308-56A-295.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 03-01-014 on December 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 10, 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.

February 19, 2003

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 00-20-065, filed 10/3/00, effective 11/3/00)

WAC 308-56A-020 Application for certificate of ownership required. When is an application for certificate of ownership required? In addition to the requirements set forth in chapter 46.12 and 46.16 RCW an application for certificate of ownership is required when:

(1) ~~((A person purchases a vehicle requiring registration or titling in Washington and:~~

~~(a) You apply for vehicle registration on a vehicle that has not been previously in this state;~~

~~(b) You apply)) There is a change of vehicle ownership on a Washington certificate of ownership due to:~~

~~(a) Sale;~~

~~(b) Gift-donation;~~

~~(c) Inheritance;~~

~~(d) Trade;~~

~~(e) Addition or deletion of a registered owner;~~

~~(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;~~

~~(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;~~

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- (h) Court order;
- (i) Transferring vehicle to a trust;
- (j) Repossession; or
- (k) Adding/removing a lease on a vehicle.

(2) Applying for ((vehiele)) registration ((for)) of a vehicle which has most recently been titled and/or registered in another jurisdiction and only registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

~~((2) There is a change of vehicle ownership on a Washington certificate of ownership due to:~~

- (a) Sale;
- (b) Gift donation;
- (c) Inheritance;
- (d) Trade;
- (e) Addition or deletion of a registered owner;
- (f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;
- (g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;
- (h) Court order;
- (i) Repossession;
- (j) Transferring vehicle to a trust; or
- (k) Adding/removing a lease on a vehicle.)

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

(4) ~~((There is no change in the registered owner of the vehicle but the certificate of ownership needs to be reissued because:~~

~~(a) A lienholder's name needs to be added. If a secondary lienholder is being added, the address of only the primary lienholder will be recorded;~~

~~(b)) Adding or changing a lien holder.~~

(5) The vehicle is assembled, has had a glider kit installed or is a street rod((;)).

~~((e)) (6) The ((vehiele)) motorcycle engine has been replaced((;)).~~

~~((d)) (7) The vehicle has been changed or modified to accept a fuel other than that shown on the outstanding certificate of ownership.~~

(8) There has been a structural change, as defined in WAC 308-56A-150 (1)((e))(d), other than changing the bed of a truck((;or)).

~~((e)) (9) The vehicle identification number needs to be corrected.~~

~~((5)) (10) The vehicle has been reported destroyed by an insurance company wrecker, or vehicle owner(s) and new certificate of ownership is requested. Title procedures are in WAC 308-56A-460.~~

~~((6) The vehicle has been reported destroyed by the owner or a wrecker and is subsequently sold and licensed.)~~

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

WAC 308-56A-030 Owner name and address—Application for certificate of ownership. (1) What regis-

tered owner and lien holder or secured party information is required on the application for certificate of ownership?

The application for certificate of ownership ~~((shall))~~ must include:

(a) The name of each registered owner of the vehicle and, if the vehicle is subject to security interest, the name of each secured party;

~~(b) ((The department's assigned customer account number for each owner of the vehicle including secured parties if available;~~

~~(e)) The registered owner's mailing address ((at which one of the owners regularly receives mail)); and~~

~~((d)) (c) The first secured party's mailing address ((of the first secured party)).~~

(2) Do the addresses need to conform to United States Postal Service (USPS) standards?

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(3) Can more than one mailing address be shown on the application if there are multiple owners with different addresses((, may both addresses be shown on the application))?

No. The address of only one of the registered owners and ~~((one))~~ the first secured party will be accepted on the application for certificate of ownership.

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

WAC 308-56A-040 Name and address—Address. (1) If the owner's address changes, does the owner need to notify the department?

Yes.

(2) What information does the owner need to provide to the department if their address changes?

The owner shall provide the department with the following information:

(a) The registered owner's name as it appears on the department records;

(b) The license plate number or vehicle identification number (VIN) of each vehicle;

(c) The new address with at least a five digit zip code and preferably a nine digit zip code; and

(d) The county of the new address.

(3) Does the address need to conform to United States Postal Service (USPS) standards?

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

AMENDATORY SECTION (Amending WSR 99-21-098, filed 10/20/99, effective 11/20/99)

WAC 308-56A-056 Names separated by the words "and," "or," or the slash symbol "/". (1) **Does the department use the words "and," "or," or the slash symbol "/" when recording multiple interests on a certificate of ownership?** No, the department has not used these designations

since 1974 when recording ownership interest. For ~~((these))~~ certificates of ownership ~~((which may))~~ that have been issued using one of these designations~~((:))~~:

(a) Any registered owners so shown are considered to have equal registered owner interest in the vehicle ~~((and))~~;

(b) Any lien holder so shown is considered to have equal security interest in the vehicle.

(2) **Will the department use the words "and," "or," or the slash symbol "/" if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** No, the department does not allow the use of these designations when recording ownership interest. ~~((The department will list the names without the above designations.))~~

AMENDATORY SECTION (Amending WSR 99-08-064, filed 4/5/99, effective 5/6/99)

WAC 308-56A-060 Ownership in joint tenancy. (1) What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership? If owners own a vehicle in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate.

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership ~~((shall))~~ must show the name of every owner ~~((with))~~ and include the phrase "Joint tenants with rights of survivorship" spelled out. ~~((The address of only one owner can be accepted on the application.))~~

~~Example 1:~~

~~Doe, John~~

~~Doe, Jane~~

~~Doe, Mary~~

~~Joint tenants with rights of survivorship; or~~

~~Example 2:~~

~~Doe, John~~

~~Doe, Jane~~

~~Joint tenants with rights of survivorship.))~~

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWROS~~((:))~~" in the brands/comments section.

~~((4) If one of the owners dies, what additional documentation does the department require to transfer the certificate of ownership into the name(s) of the surviving owner(s)? The department requires a copy of the death certificate.))~~

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

WAC 308-56A-110 New vehicles—Manufacturer's statement/certificate of origin. (1) What ownership documentation from the manufacturer is required to title a new vehicle?

An application for a certificate of ownership ~~((to))~~ for a new vehicle ~~((shall))~~ must be accompanied by a manufacturer's statement/certificate of origin (MSO/MCO).

(2) **What information needs to be shown on the MSO/MCO?**

The MSO/MCO ~~((shall))~~ must contain at least the following information:

(a) First conveyance of the vehicle after its manufacture;

(b) The model year;

(c) Make;

(d) Model, body style;

(e) Vehicle identification number;

(f) An indication that the vehicle was not manufactured for road use, if applicable; and

(g) ~~((If a moped, a statement indicating the vehicle meets the definition in RCW 46.04.304.))~~ Shipping weight or curb weight.

(3) **What documentation may be used in lieu of an MSO/MCO?**

If the MSO/MCO is not available, the manufacturer's invoice to the dealer may be used. The manufacturer's invoice shall contain all the information required in subsection (2) of this section. If a flooring agent is shown on the invoice, the department requires a release of interest from the flooring agent.

(4) **How is a dealer-to-dealer sale recorded on the MSO/MCO before the first retail sale?**

A dealer-to-dealer sale is recorded in the assignment area on the MSO/MCO.

In the absence of an available assignment area a dealer to dealer report of sale or similar document may be used as long as a complete chain of ownership is documented from the original dealer named on the MSO/MCO through the retail selling dealer making the application.

AMENDATORY SECTION (Amending WSR 01-20-010, filed 9/20/01, effective 10/21/01)

WAC 308-56A-115 Vehicles from jurisdiction other than Washington. (1) What ownership documents are required to title and license a vehicle not currently titled or licensed in the state of Washington?

(a) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state.

(b) If the vehicle was acquired from an agency of the United States government, the ~~((original or a copy of the bill of sale))~~ federal ownership document issued by the United States government must accompany the application for certificate of ownership. When a bill of sale covers more than one vehicle, a photocopy may be accepted when:

(i) United States federal government already registered and/or titled in Washington with an FED use class, the purchaser needs a bill of sale and the current registration for an NTI or when title is issued in Washington, need title properly released.

(ii) A secured odometer disclosure completed only by the transferee/buyer if the vehicle falls within the federal odometer criteria.

~~((b) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state. The department will accept a copy of the current title when it is being held by the lien holder and is not available.))~~

(c) If a vehicle is titled in another country, the application for certificate of ownership must be accompanied by the most current ~~((title or))~~ ownership document issued by that jurisdiction. If the country from which the vehicle is imported cancels the vehicle title and/or registration for export, the application for certificate of ownership must be accompanied by documents showing proof of ownership and evidence of the cancellation.

(d) If a member of the United States armed forces owns the vehicle and the vehicle has been registered by ~~((the))~~ a United States government military entity, the application for certificate of ownership ~~((shall))~~ **must** be accompanied by the registration certificate as proof of ownership. If there is a lien holder, the ~~((United States))~~ armed forces member must ~~((contact))~~ **provide** the lien holder ~~((and obtain a copy of the ownership documents being held))~~ **information at the time of application.**

(2) What ownership documents are required to obtain a certificate of ownership for a vehicle from a nontitling jurisdiction ~~((that by policy or law does not title or register certain classes of vehicles based on age, type, or other criteria))~~?

(a) If the vehicle is from a jurisdiction that by policy or law does not title a specific vehicle, but does register it, the department will accept the registration as an ownership document. If the applicant is not the owner shown on the registration, a bill of sale or release of interest is also required.

(b) If the vehicle is from a jurisdiction that neither registers nor titles, the department will accept a statement from the applicant certifying when and where they purchased the vehicle, and that the previous jurisdiction does not title or register this type of vehicle. A bill of sale is required for vehicles brought in from such jurisdiction. A statement certifying how the vehicle was acquired must be submitted at the time of application. The Washington certificate of ownership may contain a special notation if issued under these circumstances. If the bill of sale is not available, ownership in doubt procedures from WAC 308-56A-210 apply.

(3) What if I am unable to locate a record of my vehicle in any jurisdiction? If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record of your vehicle, you may follow ownership in doubt procedures in WAC 308-56A-210.

(4) What ~~((ownership documents are))~~ is required to title a vehicle from a titling jurisdiction ~~((which))~~ that has refused to issue a title document for a specific vehicle?

If the jurisdiction has refused to issue title, Washington ~~((will))~~ **may** require the customer to comply with ownership in doubt procedures from WAC 308-56A-210. In those cases where a title was refused for reasons not applicable to Washington, the department may consider issuing a title with the appropriate documentation.

~~((4))~~ **(5) What ~~((additional))~~ documentation is required in addition to the ownership document if my vehicle is from a foreign country? In addition to the ownership document, the application for certificate of ownership must be accompanied by:**

(a) An approved United States Department of Treasury Customs Service form properly executed authorizing the vehicle entry into this country. Applications for certificate of ownership for vehicles imported from Puerto Rico need not be accompanied by a customs document;

(b) An English translation for any document provided which is not in the English language. The translator shall provide a notarized/certified affidavit attesting to the accuracy of the translation;

(c) A release of interest from the owners shown on the ownership documents, as provided in WAC 308-56A-210, if the applicant is not the owner shown ~~((and~~

~~((d) The current valid ownership document.~~

~~((5) What if my vehicle does not pass the EPA?~~

~~If the vehicle does not conform with all applicable federal motor vehicle safety standards or federal air pollution control regulations, and the United States Customs Service will not issue a custom document, the department will not issue a certificate of ownership or registration for the vehicle.~~

~~((6) What if there is no indication that my vehicle is from a nontitle or nonregistration jurisdiction, and no other jurisdiction has a record of my vehicle?~~

~~If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record for your vehicle, you need to follow ownership in doubt procedures in WAC 308-56A-210).~~

AMENDATORY SECTION (Amending WSR 01-20-010, filed 9/20/01, effective 10/21/01)

WAC 308-56A-150 Certificate of vehicle inspection.

(1) When is a certificate of vehicle inspection required? A certificate of vehicle inspection, signed by an authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) Reported destroyed since the last certificate of ownership was issued;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent ~~((, for example, if there is a reason to believe the vehicle identification number has been removed, defaced, altered, destroyed, or if it has become illegible or is missing));~~

(d) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

~~((e) (A used vehicle and no Washington record can be found unless the vehicle is titled or registered in a state or jurisdiction other than Washington;~~

~~((f))~~ (f) A kit vehicle not previously titled as such (if no vehicle identification number previously assigned);

~~((g))~~ (f) A street rod not previously titled as such;

~~((h))~~ (g) A glider kit not previously titled as such;

~~((i))~~ (h) Questionable as to ownership;

~~((j))~~ (i) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

~~((k))~~ (j) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

(2) ~~((What))~~ **Is there a fee** ~~((is))~~ **charged for a Washington state patrol VIN inspection?** The VIN inspection fee is ~~((fifty dollars as))~~ authorized by chapter 46.12 RCW unless:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other ~~((competent inspecting agencies))~~ **entities or individuals** designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

~~((a) Thirty))~~ **Sixty** days for vehicles:

~~((i))~~ (a) Reported destroyed;

~~((ii))~~ (b) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

~~((iii))~~ (c) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

~~((iv))~~ (d) With structural change in, or modification of, body or frame changing the class designation or body type;

~~((v))~~ (e). Referred for inspection for any reason not listed.

~~((b) Sixty days for vehicles:~~

~~((i) From a foreign jurisdiction;~~

~~((ii))~~ (i) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.

~~((e))~~ (ii) One year for vehicles required to be inspected under subsection (1)(a) through ~~((k))~~ (j) of this section and held for sale by a licensed dealer.

~~((5) Is the vehicle identification number inspection certificate provided by the Washington state patrol (WSP) valid other than in Washington state? In accordance with WSP rules, the inspection certificate provided by the WSP is valid only in Washington state except as otherwise specified by the Washington state patrol.~~

~~((6) Why are the words "register" and "registered" used in place of "title" and "titled" in chapter 125, Laws of 2001? The words "register" and "registered" are used in place of "title" and "titled" in chapter 125, Laws of 2001 because RCW 46.12.010 requires vehicles registered in this state to also have a certificate of ownership. For the purposes of section 3, chapter 125, Laws of 2001, the registration process is not complete until it is confirmed that the vehicle is not sto-~~

~~len. Certificate of ownership will not be issued and the license tabs and registration certificate shall be invalid for vehicles which have been confirmed stolen.))~~

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

WAC 308-56A-210 Ownership in doubt. (1) **What does an applicant do** ~~((if they are unable to provide))~~ **when an acceptable release of interest as defined in WAC** ~~((308-56A-105 from the owner(s) of record for a vehicle))~~ **308-56A-265 is not available?**

When an applicant is unable to provide an acceptable release of interest, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. Such judgment is required if ownership of the vehicle is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for registration only or bonded certificate of ownership as described in this rule if a judgment is ~~((unnecessary))~~ **unavailable** as described in (a) of this subsection. The applicant ~~((shall))~~ **must**:

(i) Provide evidence of ownership of the vehicle such as, but not limited to, a bill of sale;

(ii) Obtain a Washington state patrol VIN inspection;

(iii) Make a reasonable effort to determine ownership of the vehicle by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vehicle may request the name and address of the owner(s) of record for that vehicle from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When the department is satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vehicle.

