

Washington State Register

August 20, 2003

OLYMPIA, WASHINGTON

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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 August 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.

WASHINGTON STATE REGISTER

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

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

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
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 22, 03
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03 - 05	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 25, 03	Apr 22, 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.

WSR 03-16-006**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 24, 2003, 11:08 a.m.]

Subject of Possible Rule Making: Possible adjustments to fees charged by the collection agency program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.16.351 and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Assure that revenue collection is properly aligned with the cost of operating the licensing program.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Harumi Tucker Tolbert, Department of Licensing, Collection Agency Board, P.O. Box 9034, Olympia, WA 98507-9034, fax (360) 570-7875. Notification will be sent to all licensees and interested parties.

July 23, 2003

Harumi Tucker Tolbert

WMS Manager

WSR 03-16-018**WITHDRAWAL OF****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 28, 2003, 4:07 p.m.]

The Medical Assistance Administration would like to withdraw the following preproposal statement of inquiries: WSR 99-12-071, filed on May 27, 1999; WSR 96-22-026, filed on October 30, 1996; and WSR 96-07-045, filed on March 15, 1996.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-16-019**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 28, 2003, 4:09 p.m.]

Subject of Possible Rule Making: Amendments to WAC 388-71-0465 Are there waiting lists for HCP?, and other sections as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39.041; ESSB 5404 (section 206(9), chapter 25, Laws of 2003 1st sp.s.).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment is required by legislative mandate to control caseload growth, per ESSB 5404, Section 206(9).

Process for Developing New Rule: The department welcomes public participation in the development of its rules. Information on how to participate or receive notices about this rule may be obtained by contacting the person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruck, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538, fax (360) 407-7582, sevruta@dshs.wa.gov.

July 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-16-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 28, 2003, 4:10 p.m.]

Subject of Possible Rule Making: WAC 388-538-060 Managed care and choice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.450, 74.09.522.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make the process of enrollment into Medicaid managed care more efficient and simplify the administrative process.

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

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

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

July 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-16-032

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

(Community Health Services)

[Order 03-03—Filed July 29, 2003, 4:32 p.m.]

Subject of Possible Rule Making: Limitations on award per chapter 25, Laws of 2003, E1 for nonprofit community clinics funded under the community health services program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To modify funding limitation methodology that will allow services to be delivered pursuant to chapter 25, Laws of 2003, E1.

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

Process for Developing New Rule: Administrative modification that will be mailed to stakeholders for input and, if needed, public work sessions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Blacksmith, P.O. Box 42721, Olympia, WA 98504-2721, phone (360) 923-2755, fax (360) 923-2605.

July 29, 2003

Melodie Bankers, Director
Legal and Contract Services

WSR 03-16-034

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed July 30, 2003, 11:25 a.m.]

Subject of Possible Rule Making: Increasing betting limits at house-banked card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Dolores Chiechi on behalf of the Recreational Gaming Association. Ms. Chiechi is requesting that betting limits be increased at house-banked card rooms.

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; Robert Berg, 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: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360)

254-3100, on August 14 and 15, 2003; at the Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on September 11 and 12, 2003; and at the Double Tree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201, (509) 744-2310, on October 9 and 10, 2003.

July 16, 2003

Susan Arland

Rules Coordinator

WSR 03-16-040

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed July 30, 2003, 3:42 p.m.]

Subject of Possible Rule Making: Mailing of ballots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.04.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 162, Laws of 2003.

Process for Developing New Rule: Rules are drafted with the consultation of local election administrators.

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

July 30, 2003

Steve Excell

Assistant Secretary of State

WSR 03-16-044

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed July 30, 2003, 4:18 p.m.]

Subject of Possible Rule Making: WAC 458-20-211 Leases or rentals of tangible personal property, bailments, and demurrage charges and 458-20-266 Providing tangible personal property along with an operator.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-211 explains the business and occupation (B&O), retail sales, and use tax reporting responsibilities of persons engaged in the business of leasing tangible personal property, providing a rental of equipment with an operator, and bailment. The department anticipates amending the rule to incorporate the definitions of "lease or rental" as provided under the national streamlined sales and use tax agreement and adopted during the 2003 legislative session. The department also plans to incorporate information currently contained in several excise tax adviso-

ries, information about demurrage charges, and update and restructure information currently contained in the rule.

The department is also considering a new rule, WAC 458-20-266, to explain the tax-reporting responsibilities of persons providing tangible personal property along with an operator. Chapter 168, Laws of 2003, implementing the streamlined sales and use tax agreement, replaces the phrase "rental of equipment with operator" in RCW 82.04.050 with "providing tangible personal property along with an operator."

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

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, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is available upon request. Written comments on and/or requests for copies of the draft may be directed to JoAnne Gordon, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6121, e-mail joanneg@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 8, 2003, at 2:30 p.m.

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

July 30, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

WSR 03-16-050

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 31, 2003, 3:37 p.m.]

Subject of Possible Rule Making: Excess compensation. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.50.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) is considering amending WAC 415-02-140 to cover one or more situations that were not addressed in this relatively new WAC.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of

the Attorney General. The public is invited and encouraged to participate, as described below.

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

July 29, 2003

Merry A. Kogut

Rules Coordinator

WSR 03-16-054

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed July 31, 2003, 4:15 p.m.]