(A) If a record is found, the applicant ~~((shall))~~ **must** send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter ~~((shall))~~ **must** contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest.

(B) If ~~((no record is found, or))~~ the previous owner ~~((did))~~ **does** not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant ~~((shall))~~ **must** provide ~~((an))~~ **the form titled Affidavit of Request for Bonded Title or Registration without Title** ~~((form)),~~ explaining how the vehicle was acquired;

If no record is found, the applicant must provide the completed form titled, Affidavit of Request for Bonded Title or Registration without Title.

(iv) Determine whether to bond the vehicle and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vehicle is a Washington state vehicle dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement

on the last record ((as)) found ((in (b)(i) of this subsection)). A bond shall be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vehicle as determined by one of the following:

- (A) Information provided by any guide book or other publication of recognized standing in the vehicle industry; or
- (B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

(2) If I have a bonded certificate of ownership, how can I get a certificate of ownership without the bonded notation?

In order to get a certificate of ownership without the bonded notation, you may:

- (a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or
- (b) After the three-year period, make application to the department.

(3) If I have a three-year registration only, how can I obtain a certificate of ownership?

In order to ((get)) receive a certificate of ownership, you may:

- (a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or
- (b) After the three-year period, make application to the department.

(4) ((Can)) May I sell ((the)) a vehicle ((when there is)) with a bonded certificate of ownership or ((has)) a three-year registration only?

Yes. A bonded certificate of ownership may be released and provided to the buyer the same as any other certificate of ownership. There is a possibility that a Washington bonded certificate of ownership may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. If there is a registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section ((or shall apply to the department for ownership in doubt as described in subsection (1)(b) of this section and complete)) or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized/certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or registration only process.

AMENDATORY SECTION (Amending WSR 99-01-014, filed 12/7/98, effective 1/7/99)

WAC 308-56A-295 Vehicle sold—Reported stolen—Liability if abandoned. Who is responsible for removal, storage, and disposal fees if a vehicle has been reported stolen after it was reported sold, and is subsequently abandoned?

If a report of sale has been properly filed with the department prior to the date the vehicle was reported stolen, the pur-

chaser shown on that report of sale ((shall)) will be responsible for removal, storage, and disposal fees. If a report of sale has not been properly filed, the registered owner on the department records remains liable.

WSR 03-05-082
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed February 19, 2003, 8:52 a.m.]

Date of Adoption: February 19, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-074, 308-96A-314, 308-96A-316, and 308-96A-550.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.335, 46.12.070.

Adopted under notice filed as WSR 03-01-015 on December 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 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.

February 19, 2003

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 02-16-071, filed 8/6/02, effective 9/6/02)

WAC 308-96A-074 Antique vehicle—Collector vehicle license plates. (1) What is a collector vehicle license plate? For the purposes of this section a collector vehicle license plate is a special license plate indicating "Collector Vehicle(♠)." The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) What vehicles qualify for a collector vehicle license plate? Any motor vehicle which is:

- (a) More than thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

(7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

AMENDATORY SECTION (Amending WSR 02-04-002, filed 1/23/02, effective 2/23/02)

WAC 308-96A-314 Disabled person special license plates—Individual. (1) **Where can I obtain a disabled person special license plate and identification card?**

You may apply for a disabled person special license plate at most Washington vehicle licensing offices. You will receive the identification card and disabled person special license plates in the mail.

(2) **How do I obtain disabled person special license plates?**

To receive disabled person special license plates:

(a) Your name must be shown on the department's record as being a registered owner of the vehicle; and

(b) You must be certified by a licensed physician as having a permanent disability or have a permanent disabled person parking privilege established with the department.

(3) **When do the disabled person special license plates and identification card expire?**

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate (~~(expires five years)~~) must be renewed every fifth year from the month of issuance of the privilege.

(4) **When are the disabled person special license plates no longer valid?**

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) Upon death of the disabled person;

(d) If the disability no longer exists;

(e) The disabled person special license plates have been (~~(cancelled)~~) canceled by department administrative action;

(f) If the privilege was issued in error; or

(g) If the disabled person is no longer shown on the department's record as being a registered owner of the vehicle.

(5) **How do I replace a disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

You shall complete and sign a statement explaining what happened to the disabled person special license plate(s) and pay replacement plate fees. Replacement special disabled person license plates will be issued indicating the current expiration date. (~~(This voids the previously issued plates.)~~) See note following subsection (6) of this section.

(6) **When I am required to replace my disabled person special license plate(s), will I receive the same number/letter combination?** Yes. Upon request you will receive replacement disabled person parking special license plate(s) with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

AMENDATORY SECTION (Amending WSR 02-04-002, filed 1/23/02, effective 2/23/02)

WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) **When can a qualifying organization use disabled person special license plates or special disabled person parking placards?**

Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) How does an organization qualify for disabled person special license plates and permanent disabled person parking placards?

The organization must:

(a) Meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent disabled person parking placard or disabled person special license plate to the department by April 30th each year.

(3) How does a qualifying organization apply for disabled person special license plates and permanent disabled person parking placards?

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) What may a qualifying organization receive when approved for disabled person parking privileges?

(a) Disabled person special license plates may be issued for vehicles registered to the organization which regularly transport persons who have qualified or would qualify for disability parking privilege; or

(b) Disabled person parking placard(s) which may be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disability parking privilege.

An organization may receive up to ninety-nine placards based on their legitimate business requirements. The department may approve exceptions.

(5) Where does a qualifying organization obtain disabled person parking placard(s) or disabled person special license plates?

A qualifying organization may obtain permanent disabled person parking placard(s) and disabled persons special license plates at a Washington vehicle licensing office.

(6) Is a qualifying organization issued an identification card?

No. An identification card will not be issued for an organization.

(7) When does the permanent disabled person parking placard(s) issued to a qualifying organization expire?

The permanent disabled person parking placard(s) expires five years from the date of issuance. On the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2003, it expires May 31, 2003.

(8) When are the disabled person special license plates issued to a qualifying organization no longer valid?

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting disabled persons;

(d) The disabled person special license plates have been ~~cancelled~~ canceled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is ~~cancelled~~ canceled or expires;

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report.

(9) How does a qualifying organization replace permanent disabled person parking placards or disabled person special license plates if they become lost, mutilated, destroyed, or stolen?

The organization shall complete and sign a statement explaining what happened to the placards or disabled person special license plates and pay replacement fees. Replacement permanent disabled person parking placards or disabled person special license plates will be issued indicating the ~~(current)~~ original expiration date. This voids the previously issued permanent placards or plates. See note following subsection (10) of this section.

(10) When I am required to replace my disabled person special license plate, will I receive the same license plate number/letter combination? Yes. Upon request you will receive replacement disabled person parking special license plates with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

(11) How does a qualifying organization renew their permanent disabled person parking placard?

The department will send a disabled person parking renewal notice to the qualifying organization before the privilege expires. The privilege is renewed by submitting the completed and signed renewal notice or a new application may be submitted in lieu of the renewal notice. Upon approval of the properly completed and signed renewal notice or application the department will issue new placards.

~~((11))~~ **(12) When are the disabled person parking placards, issued to qualifying organizations, no longer valid?**

Disabled persons parking placards are no longer valid when:

(a) The organization no longer qualifies;

(b) The organization's business license is canceled or expires;

(c) The placard was issued in error;

(d) A replacement has been issued; or

(e) If the organization fails to return the annual report.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate license plates?** The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324. The following criteria must be satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.

(b) The plates will consist of numbers, letters, or figures or any combination thereof not exceeding seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(f) The plate must be designed so that it can be easily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. The design must be approved by the department based on compatibility with the basic license plate design.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to the registered owner of the vehicle regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to obtain the same collegiate license plate number if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270. ~~((New collegiate license plates will be issued bearing the next available license plate number.))~~ See note following subsection (8) of this section.

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

(8) When I am required to replace my collegiate license plate, will I receive the same license plate num-

ber/letter combination? Yes. If you request, you will receive replacement collegiate license plates with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

WSR 03-05-089

PERMANENT RULES

GAMBLING COMMISSION

[Order 417-B—Filed February 19, 2003, 10:53 a.m., effective June 30, 2003]

Date of Adoption: February 14, 2003.

Purpose: At the November 2002 commission meeting, the commission adopted an amended version of WAC 230-08-017. The term "annual" was inadvertently left out of WAC 230-08-017(5) when it was reformatted into a chart. It was not the commission's intention to remove "annual" and the commission will be asked to readopt this rule to clarify four stamps are "annual" stamps.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-017.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-17-032 on August 13, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 30, 2003.

February 13, 2003

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, linked bingo prize providers, and

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operators shall maintain close control over all gambling equipment in their possession.

Documenting equipment transfers.

(1) Each licensee that transfers leases or provides gambling equipment shall document the transaction by completing an invoice or other written record setting forth the information required by WAC 230-08-040.

ID stamps to be affixed to equipment.

(2) Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

Equipment/devices requiring ID stamps.

(3) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:

- (a) Punch boards and pull-tab series;
- (b) Pull-tab dispensing devices;
- (c) Disposable bingo cards;
- (d) Coin or token-activated amusement games operated at any Class A amusement game license location;
- (e) Electronic bingo card daubers;
- (f) Electronic card facsimile table; and
- (g) Other gambling equipment or devices, as determined by the director.

Purchasing and affixing ID stamps.

(4) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: Provided, That a licensed owner of controlled gambling equipment may purchase and attach stamps as outlined in subsections (10) and (11) of this section;

Fees for ID stamps.

(5) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

- ~~((a) Punch boards and pull-tabs:~~
 - ~~(i) Standard wagers fifty cents and below twenty seven cents;~~
 - ~~(ii) Standard wagers over fifty cents one dollar and two cents;~~
 - ~~(iii) Progressive jackpot pull tab series ten dollars and twenty seven cents per series;~~
 - ~~(iv) Pull tab series with carry over jackpots one dollar and two cents;~~
- ~~(b) Pull tab dispensing devices:~~
 - ~~(i) Mechanical and electro-mechanical twenty seven cents;~~
 - ~~(ii) Electronic pull tab dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull tabs;~~

~~accounting for income or prizes, and other functions determined by the director one hundred two dollars and seventy nine cents annually:~~

- ~~(c) Disposable bingo cards:~~
 - ~~(i) Sets of individual cards or sheets of cards twenty seven cents;~~
 - ~~(ii) Collations of cards one dollar and thirteen cents;~~
 - ~~(iii) Cards used to play for linked bingo prizes forty one cents per two hundred fifty cards.~~
- ~~(d) Coin or token activated amusement games operated at any Class A amusement game license location twenty five dollars and sixty nine cents annually;~~
- ~~(e) Electronic bingo card daubers ten dollars and twenty seven cents annually;~~
- ~~(f) Electronic card facsimile table three hundred fifty dollars annually for each table;~~
- ~~(g) Other equipment or devices the actual cost of inspection or approval, as determined by the director.))~~

Equipment Type	Definition	Fee
(a) Punch boards and pull-tabs		
(i) Standard	Wagers fifty cents and below	\$.27
(ii) Standard	Wagers over fifty cents	\$1.05
(iii) Progressive jackpot pull-tab series	Per series	\$10.60
(iv) Pull-tab series with carry-over jackpots	Per series	\$1.05
(b) Pull-tab dispensing devices		
(i) Mechanical and electro-mechanical		\$.27
(ii) Electronic	Dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull-tabs, accounting for income or prizes, and other functions determined by the director	\$106.17 annually
(c) Disposable bingo cards		
(i) Sets of individual cards or sheets of cards		\$.27
(ii) Collations of cards		\$1.16
(iii) Cards used to play for linked bingo prizes	Fee is per 250 cards Fee is per 5000 cards	\$.42 \$8.49
(d) Coin or token-activated amusement games		
Operated at any Class A amusement game license location		\$26.53 annually
(e) Electronic bingo card daubers		\$10.60 annually
(f) Electronic card facsimile table		\$361.51 annually
(g) Other equipment or devices		The actual cost of inspection or approval, as determined by the director

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ID stamps valid for one year - exception.

(6) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year.

Affixing stamps - shipping and packaging.

(7) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton.

Location of ID stamps on equipment/devices.

(8) Stamps and records entry labels shall be affixed in the following manner:

(a) **Punch boards** - on the reverse side in an area that will not obstruct removal of punches: Provided, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punch board in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) **Pull-tabs** - on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission;

(c) **Pull-tab dispensing devices** - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull-tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded;

(d) **Disposable bingo cards** - on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: Provided, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons; and

(e) **Electronic facsimile card table** - on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the card facsimiles. The records entry labels shall not be affixed to table and may be discarded.

ID stamps shall only be affixed to approved devices.

(9) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval.

Licensed owners may purchase ID stamps.

(10) A licensed owner of gambling devices which require annual identifications and inspection services stamps may purchase such from the commission. The licensee shall submit the appropriate fee, along with a form provided by the commission, to obtain the stamps.

Replacing worn ID stamps on pull-tab dispensing devices.

(11) A licensed owner of pull-tab dispensing devices may obtain a commission identification and inspection services stamp to replace an identification stamp affixed to a pull-tab dispensing device that has become unidentifiable due to wear. The fee for replacement of the stamp shall be as required by WAC 230-04-202 and/or 230-04-203. The operator or distributor shall furnish the following information to the commission:

(a) A copy of the invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question; or

(b) A complete description of the pull-tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device, if known.

Recordkeeping and replacing damaged stamps.

(12) Manufacturers shall maintain records that will allow accountability for all identification and inspection services stamps issued to them by the commission for at least three years after they are affixed to devices and sold. This accountability shall be by indefinite retention of unused or damaged stamps or by records as set out in WAC 230-08-025: Provided, That damaged stamps may be returned to the commission and will be replaced with serviceable stamps if they are accompanied by a detailed listing of the damaged stamps and a ten cent per stamp service charge.

WSR 03-05-097

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 19, 2003, 11:35 a.m.]

Date of Adoption: February 14, 2003.

Purpose: Adopting new chapter 388-72A WAC, Comprehensive assessment and reporting evaluation tool. These rules are needed to implement the new comprehensive assessment reporting evaluation (CARE) tool, an automated system used to collect demographic data, assess functional needs and abilities, health, and medical information, determine eligibility for services, develop a care plan, and authorize services for clients on or requesting long-term care services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.090.

Adopted under notice filed as WSR 03-01-116 on December 18, 2002.

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Changes Other than Editing from Proposed to Adopted Version: (New text underlined, deleted text lined out):

WAC#	Final Language	Reason
388-72A-0035 (1)(i)	Medication management, how you self-administer medications prescribed by primary care provider or administer when you are unable <u>Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements</u>	The definition did not adequately describe Medication Management. This definition is clarifying the definition of Medication Management.
388-72A-0035 (1)(d)	Dressing, how you put on, fasten, and take off all items of street clothing, including donning/removing prosthesis.	Dressing is not limited to street clothes. This is being corrected to reflect this.
388-72A-0040 (2)(a)(vi)	... during the entire seven-day period. <u>The activity may not have occurred because:</u> (A) <u>You were not able (e.g. Walking, if paralyzed), or</u> (B) <u>No provider was available to assist, or</u> (C) <u>You declined assistance with the task.</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this.
388-72A-0055 (4)(b)	You have an unmet or partially met need <u>or the activity did not occur (because you were unable or no provider was available)</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this.
388-72A-0060 (2)	You have an unmet or partially met need <u>or the activity did not occur (because you were unable or no provider was available)</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this.
388-72A-0065(2)	Have an unmet or partially met need <u>or the activity did not occur (because you were unable or no provider was available)</u>	Public comments were received asking for clarification of whether "activity did not" occur would meet the criteria for eligibility. The language has been updated to reflect this.

WAC#	Final Language	Reason
388-72A-0070	The department employs a client classification methodology consisting of twelve <u>fourteen</u> care groups.	This was an error on the proposed rules.
388-72A-0095(3)	what services you choose to receive if you are eligible, per WAC 388-72A-0055, 388-72A-0060, 388-72A-0065, 388-15-652 or 388-15-653. The hours may be used to authorize: (a) Personal care services (per WAC 388-72A-0055, 388-72A-0060, or 388-72A-0065); (b) Home delivered meals (per WAC 388-72A-0055); (c) Adult day care (per WAC 388-72A-0055 or 388-15-652); (d) Adult day health (per WAC 388-72A-0055 or 388-15-653); (c) [(e)] A home health aide (per WAC 388-72A-0055).	The rule references only to apply to certain items in the list. The references have been moved to reflect this.

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 22, 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 22, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Bonita H. Jacques

for 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 03-06 issue of the Register.

PERMANENT

WSR 03-05-100

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed February 19, 2003, 11:39 a.m.]

Date of Adoption: February 14, 2003.

Purpose: Adoption of new rules in chapter 388-818 WAC, Deaf and hard of hearing services. The purpose of the chapter is to provide regulations about social and telecommunications access services for people with hearing loss and speech impairments. Technology advancements and expanded eligibility for participation in the distribution program prompted a change in the law. SHB 1884 was signed into law on May 7, 2001, as chapter 210, Laws of 2001. The sections in this chapter have been reorganized and revised to make the language clearer and easier to understand.

Citation of Existing Rules Affected by this Order: New sections WAC 388-818-0010 What is the purpose of this chapter?, 388-818-0020 What does the Office of the Deaf and Hard of Hearing do?, 388-818-0030 What does the telecommunications access service do?, 388-818-0040 What definitions apply to this chapter?, 388-818-0050 What social services relating to hearing loss are available to the public?, 388-818-0060 Who are qualified service providers?, 388-818-0070 Is telecommunications equipment available for clients?, 388-818-0080 What items are not included with telecommunications equipment?, 388-818-0090 Who is eligible to apply for telecommunications equipment from TAS?, 388-818-0100 Who must certify an applicant's eligibility for telecommunications equipment from TAS?, 388-818-0110 How do applicants request specialized telecommunications equipment?, 388-818-0120 What types of income are included when requesting equipment from TAS?, 388-818-0130 How are applicants notified about decisions for telecommunications equipment?, 388-818-0140 What are reasons for denying telecommunications equipment?, 388-818-0150 When may clients renew their applications for telecommunications equipment?, 388-818-0160 How do clients renew their application for telecommunications equipment?, 388-818-0170 Are nonprofit organizations eligible for telecommunications equipment?, 388-818-0180 What process do nonprofit organizations follow to receive telecommunications equipment from TAS?, 388-818-0190 How much does an applicant have to pay for telecommunications equipment?, 388-818-0200 How does an applicant request a waiver (exception) of equipment cost?, 388-818-0210 What conditions must be met for a client to receive purchased telecommunications equipment?, 388-818-0220 When is telecommunications equipment owned by the client?, 388-818-0230 May clients return purchased telecommunications equipment?, 388-818-0240 When may telecommunications equipment be loaned to an applicant?, 388-818-0250 What are the conditions for loaning telecommunications equipment?, 388-818-0260 When does state-loaned equipment have to be returned to TAS?, 388-818-0270 May a person take loaned telecommunications equipment outside the state?, 388-818-0280 Will training be provided on the use and care of telecommunications equipment?, 388-818-0290 What services do trainers provide to

clients?, 388-818-0300 When may telecommunications equipment be replaced?, 388-818-0310 When may requests for replacement telecommunications equipment be denied?, 388-818-0320 Who may receive reconditioned telecommunications equipment?, 388-818-0330 May an applicant disagree with a DSHS decision about telecommunications equipment?, 388-818-0340 What is a relay complaint?, 388-818-0350 What may a client do when dissatisfied with relay services?, 388-818-0360 May a client file a formal complaint about the relay service?, 388-818-0370 When is customer service available for clients?, 388-818-0380 May clients file their complaint about relay services with the FCC?, 388-818-0390 May the FCC file a complaint? and 388-818-0400 What documents must ODHHS keep for complaints?; and repealing WAC 388-818-001 Scope, 388-818-002 Regional centers, 388-818-003 Services, 388-818-005 Definitions, 388-818-010 Eligibility requirements, 388-818-020 Approval of application for initial device or request for replacement device, 388-818-030 Denial of initial application or request for replacement device, 388-818-040 Application renewal process, 388-818-050 Notice of approval or denial, 388-818-060 Review by department, 388-818-070 Distribution, 388-818-080 Training, 388-818-090 Ownership and liability, 388-818-110 Telecommunications relay service, and 388-818-130 Uses for returned equipment.

Statutory Authority for Adoption: RCW 43.20A.725.

Other Authority: RCW 43.20A.720, chapter 210, Laws of 2001.

Adopted under notice filed as WSR 02-23-083 on November 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: None - minor editing 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 9, 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 31, Amended 0, Repealed 15.

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 40, Amended 0, Repealed 15.

Effective Date of Rule: Thirty-one days after filing.

February 14, 2003

Bonita H. Jacques

for 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 03-06 issue of the Register.



**WSR 03-05-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-15—Filed February 6, 2003, 12:01 p.m.]

Date of Adoption: February 5, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-01001A [220-36-03001A]; and amending WAC 220-36-01001 [220-36-030001].

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is to protect spawning herring when they are tightly schooled and vulnerable to capture. The fishery could reopen as scheduled on April 16, 2003. The use of dip net gear would remain open during the February 6 to April 15, 2003, time period. 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.

February 5, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-36-03001A Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon. Notwithstanding the provisions of WAC 220-36-030001, effective 12:01 a.m. February 6 through April 15, 2003, it is unlawful to fish for and possess herring, anchovy, candlefish or pilchard taken for commercial purposes except with dip bag nets.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 16, 2003:

WAC 220-36-03001A Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.

**WSR 03-05-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-13—Filed February 6, 2003, 12:02 p.m.]

Date of Adoption: February 5, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Q; 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: A large return of hatchery steelhead continues to be present in the Columbia and Snake river basins. Idaho and Oregon have liberalized their daily limits to three fish, and, in order to provide consistency and reduce angler confusion this rule will be extended until the spring closure dates for these 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: Immediately.

February 5, 2003

J. P. Koenings

Director

by Larry Peck

EMERGENCY

NEW SECTION

WAC 232-28-61900F 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 the date specified, special daily limit of three hatchery steelhead in the following waters:

- (1) Grande Ronde River (Asotin Co.) - Through April 15, 2003, 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.) - Through April 15, 2003, 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 - Through March 31, 2003, from the mouth upstream to the Washington/Oregon boundary.
- (4) Touchet River (Columbia/Walla Walla Co.) - Through April 15, 2003, from mouth to the confluence of the North and South Forks. (CLOSED WATERS - all tributaries).
- (5) Tucannon River (Columbia/Garfield Co.) - Through April 15, 2003, from mouth to Cummings Bridge. (CLOSED WATERS - all tributaries).
- (6) Walla Walla River (Walla Walla Co.) - Through April 15, 2003, mainstem from the mouth up stream to the Washington/Oregon state boundary.

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 232-28-61900Q	Exceptions to statewide rules—Grand Ronde River, Mill Creek, Snake River, Touchet River, Tucannon River and Walla Walla River. (02-253)
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The following section of the Washington Administrative Code is repealed 12:01 a.m. April 16, 2003:

WAC 232-28-61900F	Exceptions to statewide rules—Grand Ronde River, Mill Creek, Snake River, Touchet River, Tucannon River and Walla Walla River.
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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 03-05-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-17—Filed February 7, 2003, 8:59 a.m.]

Date of Adoption: February 6, 2003.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is in response to Washington State Department of Health (DOH) closure of Willapa Bay to the harvest of crab due to potential health risk posed to consumers. DOH tests indicate that crab viscera sampled from Willapa Bay Dungeness crab have exceeded the action level for domoic acid. This action will reduce potential wastage of the resource in this area. 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.

February 6, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000S Crab—Areas and seasons Notwithstanding the provisions of WAC 220-56-330, effective immediately:

(1) It is unlawful to possess Dungeness crab taken from the waters of Willapa Bay.

(2) After February 9th it is unlawful to set, maintain, operate, or possess upon the waters of Willapa Bay, any shellfish pots or ring nets for any reason.

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.

EMERGENCY

**WSR 03-05-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-16—Filed February 7, 2003, 9:00 a.m.]

Date of Adoption: February 6, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is in response to Washington State Department of Health (DOH) closure of Willapa Bay to the harvest of crab due to potential health risk posed to consumers. DOH tests indicate that crab viscera sampled from Willapa Bay Dungeness crab have exceeded the action level for domoic acid. This action will prevent the wastage of crab caught from this area. 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.

February 6, 2003

Jeff Koenings

Director

[NEW SECTION]

WAC 220-52-04600R Crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046;

(1) Effective immediately until further notice it is unlawful to take or possess crab taken for commercial purposes from the waters of Willapa Bay.

(2) Effective immediately through 11:59 p.m., February 9, 2003, it is unlawful to transport crab through the waters of Willapa Bay.

(3) Effective 12:01 a.m. February 10, 2003, it is unlawful to leave or possess shellfish pots or ring nets in the waters of Willapa Bay.

(4) Effective 12:01 a.m. February 10, 2003, it is lawful to transport crab taken in the waters of the Pacific Ocean through the waters of Willapa Bay.

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

**WSR 03-05-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-18—Filed February 10, 2003, 3:10 p.m., effective February 12, 2003, 6:00 a.m.]

Date of Adoption: February 10, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-27000N and 220-56-27000P; and amending WAC 220-56-270.

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: Significant numbers and distribution of smelt have been observed in the mainstem and several tributaries of the Columbia River. Expansion of fisheries is now warranted under the Level 3 provisions of the Washington and Oregon eulachon management plan. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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: February 12, 2003, 6:00 a.m.

February 10, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-27000P Smelt—Areas and seasons Notwithstanding the provisions of WAC 220-56-270, WAC 220-56-240, WAC 220-56-275, effective February 12, 2003 through March 31, 2003, it is unlawful to fish for or possess smelt in those waters of the Columbia River and tributaries except under the following provisions:

1) Area: Mainstem Columbia River, below Bonneville Dam.

Dates: Open 7 days/week
Hours: 24 hours per day
Daily limit: 20 pounds
Gear: Dipnets

2) Area: Washington Columbia River tributaries, below Bonneville Dam.

Dates: Open 7 days/week
Hours: 6:00 a.m. to 10:00 p.m. daily
Daily limit: 20 pounds
Gear: Dipnets

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: March 1, 2003, 12:01 a.m.

February 10, 2003

J. P. Koenings

Director

by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. February 12, 2003:

WAC 220-56-27000N Smelt—Areas and seasons.
(02-304)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2003:

WAC 220-56-27000P Smelt—Areas and seasons.

NEW SECTION

WAC 220-56-33000T Crab—Areas and seasons.
Notwithstanding the provisions of WAC 220-56-330, it is lawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

(1) Effective 12:01 a.m. March 1, 2003 it is unlawful to fish for crab in all waters of Marine Area 12 and the portion of Marine Area 9 south of a line from Olele Point to Foulweather Bluff.

(2) Effective immediately, it is unlawful to fish for crab in all waters of Marine Areas 8-1, 8-2, Marine Area 9, north of a line that extends from Foulweather Bluff to Olele Point, and all waters of Marine Area 10.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000R Crab—Areas and seasons.
(02-300)

WSR 03-05-027

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-22—Filed February 10, 2003, 3:16 p.m.]

Date of Adoption: February 10, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000S; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to close the state directed pollock fishery while providing for landings of incidental catches of pollock in the coastal groundfish fisheries. The incidental catch allowance accom-

**WSR 03-05-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-19—Filed February 10, 2003, 3:13 p.m., effective March 1, 2003, 12:01 a.m.]

Date of Adoption: February 10, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000R; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to maintain allocation requirements in Marine Areas 9, and 12. 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.

EMERGENCY

modates fishers who are targeting other coastal groundfish who may encounter small amounts of pollock as bycatch in those 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.

February 10, 2003

J. P. Koenings
Director

NEW SECTION

WAC 220-44-05000T Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 67, No. 224, published November 20, 2002. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty per-

cent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000S Coastal bottomfish catch limits. (03-11)

WSR 03-05-036

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-21—Filed February 11, 2003, 4:31 p.m.]

Date of Adoption: February 11, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000A; 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

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of hatchery salmon are available. The use of large mesh nets, short soak times, and recovery boxes will aid in the survival of spring chinook and steelhead that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife Commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River compact of February 6, 2003, and conforms Washington and Oregon state rules. The select area fisheries are part of an on-going BPA funded study to design fisheries in areas outside of 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. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of February 6, 2003, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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.

February 11, 2003

J. P. Koenings

Director

[NEW SECTION]

WAC 220-33-0100A Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Area: SMCRA 1A, 1B, 1C, and 1D upstream to Kelley Point.

Dates: 5:00 a.m. to 9:00 p.m. daily

February 17, 2003

February 19, 2003

February 21, 2003

February 24, 2003

February 26, 2003

February 28, 2003

Gear: Gill nets 8-inch minimum mesh. Net length not to exceed 150 fathoms. Mono-filament gill nets are allowed.

Allowable Sale: Adipose fin-clipped salmon, sturgeon, and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each day of fishing.

Sanctuaries: Grays River, Gnat Creek, Elokomin-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A.

A) Miscellaneous Regulations:

1) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

2) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

3) Red corks are required at 25 fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

4) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box and chamber shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

5) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

6) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

7) All fish placed in recovery boxes must be released to the river prior to landing or docking.

8) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

B) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing an WDFW- or ODFW-sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December 31, 2003. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2003.

C) Nothing in this section sets any precedent for any fishery after the 2003 spring chinook fishery. The fact that an individual may hold a tangle net certificate to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2004 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2003. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2) Blind Slough Select Area

Area: Open waters of Blind Slough extend 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 Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in 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 a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough

Gear: 7 1/4-inch minimum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates: 7:00 p.m. February 15 to 7:00 a.m. February 16, 2003

7:00 p.m. February 22 to 7:00 a.m. February 23, 2003

7:00 p.m. March 1 to 7:00 a.m. March 2, 2003

Allowable Sale: Salmon, sturgeon, shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each period.

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

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. March 2, 2003:

WAC 220-33-01000A Columbia River gillnet seasons below Bonneville.

WSR 03-05-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-20—Filed February 11, 2003, 4:33 p.m., effective February 15, 2003, 12:01 a.m.]

Date of Adoption: February 11, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900H; 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: A management agreement for spring chinook was signed in 2001 that will allow for selective fishing for marked spring chinook in the Columbia River, while minimizing impacts to protected wild fish. The area below The Dalles Dam will provide opportunity for anglers to fish in a section of the Bonneville Pool and will not conflict with nonselective fisheries occurring in tributaries in the lower Bonneville Pool. 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: February 15, 2003, 12:01 a.m.

February 11, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—Columbia River Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. February 15, 2003 through May 15, 2003, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those areas listed below.

Areas:

a) Those waters of the Columbia River from the I-5 Bridge upstream to 600 feet below the fish ladder at Bonneville Dam.

b) The Bonneville Reservoir upstream from the Tower Island power lines. Waters upstream from the Interstate Bridge (Highway 197) to The Dalles Dam are closed except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

c) The Dalles Reservoir.

d) John Day Reservoir.

Daily limit:

a) Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped. Minimum size 12 inches in length.

b) Two trout minimum size 12 inches in length. Release wild steelhead. Release wild cutthroat below Bonneville Dam.

(2) Effective April 1, 2003 through May 15, 2003, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those waters of the Columbia River from the mouth upstream to the I-5 Bridge.

Daily limit:

a) Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped. Minimum size 12 inches in length.

b) Two trout minimum size 12 inches in length. Release wild steelhead and wild cutthroat.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 16, 2003:

WAC 232-28-61900H Exceptions to statewide rules—Columbia River.

**WSR 03-05-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-14—Filed February 12, 2003, 11:47 a.m., effective March 1, 2003, 12:01 a.m.]

Date of Adoption: February 10, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900G; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2002/2003 wild winter steelhead runs for the Skagit, Snohomish, Stillaguamish, and Puyallup river systems are forecasted to be below or right at escapement needs. Predicted wild steelhead run sizes for the river systems are anticipated to be between approximately 40 and 100% of wild steelhead escapement requirements. On all systems there is no harvestable surplus. Closures will eliminate potential hooking mortality and disturbance of spawning 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: March 1, 2003, 12:01 a.m.

February 10, 2003

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Skykomish River (mainstem), Stillaguamish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit River and Fisher Slough. Notwithstanding the provisions of WAC 232-28-619, effective March 1, 2003:

- Skykomish River (Mainstem) From mouth to the mouth of the Wallace River: Closed to fishing March 1, 2003 through April 30, 2003.
- Stillaguamish River (Mainstem) All sloughs downstream of Warm Beach-Stanwood Highway: Release all steelhead March 1, 2003 through May 31, 2003.
- Stillaguamish River (North Fork) From mouth to Swede Heaven Bridge: Closed to fishing March 1, 2003 through May 31, 2003.
- Puyallup River From 11th Street Bridge upstream to Soldier's Home Bridge in Orting: Closed to fishing March 1, 2003 through March 31, 2003.
- Carbon River From mouth to Highway 162 Bridge: Closed to fishing March 1, 2003 through March 31, 2003.

EMERGENCY

Skagit River	From mouth to Memorial Highway Bridge, Hwy. 536 at Mt. Vernon: Closed to fishing March 1, 2003 through March 31, 2003. Open April 1, 2003 through May 31, 2003, selective gear rules except lawful to fish from motorized vessels, but will remain closed to fishing for steelhead.
	From Memorial Highway Bridge, Hwy. 536 at Mt. Vernon to Dalles Bridge at Concrete: Closed to fishing March 1, 2003 through May 31, 2003.
Fisher Slough	From mouth to Highway 530 Bridge: Closed to fishing March 1, 2003 through May 31, 2003.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2003:

WAC 232-28-61900G	Exceptions to statewide rules—Skykomish River (mainstem), Stillaguamish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit River and Fisher Slough.
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**WSR 03-05-044
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 13, 2003, 8:00 a.m., effective March 17, 2003]

Date of Adoption: February 6, 2003.

Purpose: To amend rules within chapter 388-71 WAC (see Citation of Existing Rules below) and adopt new WAC 388-515-1540 to establish the medically needy residential waiver (MNRW) program. Amending, clarifying, and reorganizing community options program entry system rules to:

- Comply with the Governor's Executive Order 97-02 and the DSHS Secretary's Order on Regulatory Improvement; and
- Reflect changes in program requirements and/or options.

EHB 1341 (chapter 269, Laws of 2001) authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legis-

lation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and specific waiver services to be provided. This change is also necessary to reflect amendments to the COPES waiver.

This amendment is necessary to implement two-year old legislation and will result in budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals. DSHS has been waiting for CMS approval to implement this program and has just received it. We are not expecting any opposition to this rule and many clients have been waiting for this opportunity for years.

Citation of Existing Rules Affected by this Order: New section WAC 388-71-0442; and amending WAC 388-71-0194, 388-71-0202, 388-71-0203, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0430, 388-71-0435, 388-71-0445, 388-71-0460, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0600, 388-71-0605, and 388-71-0610.

Statutory Authority for Adoption: SHB 1341 (chapter 269, Laws of 2001), RCW 74.09.700, chapter 74.39 RCW, RCW 74.08.090, 74.04.050, and 74.09.575.

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 amendment is necessary to implement immediate budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. DSHS has been waiting for CMS approval to implement this program and has just received it. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals.

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 19, 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 19, Repealed 0.

Effective Date of Rule: March 17, 2003.

February 6, 2003

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 03-06 issue of the Register.

WSR 03-05-047

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-25—Filed February 13, 2003, 1:58 p.m.]

Date of Adoption: February 13, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is in response to Washington State Department of Health (DOH) closure of Willapa Bay to the harvest of crab due to potential health risk posed to consumers. DOH tests indicate that crab viscera sampled from Willapa Bay Dungeness crab have exceeded the action level for domoic acid. This action will reduce potential wastage of the resource in this area. 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.

February 13, 2003

J. P. Koenings
Director

NEW SECTION

WAC 220-52-04600S Crab fishery—Seasons and area. Notwithstanding the provisions of WAC 220-52-046 and 220-56-330, effective immediately until further notice, for purposes of the Willapa Bay Dungeness crab closure, the waters of Willapa Bay are defined to include marine waters inside a line projected due west from Cape Shoalwater (46°44'N) to the intersection with 124°06'W longitude, thence following the longitude due south to the intersection with a line projected due west from Leadbetter Point (46°38'N), thence following the Point Leadbetter line to shore.

WSR 03-05-098

EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 19, 2003, 11:36 a.m., effective March 17, 2003]

Date of Adoption: February 18, 2003.

Purpose: **To replace emergency rules filed on February 13, 2003, as WSR 03-05-044, which contained errors in the rule text.** These rules amend chapter 388-71 WAC (see Citation of Existing Rules below) and adopt new WAC 388-515-1540 to establish the medically needy residential waiver (MNRW) program. Amending, clarifying, and reorganizing community options program entry system rules to:

- Comply with the Governor's Executive Order 97-02 and the DSHS Secretary's Order on Regulatory Improvement; and
- Reflect changes in program requirements and/or options.

EHB 1341 (chapter 269, Laws of 2001) authorizes DSHS to develop a new waiver program for individuals in need of long-term care services in the community. The legislation specifically requires the department to adopt rules to establish eligibility criteria, applicable income standards, and specific waiver services to be provided. This change is also necessary to reflect amendments to the COPES waiver.

This amendment is necessary to implement two-year old legislation and will result in budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not

only did this eliminate client choice, but it cost the state more to care for these individuals. DSHS has been waiting for CMS approval to implement this program and has just received it. We are not expecting any opposition to this rule and many clients have been waiting for this opportunity for years.

Citation of Existing Rules Affected by this Order: New section WAC 388-71-0442; and amending WAC 388-71-0194, 388-71-0202, 388-71-0203, 388-71-0405, 388-71-0410, 388-71-0415, 388-71-0420, 388-71-0425, 388-71-0430, 388-71-0435, 388-71-0445, 388-71-0460, 388-71-0465, 388-71-0470, 388-71-0480, 388-71-0600, 388-71-0605, and 388-71-0610.

Statutory Authority for Adoption: SHB 1341 (chapter 269, Laws of 2001), RCW 74.09.700, chapter 74.39 RCW, RCW 74.08.090, 74.04.050, and 74.09.575.

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 amendment is necessary to implement immediate budget savings, will afford clients choice in their long-term care, and will result in more efficient care and increased service delivery, making it consistent with the preservation of public health and general welfare. DSHS has been waiting for CMS approval to implement this program and has just received it. This new program will allow individuals who cannot afford community residential care and who do not wish to go into a nursing facility, access to long-term care that they could otherwise not afford. For the past two years, many individuals in Washington state have gone into nursing facilities because they had no other choice for receiving care. Not only did this eliminate client choice, but it cost the state more to care for these individuals.

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 19, 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 19, Repealed 0.

Effective Date of Rule: March 17, 2003.

February 18, 2003

Bonita H. Jacques

for 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 03-06 issue of the Register.

WSR 03-05-099
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed February 19, 2003, 11:37 a.m.]

Date of Adoption: February 14, 2003.

Purpose: The purpose of this emergency filing is to amend sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. See Citation of Existing Rules below.

Citation of Existing Rules Affected by this Order: Amending WAC 388-148-0040 What first aid and cardiopulmonary resuscitation (CPR) training is required?, 388-148-0045 What HIV/AIDS training is required?, 388-148-0050 How do I apply for a license?, 388-148-0060 When am I not allowed to receive a license from a child-placing agency?, 388-148-0065 When may I be certified to provide care to children?, 388-148-0120 What incidents involving children must I report?, 388-148-0125 What are your requirements for keeping client records?, 388-148-0140 What personnel policies must I have?, 388-148-0220 What fire safety requirements must I follow to qualify for a license?, 388-148-0260 What are the general requirements for bedrooms?, 388-148-0270 What are the requirements for beds?, 388-148-0335 When must I get medical exams for the children under my care?, 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?, 388-148-0350 How do I manage medications for children under my care?, 388-148-0395 What requirements must I meet for feeding babies?, 388-148-0460 What requirements do you have for supervising children?, 388-148-0520 What are the training requirements for foster parents and prospective foster parents?, 388-148-0560 Do I need a treatment plan for children under my care?, 388-148-0585 What social service staff do I need?, 388-148-0630 What fire prevention measures must I take?, 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?, 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have?, 388-148-0725 What is the ratio of child care staff to children in group care facilities?, 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?, 388-148-0800 What levels of secure CRCs exist?, 388-148-0915 What steps must be taken after a youth is admitted into a CRC?, 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?, 388-148-1060 What services may a child-placing agency provide?, 388-148-1070 What health histories need to be provided to adoptive parents?, 388-148-1115 Do you have requirements for adoptive services? and 388-148-1120 What is the process for adoptions?; and new WAC 388-148-0058 May I have a license for both child day care and child foster care?, 388-148-0427 Are there specific requirements regarding Native American children?, 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home?, 388-

EMERGENCY

148-0542 May a foster child be supervised by someone under eighteen in the foster home?, 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency?, 388-148-0892 What are the requirements for a level three secure CRC?, 388-148-1076 What are the qualifications for an executive director of a child-placing agency?, 388-148-1077 What are the qualifications for a case aide for a child-placing agency programs, 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?, 388-148-1079 What are the qualifications for consultants for child-placing agency programs?, 388-148-1140 May a licensed child-placing agency provide emergency respite services?, 388-148-1145 Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based?, 388-148-1150 Does a child-placing agency providing emergency respite services need specific program staff?, 388-148-1155 What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency?, 388-148-1160 What services do child-placing agencies provide if they offer an emergency respite program?, 388-148-1165 Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services?, 388-148-1170 What age children may receive emergency respite services?, 388-148-1175 Who may place a child for emergency respite?, 388-148-1180 Must all children accepted for emergency respite care have current immunizations?, 388-148-1185 What are the record-keeping requirements for a child-placing agency providing emergency respite services?, and 388-148-1190 What written information is needed before a child is accepted for emergency respite care by a child-placing agency?

Statutory Authority for Adoption: Chapter 74.15 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: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

Children's Administration is engaged in working with stakeholders for the permanent adoption of rule changes. Children's Administration will be reviewing the proposed changes to the chapter in the next few weeks. The tentative date for the filing of the proposed rules for public comment is mid-April 2003.

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 21, Amended 31, 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 21, Amended 31, Repealed 0.

Effective Date of Rule: Immediately.

February 14, 2003

Bonita H. Jacques

for 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 03-06 issue of the Register.

WSR 03-05-004
NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL
FOR THE DEAF
 [Memorandum—January 28, 2003]

The Washington School for the Deaf board of trustees has changed its February 5, 2003, board meeting to a work/study session. The work/study session will be held at 2306 Glen Kerry Court S.E. in Lacey, WA.

WSR 03-05-013
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Beef Commission)
 [Memorandum—February 4, 2003]

Following is a meeting date change for the Washington State Beef Commission. The meeting originally scheduled for March 6/7, 2003, has been rescheduled for March 10/11, 2003.

Should there be questions, please call (206) 444-2902.

WSR 03-05-016
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed February 7, 2003, 3:53 p.m.]

Following is the Department of Social and Health Services' Semi-Annual Rule-Making Agenda, by administration, for January 1, 2003, through June 30, 2003. This report will be published in the state register pursuant to RCW 34.05.314, and distributed to interested parties.

This report represents rule-making activity that can be forecast at this time. There may be additional rule-making activity resulting from legislative actions, to comply with federal mandates, from the on-going reviews to meet the regulatory reform efforts of Executive Order 97-02, or to meet unforeseen circumstances.

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 03-06 issue of the Register.

WSR 03-05-017
NOTICE OF PUBLIC MEETINGS
RENTON TECHNICAL COLLEGE
 [Memorandum—February 7, 2003]

Pursuant to RCW 42.30.075, please be advised that the Renton Technical College board of trustees' regular meetings during 2003 will be held as follows:

The second Tuesday of each month except for the months of July and August. Meetings will be held at 8:00 a.m. in the Board Room, Room 202, Roberts Campus Center,

Building I, Renton Technical College, 3000 Northeast Fourth Street, Renton, WA 98056-4195.

January 14, 2003
 February 11, 2003
 March 11, 2003
 April 8, 2003
 May 13, 2003
 June 10, 2003
 July/August - No regular meetings
 September 9, 2003
~~October 14, 2003~~ October 21, 2003**
 November 12, 2003*
 December 9, 2003

*At the Renton Technical College board of trustees regular meeting on December 10, 2002, the trustees amended its regular meeting schedule for its November 2003 regular meeting. This action was taken because the second Tuesday of November 2003 falls on the Veterans' Day holiday. Therefore, the board of trustees will meet the Wednesday following the holiday on November 12, 2003.

**At the Renton Technical College board of trustees regular meeting on January 14, 2003, the trustees amended its regular meeting schedule for its October 2003 regular meeting. This action was taken because of the accreditation visit by the Northwest Association for Schools and College on October 13-15, 2003. Therefore, the board of trustees will meet on the following Tuesday, October 21, 2003.

If you need further information, please contact Karen DeBruyn at (425) 235-2426.

WSR 03-05-018
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—February 10, 2003]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
 Mount Vernon, WA 98273

Monday, February 10, 2003
 3:00 p.m.

Mount Vernon Campus - Board Room

Chairperson, Elizabeth Hancock, has called a special meeting of the board of trustees for **Monday, February 10, 3:00 p.m.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment.

WSR 03-05-032**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Memorandum—February 11, 2003]

NOTICE OF MEETING LOCATION CHANGE

The Public Works Board meeting scheduled for May 6, 2003, in SeaTac Washington, will be conducted at the Howard Johnson Plaza Hotel in Everett, Washington. The meeting will begin at 8:30 a.m.

Board business will be conducted from the published agenda. A tour of a project funded by the Drinking Water State Revolving Fund on Hat Island will follow.

WSR 03-05-039**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(Capitol Campus Design Advisory Committee)

[Memorandum—February 10, 2003]

Cancellation

Please record the following **Capitol Campus Design Advisory Committee** meeting cancellation date in the Washington State Register:

Date: Thursday, February 13, 2003
Time: 10:00 a.m.
Location: General Administration Building, Room 207

If you have any questions, please contact Kim Buccarelli at (360) 902-0955.

WSR 03-05-040**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—February 10, 2003]

The board of trustees of Shoreline Community College will hold a special meeting on Thursday, February 13, 2003, for the purpose of meeting with consultant Barbara Kerr to determine a method of conducting the annual evaluation of college president, Dr. Holly Moore. The meeting will be held from 10:30 a.m. to 1:30 p.m. in the boardroom of the administration building.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you need further information.

WSR 03-05-045**ATTORNEY GENERAL'S OFFICE**

[Filed February 13, 2003, 10:44 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by March 12, 2003. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**03-02-03 Request by Terry Bergeson
Superintendent of Public Instruction**

Would the use of state or local funds to pay the difference between the federal reimbursement for eligible children under federal meal programs and the actual cost of providing meals at no cost to all participating children constitute a gift of public funds in violation of Const. art. VII, §§ 5, 7?

WSR 03-05-049**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

(Natural Resource Damage Assessment Committee)

[Memorandum—February 13, 2003]

Meeting Change Notice**RDA Committee Meeting Moved to April 16**

The Washington State Natural Resource Damage Assessment (NRDA) Committee, which normally meets on the second Wednesday of each month, will move the meeting in April to the 16th. The meeting will be held at the Department of Ecology's Headquarters Building, 300 Desmond Drive, Lacey, WA, and will start at 9:00 a.m. in Room 1S-17.

The RDA Committee, which is chaired by the Department of Ecology, includes representatives from the State Departments of Fish and Wildlife, Natural Resources, Health, the Parks and Recreation Committee [Commission], and the Office of Archaeology and Historic Preservation. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties as compensation for damages to state natural resources in lieu of monetary claims.

For more information, please contact Dale Davis at (360) 407-6972, e-mail dald461@ecy.wa.gov.

WSR 03-05-050

DEPARTMENT OF ECOLOGY

[Filed February 13, 2003, 3:40 p.m.]

Lower Snake River Total Dissolved Gas Draft Total Maximum Daily Load (TMDL) and Implementation Plan

Public Comments Invited on TMDL or Water Cleanup Plan: The Washington Department of Ecology (ecology) invites you to provide your comments at a public hearing on the proposed Lower Snake River total maximum daily load (TMDL) and implementation plan for reducing total dissolved gas.

Before the formal public hearing, there will be a brief presentation to learn about the proposed TMDL and implementation plan, followed by an informative question and answer session. This public hearing addresses only the TMDL and the implementation plan that are being submitted to the United States Environmental Protection Agency (EPA).

The hearing is scheduled for: **Tuesday, March 25, 2003, at 6:30 p.m., at 1315 West 4th Avenue (off Olympia Street), Ecology Field Office, Kennewick, WA.**

Background: The Lower Snake River total dissolved gas TMDL is based on the federal Clean Water Act, state water quality standards, the dissolved gas abatement study conducted by the United States Army Corps of Engineers, and the National Marine Fisheries Service's 2000 biological opinion for the Federal Columbia River power system. The TMDL/implementation plan identifies strategies for reducing total dissolved gas in the Lower Snake River - from the Idaho border to its confluence with the Columbia River.

Federal law requires cleanup of polluted waters: Federal law requires states to identify sources of pollution in waters that fall short of water quality standards, and to determine how much pollution needs to be reduced for the water body to remain healthy. Using the source and allocation information, ecology and regional interests develop strategies for achieving the necessary reduction or elimination of pollution. The result is a water cleanup plan or total maximum daily load (TMDL) which identifies the allowable pollution levels from various sources. In the Snake River, TDG levels exceed the state of Washington's standards. This TMDL pro-

vides target levels and an implementation plan to reduce TDG to acceptable levels.

Public Comment Period: Ecology will review and consider all relevant comments received during the public comment period. Following this review, the TMDL and implementation plan may be modified. When complete, the TMDL will be sent to EPA for approval. You will be notified of ecology's final decision if you present either oral or written comments during the comment period. If you do not comment but wish to receive notification of ecology's final decision, please call or write Ann Butler at the address below.

The public comment period on the plan is February 24 through April 4, 2003.

Please address your comments on the draft TMDL and implementation plan by April 4, 2003, to Ann Butler, Ecology, P.O. Box 47600, Olympia, WA 98504-7600, anbu461@ecy.wa.gov, phone (360) 407-6480, or fax (360) 407-6426.

The TMDL/implementation plan is also available for examination and copying at Ecology's Headquarters Office, 300 Desmond Drive S.E., Lacey, WA 98503, or at Ecology Field Office in Kennewick (see above hearing location). Documents are also available on ecology's website at <http://www.ecy.wa.gov/biblio/0303020.html>.

WSR 03-05-053

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed February 14, 2003, 8:27 a.m.]

DESCRIPTION OF INTERPRETATIVE OR POLICY STATEMENT

Document Title: CN 233.

Subject: Chapter 18 - Case Closure.

Effective Date: January 30, 2003.

Document Description: This notice explains to DCS staff about case closure. It replaces chapter 18 of the DCS Support Enforcement Handbook.

To receive a copy of the interpretative 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.

February 10, 2003
Stephanie E. Schiller

WSR 03-05-055

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—February 12, 2003]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday**,

February 18, 2003, at 2:00 p.m. in Room 201, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 03-05-056

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—February 12, 2003]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, February 18, 2003, at 12:30 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 03-05-065

**NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION CONSORTIUM**

[Memorandum—February 12, 2003]

**NSIS Higher Education Consortium
Board of Directors - Revision**

The board of directors of NSIS Higher Education Consortium has postponed its regularly scheduled meeting of February 19, 2003.

The NSIS Higher Education Consortium board of directors has adopted a schedule of regular meetings for 2003:

Wednesday, February 19th (postponed until a future date can be determined)

Thursday, October 2nd

Meetings will begin at 9:00 a.m. and will be held in Conference Room 213, University Center, Everett Station, 3201 Smith Avenue, Everett, WA. This meeting space is accessible to persons of disability. For information, call the University Center office at (425) 252-9505.

WSR 03-05-066

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—February 18, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, February 20, 2003, 9:00 - 11:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 03-05-077

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS**

[Memorandum—February 14, 2003]

The Commission on Hispanic Affairs has found it necessary to change the meeting place for its March 7th and 8th study session and public meeting. The meetings have been changed from Monroe to Bellingham on March 7th and from Monroe to Mount Vernon on March 8th for the public meeting.

It appears that we will not be able to publish this change within the twenty day requirement of the Open Public Meetings Act. We will take the necessary steps to declare a special session for these meetings by announcing the change to the commissioners and any interested parties.

WSR 03-05-083

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed February 19, 2003, 9:42 a.m.]

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.

The department issued the following Excise Tax Advisory (ETA) on February 14, 2003:

ETA 2011—1S.32 Withdrawal of published determinations. This is the first supplement to ETA 2011, and announces the withdrawal of Det. 97-111ER, 19 WTD 116. ETA 2011, which explains the situations under which the department will announce the withdrawal of a Washington Tax Decision (WTD) via an ETA or ETA supplement, and all its supplements should be retained.

A copy of this advisory is available via the Internet at <http://dor.wa.gov/docs/rules/eta/2011-1S.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

WSR 03-05-091

DEPARTMENT OF ECOLOGY

[Filed February 19, 2003, 11:04 a.m.]

Hearing Notice

**State Implementation Plan Revision
Including Puget Sound Clean Air Agency Regulations in
the State Implementation Plan**

Background: Local air pollution control agencies periodically submit air quality plan updates and regulations to the Department of Ecology (ecology) for inclusion in Washing-

ton's state implementation plan (SIP). The SIP is a statewide plan for meeting federal health-based standards for certain air pollutants.

Ecology will hold a public hearing to receive comments on including Puget Sound Clean Air Agency (PSCAA) maintenance plan updates (ozone and carbon monoxide) and new and amended regulations into the SIP.

Maintenance Plan Updates:

Ozone Maintenance Plan: Updates for ozone include:

- Continuation of the voluntary low RVP gasoline program.
- Implementation of a voluntary coating program to increase the purchase and use of low-VOC paints.
- Continuation of the Washington state vehicle inspection and maintenance program in an enhanced form.
- Improvement to the current gasoline vapor recovery program through increased educational and enforcement efforts.
- Initiation of a voluntary program of distributing lower emitting portable gasoline cans, and with partners, continuation of an enhanced voluntary program of replacing gasoline lawn mowers.

Ozone Contingency Measures: If needed due to a quality-assured violation of the national ambient ozone standard, a regulatory program requiring enhanced storage tank vapor recovery systems at gasoline stations would take effect the following May 1, after public notice. Also if needed due to a quality-assured violation of the national ambient ozone standard, an open burning ban would be in effect during the months of July and August. The existing ozone contingency measure of a mandatory reduction in gasoline volatility would remain in place.

Carbon Monoxide Contingency Measures: If needed due to quality-assured violations of the national ambient carbon monoxide standard, local transportation system improvements would be made or the regulatory, region-wide, ethanol-based Oxygen program would be reinstated during the winter period.

The Federal Clean Air Act requires states to have plans in place to address the possibility of future violations of federal air standards. PSCAA's Section 8.07 of Regulation I and Section 2.10 of Regulation II and amended Section 2.09 of Regulation II establish contingency measures in the event of future violations of the federal standards for ozone and carbon monoxide involving restrictions on summer outdoor burning and further emissions reductions from gasoline marketing.

Regulations and Amendments:

NEW SECTIONS:

- REG 1, Section 8.06 establishes an Outdoor Burning Ozone Contingency Measure.
- REG 2, Section 2.10 establishes a Gasoline Station Ozone Contingency Measure.

AMENDATORY SECTION:

- REG 2, Section 2.09 establishes an Oxygenated Gasoline Carbon Monoxide Contingency Measure and Fee Schedule.

The Puget Sound Clean Air Agency Board approved the ozone and carbon monoxide maintenance plan updates and

adopted the associated contingency measures (Section 8.06 of Regulation I, Section 2.10 of Regulation II and amended Section 2.09 of Regulation II) on December 19, 2002.

Hearing Schedule: PSCAA, 110 Union Street, Suite 500, Seattle, WA, on Thursday, March 27, 2003, at 9:15 a.m.

For ecology's purposes, comments must be limited to including the PSCAA maintenance plan updates and contingency measure regulations in the SIP. Written comments must be postmarked no later than April 19, 2003, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For More Information: For more information about the content of the regulations, prior to the hearing, please contact John Anderson (Puget Sound Clean Air Agency), (206) 689-4051.

If you have special accommodation needs, please contact the agency receptionist at Puget Sound Clean Air Agency, (206) 689-4010 (voice) or (800) 833-6388 (TTY) by March 20, 2003.

WSR 03-05-092

PROCLAMATION

OFFICE OF THE GOVERNOR

[Filed February 19, 2003, 11:04 a.m.]

WHEREAS, the cumulative effects of storm events including heavy rainfall, landslides, and flooding that began January 30, 2003, continue to threaten citizens and property of Washington State; and

WHEREAS, these events have caused extensive damage to the transportation infrastructure in several counties in Washington. As of February 6, 2003, the damage costs have reached an estimated \$1,038,500, and may continue to increase; and

WHEREAS, the Washington State Department of Transportation is coordinating resources to repair and clear roadways of debris to alleviate the immediate infrastructure impacts, and is continuing to assess the magnitude of these events;

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, as a result of the aforementioned situation and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency exists in King, Yakima, Cowlitz, Snohomish, Kittitas, and Walla Walla Counties, and direct the supporting plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and do everything possible to assist affected political subdivisions in an effort to respond to and recover from the events. The Washington State Department of Transportation is directed to coordinate all event-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia, this 12th day of February, A.D., Two Thousand and Three.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Sam S. Reed

Secretary of State

**WSR 03-05-096
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed February 19, 2003, 11:34 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 234.

Subject: "Child Support Counts!" Initiative.

Effective Date: February 12, 2003.

Document Description: This notice explains to DCS staff about the new initiative that DCS is working under in cooperation with the Community Service Offices called the "Child Support Counts!" Initiative.

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.

February 12, 2003
Stephanie E. Schiller

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.

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173- 06-120	AMD-X	03-04-081	180- 10-005	REP-W	03-03-060	220- 20-080	NEW	03-05-059
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230-40-860	AMD-P	03-05-087	246-290-220	AMD-P	03-03-079	246-924-354	PREP	03-05-020
230-40-875	AMD-P	03-05-087	246-290-300	AMD-P	03-03-079	246-927-990	NEW-P	03-05-022
230-40-895	AMD-P	03-05-087	246-290-310	AMD-P	03-03-079	246-933-590	NEW-P	03-05-023
232-12-106	AMD	03-03-016	246-290-320	AMD-P	03-03-079	246-935-070	AMD-P	03-04-104
232-12-181	AMD	03-03-016	246-290-416	AMD-P	03-03-079	250-61	PREP	03-04-079
232-12-289	NEW-P	03-02-103	246-290-451	AMD-P	03-03-079	250-69	AMD	03-04-101
232-28-02201	REP-P	03-02-103	246-290-480	AMD-P	03-03-079	250-69-010	AMD	03-04-101
232-28-02202	REP-P	03-02-103	246-290-490	AMD-P	03-03-079	250-69-020	AMD	03-04-101
232-28-02203	REP-P	03-02-103	246-290-495	REP-P	03-03-079	250-69-030	AMD	03-04-101
232-28-02204	REP-P	03-02-103	246-290-601	AMD-P	03-03-079	250-69-040	AMD	03-04-101
232-28-02205	REP-P	03-02-103	246-290-630	AMD-P	03-03-079	250-69-050	AMD	03-04-101
232-28-02206	REP-P	03-02-103	246-290-634	AMD-P	03-03-079	250-69-060	AMD	03-04-101
232-28-02280	REP-P	03-02-103	246-290-638	AMD-P	03-03-079	250-69-070	AMD	03-04-101
232-28-271	AMD	03-03-016	246-290-654	AMD-P	03-03-079	250-69-090	AMD	03-04-101
232-28-282	AMD	03-03-016	246-290-660	AMD-P	03-03-079	250-69-110	REP	03-04-101
232-28-331	NEW-P	03-02-103	246-290-662	AMD-P	03-03-079	251-04-035	NEW-E	03-03-042
232-28-332	NEW-P	03-02-103	246-290-664	AMD-P	03-03-079	260-08-595	NEW	03-03-041
232-28-333	NEW-P	03-02-103	246-290-666	AMD-P	03-03-079	260-13-420	PREP	03-03-067
232-28-334	NEW-P	03-02-103	246-290-672	AMD-P	03-03-079	260-20-035	PREP	03-03-025
232-28-335	NEW-P	03-02-103	246-290-674	AMD-P	03-03-079	260-24	PREP	03-05-067
232-28-336	NEW-P	03-02-103	246-290-676	AMD-P	03-03-079	260-28-030	AMD-P	03-03-040
232-28-42600C	NEW-E	03-03-102	246-290-690	AMD-P	03-03-079	260-34-090	AMD	03-05-071
232-28-42600C	REP-E	03-03-102	246-290-691	AMD-P	03-03-079	260-48	PREP	03-05-068
232-28-619	AMD	03-05-057	246-290-692	AMD-P	03-03-079	260-48-630	AMD-P	03-04-089
232-28-61900B	REP-E	03-04-047	246-290-694	AMD-P	03-03-079	260-72-010	AMD-W	03-05-069
232-28-61900C	NEW-E	03-03-004	246-290-696	AMD-P	03-03-079	260-72-010	REP-P	03-05-070
232-28-61900C	REP-E	03-03-004	246-290-71001	NEW-P	03-03-079	260-72-040	NEW-P	03-04-090
232-28-61900D	NEW-E	03-03-098	246-290-71002	NEW-P	03-03-079	284-07-010	AMD	03-03-133
232-28-61900D	REP-E	03-03-098	246-290-71003	NEW-P	03-03-079	284-22-020	AMD	03-03-052
232-28-61900E	NEW-E	03-04-047	246-290-71004	NEW-P	03-03-079	284-22-050	AMD	03-03-052
232-28-61900E	REP-E	03-04-047	246-290-71005	NEW-P	03-03-079	284-22-060	AMD	03-03-052
232-28-61900F	NEW-E	03-05-003	246-290-71006	NEW-P	03-03-079	284-22-080	AMD	03-03-052
232-28-61900F	REP-E	03-05-003	246-290-71007	NEW-P	03-03-079	284-24A-070	NEW-W	03-03-063
232-28-61900G	NEW-E	03-05-038	246-290-72001	AMD-P	03-03-079	284-30-390	AMD-P	03-03-132
232-28-61900G	REP-E	03-05-038	246-290-72005	AMD-P	03-03-079	284-30-3901	NEW-P	03-03-132
232-28-61900H	NEW-E	03-05-037	246-290-72007	AMD-P	03-03-079	284-30-3902	NEW-P	03-03-132
232-28-61900H	REP-E	03-05-037	246-290-72010	AMD-P	03-03-079	284-30-3903	NEW-P	03-03-132
232-28-61900Q	REP-E	03-05-003	246-290-72012	AMD-P	03-03-079	284-30-3904	NEW-P	03-03-132
232-28-621	AMD	03-05-057	246-292	PREP	03-04-044	284-30-3905	NEW-P	03-03-132
246-01-001	AMD-X	03-04-105	246-294	PREP	03-04-044	284-30-3906	NEW-P	03-03-132
246-01-040	REP-X	03-04-105	246-310-290	NEW-P	03-03-097	284-30-3907	NEW-P	03-03-132
246-01-070	REP-X	03-04-105	246-310-295	NEW-P	03-03-097	284-30-3908	NEW-P	03-03-132
246-01-080	AMD-X	03-04-105	246-310-990	AMD-P	03-03-097	284-30-3909	NEW-P	03-03-132
246-01-090	AMD-X	03-04-105	246-455-001	AMD-P	03-05-024	284-30-3910	NEW-P	03-03-132
246-01-100	REP-X	03-04-105	246-455-010	AMD-P	03-05-024	284-30-3911	NEW-P	03-03-132
246-100-036	AMD	03-05-048	246-455-020	AMD-P	03-05-024	284-30-3912	NEW-P	03-03-132
246-100-040	NEW	03-05-048	246-455-030	AMD-P	03-05-024	284-30-3913	NEW-P	03-03-132
246-100-045	NEW	03-05-048	246-455-040	AMD-P	03-05-024	284-30-3914	NEW-P	03-03-132
246-100-050	NEW	03-05-048	246-455-070	AMD-P	03-05-024	284-30-3915	NEW-P	03-03-132
246-100-055	NEW	03-05-048	246-455-080	AMD-P	03-05-024	284-43-220	AMD-X	03-03-134
246-100-060	NEW	03-05-048	246-455-090	AMD-P	03-05-024	296-13-001	REP-P	03-05-074
246-100-065	NEW	03-05-048	246-455-100	AMD-P	03-05-024	296-13-010	REP-P	03-05-074
246-100-070	NEW	03-05-048	246-802-990	AMD-P	03-03-077	296-13-020	REP-P	03-05-074
246-290	PREP	03-04-044	246-815-990	AMD-P	03-03-077	296-13-030	REP-P	03-05-074
246-290-002	AMD-P	03-03-079	246-830-990	AMD-P	03-03-077	296-13-035	REP-P	03-05-074
246-290-010	AMD-P	03-03-079	246-836-990	AMD-P	03-03-077	296-13-040	REP-P	03-05-074
246-290-025	AMD-P	03-03-079	246-851-160	PREP	03-04-043	296-13-050	REP-P	03-05-074
246-290-060	AMD-P	03-03-078	246-851-170	PREP	03-04-043	296-13-052	REP-P	03-05-074
246-290-060	AMD-P	03-03-079	246-851-390	REP	03-05-021	296-13-053	REP-P	03-05-074
246-290-100	AMD-P	03-03-079	246-869-260	PREP-W	03-04-042	296-13-055	REP-P	03-05-074
246-290-105	AMD-P	03-03-079	246-887-045	NEW	03-04-045	296-13-057	REP-P	03-05-074

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296- 13-080	REP-P	03-05-074	296- 200A	PREP	03-04-098	296- 46B-040	NEW-P	03-05-074
296- 13-090	REP-P	03-05-074	296- 24	PREP	03-03-110	296- 46B-110	NEW-P	03-05-074
296- 13-100	REP-P	03-05-074	296- 37	PREP	03-04-097	296- 46B-210	NEW-P	03-05-074
296- 13-110	REP-P	03-05-074	296- 400A	PREP	03-04-098	296- 46B-215	NEW-P	03-05-074
296- 13-130	REP-P	03-05-074	296- 401B	PREP	03-04-098	296- 46B-220	NEW-P	03-05-074
296- 13-140	REP-P	03-05-074	296- 402A	PREP	03-04-098	296- 46B-225	NEW-P	03-05-074
296- 13-150	REP-P	03-05-074	296- 46A	PREP	03-04-098	296- 46B-230	NEW-P	03-05-074
296- 13-160	REP-P	03-05-074	296- 46A-090	REP-P	03-05-074	296- 46B-250	NEW-P	03-05-074
296- 13-170	REP-P	03-05-074	296- 46A-092	REP-P	03-05-074	296- 46B-300	NEW-P	03-05-074
296- 13-180	REP-P	03-05-074	296- 46A-095	REP-P	03-05-074	296- 46B-314	NEW-P	03-05-074
296- 13-190	REP-P	03-05-074	296- 46A-100	REP-P	03-05-074	296- 46B-334	NEW-P	03-05-074
296- 13-200	REP-P	03-05-074	296- 46A-102	REP-P	03-05-074	296- 46B-358	NEW-P	03-05-074
296- 13-210	REP-P	03-05-074	296- 46A-104	REP-P	03-05-074	296- 46B-394	NEW-P	03-05-074
296- 13-220	REP-P	03-05-074	296- 46A-110	REP-P	03-05-074	296- 46B-410	NEW-P	03-05-074
296- 13-230	REP-P	03-05-074	296- 46A-130	REP-P	03-05-074	296- 46B-422	NEW-P	03-05-074
296- 13-240	REP-P	03-05-074	296- 46A-140	REP-P	03-05-074	296- 46B-430	NEW-P	03-05-074
296- 13-250	REP-P	03-05-074	296- 46A-155	REP-P	03-05-074	296- 46B-450	NEW-P	03-05-074
296- 13-260	REP-P	03-05-074	296- 46A-21052	REP-P	03-05-074	296- 46B-501	NEW-P	03-05-074
296- 13-270	REP-P	03-05-074	296- 46A-215	REP-P	03-05-074	296- 46B-514	NEW-P	03-05-074
296- 13-280	REP-P	03-05-074	296- 46A-220	REP-P	03-05-074	296- 46B-517	NEW-P	03-05-074
296- 13-290	REP-P	03-05-074	296- 46A-22530	REP-P	03-05-074	296- 46B-520	NEW-P	03-05-074
296- 13-300	REP-P	03-05-074	296- 46A-23001	REP-P	03-05-074	296- 46B-527	NEW-P	03-05-074
296- 13-310	REP-P	03-05-074	296- 46A-23028	REP-P	03-05-074	296- 46B-550	NEW-P	03-05-074
296- 13-320	REP-P	03-05-074	296- 46A-23040	REP-P	03-05-074	296- 46B-553	NEW-P	03-05-074
296- 13-330	REP-P	03-05-074	296- 46A-23062	REP-P	03-05-074	296- 46B-555	NEW-P	03-05-074
296- 13-340	REP-P	03-05-074	296- 46A-250	REP-P	03-05-074	296- 46B-600	NEW-P	03-05-074
296- 13-350	REP-P	03-05-074	296- 46A-300	REP-P	03-05-074	296- 46B-680	NEW-P	03-05-074
296- 13-360	REP-P	03-05-074	296- 46A-30011	REP-P	03-05-074	296- 46B-700	NEW-P	03-05-074
296- 13-370	REP-P	03-05-074	296- 46A-324	REP-P	03-05-074	296- 46B-800	NEW-P	03-05-074
296- 13-380	REP-P	03-05-074	296- 46A-348	REP-P	03-05-074	296- 46B-900	NEW-P	03-05-074
296- 13-390	REP-P	03-05-074	296- 46A-365	REP-P	03-05-074	296- 46B-905	NEW-P	03-05-074
296- 13-400	REP-P	03-05-074	296- 46A-370	REP-P	03-05-074	296- 46B-910	NEW-P	03-05-074
296- 13-410	REP-P	03-05-074	296- 46A-41004	REP-P	03-05-074	296- 46B-911	NEW-P	03-05-074
296- 13-420	REP-P	03-05-074	296- 46A-41030	REP-P	03-05-074	296- 46B-915	NEW-P	03-05-074
296- 13-430	REP-P	03-05-074	296- 46A-422	REP-P	03-05-074	296- 46B-920	NEW-P	03-05-074
296- 13-440	REP-P	03-05-074	296- 46A-450	REP-P	03-05-074	296- 46B-925	NEW-P	03-05-074
296- 150C	PREP	03-04-098	296- 46A-500	REP-P	03-05-074	296- 46B-930	NEW-P	03-05-074
296- 150F	PREP	03-04-098	296- 46A-514	REP-P	03-05-074	296- 46B-935	NEW-P	03-05-074
296- 150M	PREP	03-04-098	296- 46A-517	REP-P	03-05-074	296- 46B-940	NEW-P	03-05-074
296- 150P	PREP	03-04-098	296- 46A-550	REP-P	03-05-074	296- 46B-945	NEW-P	03-05-074
296- 150R	PREP	03-04-098	296- 46A-553	REP-P	03-05-074	296- 46B-950	NEW-P	03-05-074
296- 150T	PREP	03-04-098	296- 46A-600	REP-P	03-05-074	296- 46B-951	NEW-P	03-05-074
296- 150V	PREP	03-04-098	296- 46A-680	REP-P	03-05-074	296- 46B-955	NEW-P	03-05-074
296- 17	PREP	03-05-072	296- 46A-700	REP-P	03-05-074	296- 46B-960	NEW-P	03-05-074
296- 17-757	PREP	03-03-026	296- 46A-702	REP-P	03-05-074	296- 46B-965	NEW-P	03-05-074
296- 17-758	PREP	03-03-026	296- 46A-900	REP-P	03-05-074	296- 46B-970	NEW-P	03-05-074
296- 17-759	PREP	03-03-026	296- 46A-910	REP-P	03-05-074	296- 46B-971	NEW-P	03-05-074
296- 17-760	PREP	03-03-026	296- 46A-915	REP-P	03-05-074	296- 46B-975	NEW-P	03-05-074
296- 17-761	PREP	03-03-026	296- 46A-920	REP-P	03-05-074	296- 46B-980	NEW-P	03-05-074
296- 17-762	PREP	03-03-026	296- 46A-930	REP-P	03-05-074	296- 46B-985	NEW-P	03-05-074
296- 17-76201	PREP	03-03-026	296- 46A-931	REP-P	03-05-074	296- 46B-990	NEW-P	03-05-074
296- 17-76202	PREP	03-03-026	296- 46A-932	REP-P	03-05-074	296- 46B-995	NEW-P	03-05-074
296- 17-76203	PREP	03-03-026	296- 46A-933	REP-P	03-05-074	296- 46B-998	NEW-P	03-05-074
296- 17-76204	PREP	03-03-026	296- 46A-934	REP-P	03-05-074	296- 46B-999	NEW-P	03-05-074
296- 17-76205	PREP	03-03-026	296- 46A-935	REP-P	03-05-074	296- 52-61040	AMD-X	03-05-073
296- 17-76206	PREP	03-03-026	296- 46A-940	REP-P	03-05-074	296- 52-62005	AMD-X	03-05-073
296- 17-76207	PREP	03-03-026	296- 46A-950	REP-P	03-05-074	296- 52-63005	AMD-X	03-05-073
296- 17-76208	PREP	03-03-026	296- 46A-960	REP-P	03-05-074	296- 52-65005	AMD-X	03-05-073
296- 17-76209	PREP	03-03-026	296- 46B-005	NEW-P	03-05-074	296- 52-66005	AMD-X	03-05-073
296- 17-76210	PREP	03-03-026	296- 46B-010	NEW-P	03-05-074	296- 56	PREP	03-03-110
296- 17-76211	PREP	03-03-026	296- 46B-020	NEW-P	03-05-074	296- 59	PREP	03-03-110

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296-62-054	REP-X	03-04-100	296-307-40015	AMD-X	03-04-100	296-401B-200	REP-P	03-05-074
296-62-05402	REP-X	03-04-100	296-307-40027	AMD-X	03-04-100	296-401B-250	REP-P	03-05-074
296-62-05404	REP-X	03-04-100	296-307-445	NEW-X	03-04-100	296-401B-260	REP-P	03-05-074
296-62-05406	REP-X	03-04-100	296-307-450	AMD-X	03-04-100	296-401B-270	REP-P	03-05-074
296-62-05408	REP-X	03-04-100	296-307-45001	REP-X	03-04-100	296-401B-300	REP-P	03-05-074
296-62-05410	REP-X	03-04-100	296-307-45003	REP-X	03-04-100	296-401B-310	REP-P	03-05-074
296-62-05412	REP-X	03-04-100	296-307-45005	AMD-X	03-04-100	296-401B-320	REP-P	03-05-074
296-62-070	REP-X	03-04-100	296-307-45007	REP-X	03-04-100	296-401B-330	REP-P	03-05-074
296-62-07001	REP-X	03-04-100	296-307-45009	REP-X	03-04-100	296-401B-335	REP-P	03-05-074
296-62-07003	REP-X	03-04-100	296-307-45010	NEW-X	03-04-100	296-401B-340	REP-P	03-05-074
296-62-07005	REP-X	03-04-100	296-307-45011	REP-X	03-04-100	296-401B-350	REP-P	03-05-074
296-62-080	REP-X	03-04-100	296-307-45013	REP-X	03-04-100	296-401B-410	REP-P	03-05-074
296-62-11021	REP-X	03-04-100	296-307-45015	AMD-X	03-04-100	296-401B-420	REP-P	03-05-074
296-62-130	REP-X	03-04-100	296-307-45017	REP-X	03-04-100	296-401B-430	REP-P	03-05-074
296-79	PREP	03-03-110	296-307-45019	REP-X	03-04-100	296-401B-440	REP-P	03-05-074
296-96	PREP	03-04-098	296-307-45020	NEW-X	03-04-100	296-401B-445	REP-P	03-05-074
296-104	PREP	03-03-129	296-307-45021	REP-X	03-04-100	296-401B-450	REP-P	03-05-074
296-128-500	AMD	03-03-109	296-307-45023	REP-X	03-04-100	296-401B-455	REP-P	03-05-074
296-128-532	NEW	03-03-109	296-307-45025	AMD-X	03-04-100	296-401B-460	REP-P	03-05-074
296-128-533	NEW	03-03-109	296-307-45027	REP-X	03-04-100	296-401B-470	REP-P	03-05-074
296-130-010	AMD	03-03-010	296-307-45029	REP-X	03-04-100	296-401B-475	REP-P	03-05-074
296-130-020	AMD	03-03-010	296-307-45030	NEW-X	03-04-100	296-401B-476	REP-P	03-05-074
296-130-030	AMD	03-03-010	296-307-45035	NEW-X	03-04-100	296-401B-500	REP-P	03-05-074
296-130-035	AMD	03-03-010	296-307-45045	NEW-X	03-04-100	296-401B-510	REP-P	03-05-074
296-130-040	AMD	03-03-010	296-307-45050	NEW-X	03-04-100	296-401B-520	REP-P	03-05-074
296-130-050	AMD	03-03-010	296-307-455	NEW-X	03-04-100	296-401B-600	REP-P	03-05-074
296-130-060	AMD	03-03-010	296-307-45505	NEW-X	03-04-100	296-401B-610	REP-P	03-05-074
296-130-065	AMD	03-03-010	296-307-45510	NEW-X	03-04-100	296-401B-620	REP-P	03-05-074
296-130-070	AMD	03-03-010	296-307-45515	NEW-X	03-04-100	296-401B-630	REP-P	03-05-074
296-130-080	AMD	03-03-010	296-307-45520	NEW-X	03-04-100	296-401B-640	REP-P	03-05-074
296-130-100	NEW	03-03-010	296-307-45525	NEW-X	03-04-100	296-401B-700	REP-P	03-05-074
296-130-500	REP	03-03-010	296-307-45535	NEW-X	03-04-100	296-401B-800	REP-P	03-05-074
296-155	PREP	03-04-097	296-307-45540	NEW-X	03-04-100	296-401B-850	REP-P	03-05-074
296-304-01001	AMD	03-04-099	296-307-45545	NEW-X	03-04-100	296-401B-860	REP-P	03-05-074
296-304-01003	AMD	03-04-099	296-307-45550	NEW-X	03-04-100	296-401B-870	REP-P	03-05-074
296-304-02007	AMD	03-04-099	296-307-45555	NEW-X	03-04-100	296-401B-900	REP-P	03-05-074
296-304-02009	AMD	03-04-099	296-307-45560	NEW-X	03-04-100	296-401B-910	REP-P	03-05-074
296-304-03007	AMD	03-04-099	296-307-45565	NEW-X	03-04-100	296-401B-920	REP-P	03-05-074
296-304-04001	AMD	03-04-099	296-307-460	NEW-X	03-04-100	296-401B-950	REP-P	03-05-074
296-304-05001	AMD	03-04-099	296-307-46005	NEW-X	03-04-100	296-401B-960	REP-P	03-05-074
296-304-05003	AMD	03-04-099	296-307-46025	NEW-X	03-04-100	296-401B-970	REP-P	03-05-074
296-304-05005	AMD	03-04-099	296-307-46030	NEW-X	03-04-100	296-401B-980	REP-P	03-05-074
296-304-05009	AMD	03-04-099	296-307-465	NEW-X	03-04-100	296-401B-990	REP-P	03-05-074
296-304-05013	AMD	03-04-099	296-307-55030	AMD-X	03-04-100	296-402A-010	REP-P	03-05-074
296-304-06003	AMD	03-04-099	296-307-560	NEW-X	03-04-100	296-402A-020	REP-P	03-05-074
296-304-07009	AMD	03-04-099	296-307-56005	NEW-X	03-04-100	296-402A-030	REP-P	03-05-074
296-304-07011	AMD	03-04-099	296-307-56010	NEW-X	03-04-100	296-402A-040	REP-P	03-05-074
296-304-07013	AMD	03-04-099	296-307-56015	NEW-X	03-04-100	296-402A-050	REP-P	03-05-074
296-304-08001	AMD	03-04-099	296-307-56020	NEW-X	03-04-100	296-402A-060	REP-P	03-05-074
296-304-09017	AMD	03-04-099	296-307-56025	NEW-X	03-04-100	296-402A-070	REP-P	03-05-074
296-304-09021	AMD	03-04-099	296-307-56030	NEW-X	03-04-100	296-402A-080	REP-P	03-05-074
296-304-09023	AMD	03-04-099	296-307-56035	NEW-X	03-04-100	296-402A-090	REP-P	03-05-074
296-304-10003	AMD	03-04-099	296-307-56040	NEW-X	03-04-100	296-402A-100	REP-P	03-05-074
296-304-10007	AMD	03-04-099	296-307-56045	NEW-X	03-04-100	296-402A-110	REP-P	03-05-074
296-305	PREP	03-04-097	296-307-56050	NEW-X	03-04-100	296-402A-130	REP-P	03-05-074
296-307-009	AMD-X	03-04-100	296-401B-092	REP-P	03-05-074	296-402A-140	REP-P	03-05-074
296-307-018	AMD-X	03-04-100	296-401B-100	REP-P	03-05-074	296-402A-150	REP-P	03-05-074
296-307-03930	NEW-X	03-04-100	296-401B-110	REP-P	03-05-074	296-402A-160	REP-P	03-05-074
296-307-03935	NEW-X	03-04-100	296-401B-120	REP-P	03-05-074	296-402A-170	REP-P	03-05-074
296-307-03940	NEW-X	03-04-100	296-401B-130	REP-P	03-05-074	296-402A-180	REP-P	03-05-074
296-307-03945	NEW-X	03-04-100	296-401B-140	REP-P	03-05-074	296-402A-190	REP-P	03-05-074

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296-402A-210	REP-P	03-05-074	308- 56A-110	AMD	03-05-081	388- 14A-3810	AMD-E	03-04-088
296-402A-220	REP-P	03-05-074	308- 56A-115	AMD	03-05-081	388- 32-0025	PREP	03-03-056
296-402A-230	REP-P	03-05-074	308- 56A-140	AMD-P	03-05-001	388- 32-0025	AMD-E	03-03-069
296-402A-240	REP-P	03-05-074	308- 56A-150	AMD-P	03-05-001	388- 32-0030	PREP	03-03-056
296-402A-250	REP-P	03-05-074	308- 56A-150	AMD	03-05-081	388- 32-0030	AMD-E	03-03-069
296-402A-260	REP-P	03-05-074	308- 56A-160	AMD-P	03-05-001	388- 71-0194	AMD-E	03-05-044
296-402A-270	REP-P	03-05-074	308- 56A-200	AMD-P	03-05-001	388- 71-0194	AMD-E	03-05-098
296-402A-290	REP-P	03-05-074	308- 56A-210	AMD	03-05-081	388- 71-0202	AMD-E	03-05-044
296-402A-300	REP-P	03-05-074	308- 56A-215	AMD-P	03-05-001	388- 71-0202	AMD-E	03-05-098
296-402A-310	REP-P	03-05-074	308- 56A-250	AMD-P	03-03-095	388- 71-0203	AMD-E	03-05-044
296-402A-320	REP-P	03-05-074	308- 56A-265	AMD-P	03-03-095	388- 71-0203	AMD-E	03-05-098
296-402A-330	REP-P	03-05-074	308- 56A-270	AMD-P	03-03-095	388- 71-0405	AMD-E	03-05-044
296-402A-340	REP-P	03-05-074	308- 56A-275	AMD-P	03-03-095	388- 71-0405	AMD-E	03-05-098
296-402A-350	REP-P	03-05-074	308- 56A-295	AMD	03-05-081	388- 71-0410	AMD-E	03-05-044
296-402A-360	REP-P	03-05-074	308- 96A-021	AMD	03-05-080	388- 71-0410	AMD-E	03-05-098
296-402A-370	REP-P	03-05-074	308- 96A-047	NEW	03-05-080	388- 71-0415	AMD-E	03-05-044
296-402A-380	REP-P	03-05-074	308- 96A-074	AMD	03-05-082	388- 71-0415	AMD-E	03-05-098
296-402A-390	REP-P	03-05-074	308- 96A-177	REP	03-05-080	388- 71-0420	AMD-E	03-05-044
296-402A-400	REP-P	03-05-074	308- 96A-314	AMD	03-05-082	388- 71-0420	AMD-E	03-05-098
296-402A-410	REP-P	03-05-074	308- 96A-316	AMD	03-05-082	388- 71-0425	AMD-E	03-05-044
296-402A-430	REP-P	03-05-074	308- 96A-550	AMD	03-05-082	388- 71-0425	AMD-E	03-05-098
296-402A-440	REP-P	03-05-074	308- 99-040	AMD	03-04-092	388- 71-0430	AMD-E	03-05-044
296-402A-450	REP-P	03-05-074	308-124H-029	PREP	03-03-080	388- 71-0430	AMD-E	03-05-098
296-402A-460	REP-P	03-05-074	308-124H-061	PREP	03-03-080	388- 71-0435	AMD-E	03-05-044
296-402A-470	REP-P	03-05-074	308-129-100	AMD	03-03-055	388- 71-0435	AMD-E	03-05-098
296-402A-480	REP-P	03-05-074	308-420-010	REP	03-03-054	388- 71-0442	NEW-E	03-05-044
296-402A-490	REP-P	03-05-074	308-420-020	AMD	03-03-054	388- 71-0442	NEW-E	03-05-098
296-402A-500	REP-P	03-05-074	308-420-050	AMD	03-03-054	388- 71-0445	AMD-E	03-05-044
296-402A-510	REP-P	03-05-074	308-420-060	AMD	03-03-054	388- 71-0445	AMD-E	03-05-098
296-402A-520	REP-P	03-05-074	308-420-070	AMD	03-03-054	388- 71-0460	AMD-E	03-05-044
296-402A-530	REP-P	03-05-074	308-420-080	REP	03-03-054	388- 71-0460	AMD-E	03-05-098
296-402A-540	REP-P	03-05-074	308-420-090	AMD	03-03-054	388- 71-0465	AMD-E	03-05-044
296-402A-550	REP-P	03-05-074	308-420-100	AMD	03-03-054	388- 71-0465	AMD-E	03-05-098
296-402A-560	REP-P	03-05-074	308-420-130	REP	03-03-054	388- 71-0470	AMD-E	03-05-044
296-402A-570	REP-P	03-05-074	308-420-140	AMD	03-03-054	388- 71-0470	AMD-E	03-05-098
296-402A-580	REP-P	03-05-074	308-420-190	AMD	03-03-054	388- 71-0480	AMD-E	03-05-044
296-402A-590	REP-P	03-05-074	308-420-200	AMD	03-03-054	388- 71-0480	AMD-E	03-05-098
296-402A-600	REP-P	03-05-074	308-420-210	AMD	03-03-054	388- 71-0600	AMD-E	03-05-044
296-402A-610	REP-P	03-05-074	308-420-230	AMD	03-03-054	388- 71-0600	AMD-E	03-05-098
296-402A-620	REP-P	03-05-074	314- 12-170	REP-P	03-02-097	388- 71-0605	AMD-E	03-05-044
296-402A-630	REP-P	03-05-074	314- 12-180	REP-P	03-02-097	388- 71-0605	AMD-E	03-05-098
296-402A-640	REP-P	03-05-074	314- 12-300	REP-P	03-02-097	388- 71-0610	AMD-E	03-05-044
296-402A-650	REP-P	03-05-074	314- 12-310	REP-P	03-02-097	388- 71-0610	AMD-E	03-05-098
296-402A-660	REP-P	03-05-074	314- 12-320	REP-P	03-02-097	388- 72A-0005	NEW	03-05-097
296-402A-670	REP-P	03-05-074	314- 12-330	REP-P	03-02-097	388- 72A-0010	NEW	03-05-097
296-402A-675	REP-P	03-05-074	314- 12-340	REP-P	03-02-097	388- 72A-0015	NEW	03-05-097
296-402A-680	REP-P	03-05-074	314- 29-003	NEW-P	03-02-097	388- 72A-0020	NEW	03-05-097
296-402A-690	REP-P	03-05-074	314- 29-015	NEW-P	03-02-097	388- 72A-0025	NEW	03-05-097
296-800	PREP	03-04-097	314- 29-020	NEW-P	03-02-097	388- 72A-0030	NEW	03-05-097
296-878	PREP	03-03-110	314- 29-025	NEW-P	03-02-097	388- 72A-0035	NEW	03-05-097
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308- 15	PREP	03-04-080	314- 29-035	NEW-P	03-02-097	388- 72A-0045	NEW	03-05-097
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308- 20-120	AMD-P	03-05-058	352- 40	PREP	03-04-038	388- 72A-0060	NEW	03-05-097
308- 20-210	AMD-P	03-03-119	388- 14A-3100	AMD-E	03-04-088	388- 72A-0065	NEW	03-05-097
308- 48-800	PREP	03-04-076	388- 14A-3102	AMD-E	03-04-088	388- 72A-0070	NEW	03-05-097
308- 56A-020	AMD	03-05-081	388- 14A-3110	AMD-E	03-04-088	388- 72A-0075	NEW	03-05-097
308- 56A-030	AMD	03-05-081	388- 14A-3115	AMD-E	03-04-088	388- 72A-0080	NEW	03-05-097
308- 56A-040	AMD	03-05-081	388- 14A-3120	AMD-E	03-04-088	388- 72A-0085	NEW	03-05-097
308- 56A-056	AMD	03-05-081	388- 14A-3122	NEW-E	03-04-088	388- 72A-0090	NEW	03-05-097

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388-140-0095	NEW-E	03-04-035	388-140-0405	NEW-E	03-04-035	388-148-0427	NEW-E	03-05-099
388-140-0100	NEW-E	03-04-035	388-140-0410	NEW-E	03-04-035	388-148-0460	AMD-E	03-05-099
388-140-0105	NEW-E	03-04-035	388-140-0415	NEW-E	03-04-035	388-148-0462	NEW-E	03-05-099
388-140-0110	NEW-E	03-04-035	388-140-0420	NEW-E	03-04-035	388-148-0520	AMD-E	03-05-099
388-140-0115	NEW-E	03-04-035	388-140-0425	NEW-E	03-04-035	388-148-0542	NEW-E	03-05-099
388-140-0120	NEW-E	03-04-035	388-140-0430	NEW-E	03-04-035	388-148-0560	AMD-E	03-05-099
388-140-0125	NEW-E	03-04-035	388-140-0435	NEW-E	03-04-035	388-148-0585	AMD-E	03-05-099
388-140-0130	NEW-E	03-04-035	388-140-0440	NEW-E	03-04-035	388-148-0630	AMD-E	03-05-099
388-140-0135	NEW-E	03-04-035	388-140-0445	NEW-E	03-04-035	388-148-0700	AMD-E	03-05-099
388-140-0140	NEW-E	03-04-035	388-140-0450	NEW-E	03-04-035	388-148-0720	AMD-E	03-05-099
388-140-0145	NEW-E	03-04-035	388-140-0455	NEW-E	03-04-035	388-148-0722	NEW-E	03-05-099
388-140-0150	NEW-E	03-04-035	388-140-0460	NEW-E	03-04-035	388-148-0725	AMD-E	03-05-099
388-140-0155	NEW-E	03-04-035	388-140-0465	NEW-E	03-04-035	388-148-0785	AMD-E	03-05-099
388-140-0160	NEW-E	03-04-035	388-140-0470	NEW-E	03-04-035	388-148-0880	AMD-E	03-05-099
388-140-0165	NEW-E	03-04-035	388-140-0475	NEW-E	03-04-035	388-148-0892	NEW-E	03-05-099
388-140-0170	NEW-E	03-04-035	388-140-0480	NEW-E	03-04-035	388-148-0915	AMD-E	03-05-099
388-140-0175	NEW-E	03-04-035	388-140-0485	NEW-E	03-04-035	388-148-0995	AMD-E	03-05-099
388-140-0180	NEW-E	03-04-035	388-140-0490	NEW-E	03-04-035	388-148-1060	AMD-E	03-05-099
388-140-0185	NEW-E	03-04-035	388-140-0495	NEW-E	03-04-035	388-148-1070	AMD-E	03-05-099
388-140-0190	NEW-E	03-04-035	388-140-0500	NEW-E	03-04-035	388-148-1076	NEW-E	03-05-099
388-140-0195	NEW-E	03-04-035	388-140-0505	NEW-E	03-04-035	388-148-1077	NEW-E	03-05-099
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388-140-0205	NEW-E	03-04-035	388-140-0515	NEW-E	03-04-035	388-148-1079	NEW-E	03-05-099
388-140-0210	NEW-E	03-04-035	388-140-0520	NEW-E	03-04-035	388-148-1115	AMD-E	03-05-099
388-140-0215	NEW-E	03-04-035	388-140-0525	NEW-E	03-04-035	388-148-1120	AMD-E	03-05-099
388-140-0220	NEW-E	03-04-035	388-140-0530	NEW-E	03-04-035	388-148-1140	NEW-E	03-05-099
388-140-0225	NEW-E	03-04-035	388-140-0535	NEW-E	03-04-035	388-148-1145	NEW-E	03-05-099
388-140-0230	NEW-E	03-04-035	388-140-0540	NEW-E	03-04-035	388-148-1150	NEW-E	03-05-099
388-140-0235	NEW-E	03-04-035	388-140-0545	NEW-E	03-04-035	388-148-1155	NEW-E	03-05-099
388-140-0240	NEW-E	03-04-035	388-140-0550	NEW-E	03-04-035	388-148-1160	NEW-E	03-05-099
388-140-0245	NEW-E	03-04-035	388-140-0560	NEW-E	03-04-035	388-148-1165	NEW-E	03-05-099
388-140-0250	NEW-E	03-04-035	388-140-0565	NEW-E	03-04-035	388-148-1170	NEW-E	03-05-099
388-140-0255	NEW-E	03-04-035	388-140-0570	NEW-E	03-04-035	388-148-1175	NEW-E	03-05-099
388-140-0260	NEW-E	03-04-035	388-140-0575	NEW-E	03-04-035	388-148-1180	NEW-E	03-05-099
388-140-0265	NEW-E	03-04-035	388-140-0580	NEW-E	03-04-035	388-148-1185	NEW-E	03-05-099
388-140-0270	NEW-E	03-04-035	388-140-0585	NEW-E	03-04-035	388-148-1190	NEW-E	03-05-099
388-140-0275	NEW-E	03-04-035	388-140-0590	NEW-E	03-04-035	388-180-0100	NEW	03-04-013
388-140-0280	NEW-E	03-04-035	388-140-0595	NEW-E	03-04-035	388-180-0110	NEW	03-04-013
388-140-0285	NEW-E	03-04-035	388-140-0600	NEW-E	03-04-035	388-180-0120	NEW	03-04-013
388-140-0290	NEW-E	03-04-035	388-140-0605	NEW-E	03-04-035	388-180-0130	NEW	03-04-013
388-140-0295	NEW-E	03-04-035	388-140-0610	NEW-E	03-04-035	388-180-0140	NEW	03-04-013
388-140-0300	NEW-E	03-04-035	388-140-0615	NEW-E	03-04-035	388-180-0150	NEW	03-04-013
388-140-0305	NEW-E	03-04-035	388-140-0620	NEW-E	03-04-035	388-180-0160	NEW	03-04-013
388-140-0310	NEW-E	03-04-035	388-140-0625	NEW-E	03-04-035	388-180-0170	NEW	03-04-013
388-140-0315	NEW-E	03-04-035	388-140-0630	NEW-E	03-04-035	388-180-0180	NEW	03-04-013
388-140-0320	NEW-E	03-04-035	388-140-0635	NEW-E	03-04-035	388-180-0190	NEW	03-04-013
388-140-0325	NEW-E	03-04-035	388-148-0040	AMD-E	03-05-099	388-180-0200	NEW	03-04-013
388-140-0330	NEW-E	03-04-035	388-148-0045	AMD-E	03-05-099	388-180-0210	NEW	03-04-013
388-140-0335	NEW-E	03-04-035	388-148-0050	AMD-E	03-05-099	388-180-0220	NEW	03-04-013
388-140-0340	NEW-E	03-04-035	388-148-0058	NEW-E	03-05-099	388-180-0230	NEW	03-04-013
388-140-0345	NEW-E	03-04-035	388-148-0060	AMD-E	03-05-099	388-310-0800	AMD-E	03-04-066
388-140-0350	NEW-E	03-04-035	388-148-0065	AMD-E	03-05-099	388-400-0040	AMD	03-05-028
388-140-0355	NEW-E	03-04-035	388-148-0120	AMD-E	03-05-099	388-400-0045	AMD	03-05-028
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388-140-0365	NEW-E	03-04-035	388-148-0140	AMD-E	03-05-099	388-424-0005	PREP	03-03-007
388-140-0370	NEW-E	03-04-035	388-148-0220	AMD-E	03-05-099	388-424-0010	PREP	03-03-007
388-140-0375	NEW-E	03-04-035	388-148-0260	AMD-E	03-05-099	388-424-0015	PREP	03-03-007
388-140-0380	NEW-E	03-04-035	388-148-0270	AMD-E	03-05-099	388-424-0020	AMD	03-05-029
388-140-0385	NEW-E	03-04-035	388-148-0335	AMD-E	03-05-099	388-424-0025	AMD	03-05-029
388-140-0390	NEW-E	03-04-035	388-148-0345	AMD-E	03-05-099	388-436-0002	AMD-E	03-04-067
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388-450-0156	AMD	03-05-030	388-818-0210	NEW	03-05-100	388-825-591	NEW-E	03-03-115
388-460-0005	AMD	03-03-072	388-818-0220	NEW	03-05-100	388-825-592	NEW-E	03-03-115
388-470-0005	AMD	03-05-015	388-818-0230	NEW	03-05-100	388-825-600	NEW-E	03-03-115
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388-470-0012	AMD	03-05-015	388-818-0250	NEW	03-05-100	388-850-045	AMD-E	03-03-115
388-470-0015	REP	03-05-015	388-818-0260	NEW	03-05-100	390	PREP	03-04-095
388-470-0020	REP	03-05-015	388-818-0270	NEW	03-05-100	390-17-110	NEW-S	03-04-094
388-470-0025	REP	03-05-015	388-818-0280	NEW	03-05-100	391-08-001	AMD	03-03-064
388-470-0030	REP	03-05-015	388-818-0290	NEW	03-05-100	391-08-630	AMD	03-03-064
388-470-0035	REP	03-05-015	388-818-030	REP	03-05-100	391-08-670	AMD	03-03-064
388-470-0045	AMD	03-05-015	388-818-0300	NEW	03-05-100	391-08-670	PREP	03-03-066
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388-470-0055	AMD	03-05-015	388-818-0320	NEW	03-05-100	391-25-002	AMD	03-03-064
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388-478-0055	AMD	03-03-114	388-818-0360	NEW	03-05-100	391-25-037	NEW	03-03-064
388-502-0010	PREP	03-03-017	388-818-0370	NEW	03-05-100	391-25-051	NEW	03-03-064
388-502-0010	AMD-E	03-03-027	388-818-0380	NEW	03-05-100	391-25-076	NEW	03-03-064
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388-515-1540	NEW-E	03-05-098	388-818-040	REP	03-05-100	391-25-136	NEW	03-03-064
388-523-0120	PREP	03-04-085	388-818-0400	NEW	03-05-100	391-25-137	NEW	03-03-064
388-530-1270	NEW	03-05-043	388-818-050	REP	03-05-100	391-25-197	NEW	03-03-064
388-531	PREP	03-04-087	388-818-060	REP	03-05-100	391-25-216	NEW	03-03-064
388-543-1100	AMD-X	03-05-054	388-818-070	REP	03-05-100	391-25-216	PREP	03-03-066
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388-730-0060	AMD	03-03-070	388-825-020	AMD-E	03-03-115	391-25-496	NEW	03-03-064
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388-730-0090	AMD	03-03-070	388-825-120	AMD-E	03-03-115	391-35-026	NEW	03-03-064
388-818-001	REP	03-05-100	388-825-180	AMD-E	03-03-115	391-35-326	NEW	03-03-064
388-818-0010	NEW	03-05-100	388-825-205	AMD-E	03-03-115	391-35-327	NEW	03-03-064
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415-02-520	NEW-P	03-05-042	468-95-020	REP-E	03-03-028	468-95-290	NEW-E	03-03-028
415-02-530	NEW-P	03-05-042	468-95-020	REP-P	03-03-029	468-95-290	NEW-P	03-03-029
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415-104-211	AMD-P	03-05-042	468-95-035	REP-E	03-03-028	468-95-320	NEW-E	03-03-028
415-104-215	AMD-P	03-05-042	468-95-035	REP-P	03-03-029	468-95-320	NEW-P	03-03-029
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415-108-560	AMD-P	03-05-041	468-95-037	REP-P	03-03-029	468-95-330	NEW-P	03-03-029
415-108-575	NEW-P	03-05-041	468-95-040	REP-E	03-03-028	468-95-340	NEW-E	03-03-028
415-110-575	NEW-P	03-05-041	468-95-040	REP-P	03-03-029	468-95-340	NEW-P	03-03-029
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446-75-020	AMD-P	03-04-070	468-95-055	REP-P	03-03-029	468-95-360	NEW-P	03-03-029
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446-75-060	AMD-P	03-04-070	468-95-060	REP-P	03-03-029	468-95-370	NEW-P	03-03-029
446-75-070	AMD-P	03-04-070	468-95-070	REP-E	03-03-028	468-95-400	NEW-E	03-03-028
446-75-080	AMD-P	03-04-070	468-95-070	REP-P	03-03-029	468-95-400	NEW-P	03-03-029
458-12-060	PREP	03-03-100	468-95-080	REP-E	03-03-028	468-300-010	AMD-P	03-04-102
458-12-065	PREP	03-03-100	468-95-080	REP-P	03-03-029	468-300-020	AMD-P	03-04-102
458-12-070	PREP	03-03-100	468-95-090	REP-E	03-03-028	468-300-040	AMD-P	03-04-102
458-12-075	PREP	03-03-100	468-95-090	REP-P	03-03-029	468-300-220	AMD-P	03-04-102
458-12-080	PREP	03-03-100	468-95-100	REP-E	03-03-028	468-300-700	AMD-P	03-04-102
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458-16-011	REP-P	03-03-099	468-95-110	NEW-P	03-03-029	478-160-085	AMD-X	03-05-019
458-16-012	REP-P	03-03-099	468-95-120	NEW-E	03-03-028	478-168-170	AMD-X	03-05-019
458-16-013	REP-P	03-03-099	468-95-120	NEW-P	03-03-029	478-276-140	AMD-X	03-05-019
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458-16-022	REP-P	03-03-099	468-95-130	NEW-P	03-03-029	478-324-045	AMD-X	03-05-019
458-16-030	REP-P	03-03-099	468-95-140	NEW-E	03-03-028	478-324-140	AMD-X	03-05-019
458-16-040	REP-P	03-03-099	468-95-140	NEW-P	03-03-029	478-324-145	NEW-X	03-05-019
458-16-060	REP-P	03-03-099	468-95-150	NEW-E	03-03-028	478-324-180	AMD-X	03-05-019
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458-16A-115	NEW-P	03-03-099	468-95-180	NEW-E	03-03-028			
458-16A-120	NEW-P	03-03-099	468-95-180	NEW-P	03-03-029			
458-16A-130	NEW-P	03-03-099	468-95-190	NEW-E	03-03-028			
458-16A-135	NEW-P	03-03-099	468-95-190	NEW-P	03-03-029			
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468-15-040	NEW	03-03-012	468-95-250	NEW-P	03-03-029			
468-15-050	NEW	03-03-012	468-95-260	NEW-E	03-03-028			
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