Subject of Possible Rule Making: Duties of commercial purchasers and receivers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rule may be overburdensome and needful of additional flexibility. Change would allow the splitting of crab deliveries to different buyers without initial offloading of all product at first receiver.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Morris Barker, State Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826. Contact by September 3, 2003. Expected proposal filing date is September 5, 2003.

July 31, 2003

Evan Jacoby

Rules Coordinator

WSR 03-16-059

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed August 1, 2003, 12:08 p.m.]

Subject of Possible Rule Making: The current rules do not allow wireless communication sites direct access onto full control limited access highways under any circumstances. The adoption of this rule would provide an immediate avenue for the review and assessment of such access

applications to facilitate the provision of wireless communication services to the public.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.52.027.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendment of this WAC will allow the department to permit wireless communication access to limited access state highways.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: For the interstate system, FHWA is the regulatory authority. WSDOT is the regulatory authority for limited access state highways.

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 Darlene Sharar, P.O. Box 47329, Olympia, WA 98504-7329, (360) 705-7251.

August 1, 2003
John Conrad
Assistant Secretary
Engineering and
Regional Operations

AMENDATORY SECTION (Amending Order 34, filed 7/23/79)

WAC 468-58-010 Definitions. The following definitions shall designate limited access highways and shall indicate the control of access to be exercised by each:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade, with the exception of Type C and F approaches, where no other reasonable means of access exists as solely determined by the department.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, includ-

ing commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

(5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

WSR 03-16-071

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed August 4, 2003, 2:56 p.m.]

Subject of Possible Rule Making: Facility siting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising its site selection process for correctional facilities. The location of a correctional facility is an important consideration for the department, the public, local government, and other interested stakeholders. The department seeks to identify a process that will generate support from local government and encourage public participation. The rules will set standards governing the department's process and will assist interested parties in making informed decisions about future correctional facility site selection. In addition, consistent with the State Environmental Policy Act, chapter 43.21C RCW, the rules will provide a basic framework for the department's site selection process, with due consideration of a number of critical factors, including the early evaluation of environmental issues relating to the site and any necessary infrastructure.

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; and public comments and recommendations in the course of drafting the proposed rules are solicited.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel at Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 586-2160, fax (360) 664-2009, e-mail jrnispel@doc1.wa.gov.

August 4, 2003

Patria Robinson-Martin
Chief of Staff
for Joseph D. Lehman
Secretary

WSR 03-16-080
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed August 4, 2003, 4:51 p.m.]

The Medical Assistance Administration would like to withdraw preproposal statement of inquiry, filed as WSR 02-07-111 on May 20, 2002.

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 03-16-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 5, 2003, 9:40 a.m.]

Subject of Possible Rule Making: Vocational rehabilitation—VRC supervisor qualifications, WAC 296-19A-210(2).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.32.095, 51.04.030, 51.36.085, 51.36.100, 51.36.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider input on WAC 296-19A-210(2), which relates to the supervision requirements for vocational providers delivering services to injured and ill workers. This was the subject of mediation between the department and its employee union. The rule, as it is currently worded, may create challenges for some staff interested in qualifying to supervise interns, due to a requirement for providing direct services to Washington injured workers. The rule making will provide the opportunity for further consideration of this rule and wording changes that may address this situation.

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

Process for Developing New Rule: This rule making will be specific to the supervisory requirements contained in WAC 296-19A-210(2). The department intends to open this rule for further comment based upon an agreement the department reached with its internal union. The department received input from internal vocational rehabilitation staff regarding how the present supervisory requirements in WAC may create challenges for some staff wishing to qualify to supervise interns. The department will gather input during the CR-101 phase from providers in the private sector (along with other interested parties) and will work with an internal committee with vocational provider representatives to produce proposed rules for the CR-102.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will convene informal focus groups of subject matter experts. Input will be solicited by convening an internal committee of vocational services consultants

and one or more external focus groups comprised of vocational rehabilitation counselors. Interested persons may contact Blake Maresh, Manager of Program Analysis and Development, Health Services Analysis, Department of Labor and Industries, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6564, fax (360) 902-4249, e-mail mabl235@lni.wa.gov.

August 5, 2003
 Paul Trause
 Director

WSR 03-16-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 5, 2003, 1:33 p.m.]

Subject of Possible Rule Making: New WAC 415-02-150 regarding the computation of interest on members' accounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Put long-standing Department of Retirement Systems (DRS) practice into rule.

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

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

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

August 1, 2003
 Merry A. Kogut
 Rules Coordinator

WSR 03-16-090
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed August 6, 2003, 8:03 a.m.]

The Medical Assistance Administration would like to withdraw preproposal statement of inquiry, filed as WSR 02-17-070 on August 16, 2002.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-16-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed August 6, 2003, 10:40 a.m.]

Subject of Possible Rule Making: The department intends to propose amendments to chapter 16-201 WAC, Fertilizer bulk storage and operational area containment rules, to keep the length of time temporary field storage may be in place at twenty-one days. Under existing rules, the length of time will decrease from twenty-one days to fourteen days on March 1, 2004.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.54 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has received numerous requests from growers and fertilizer dealers involved in storing bulk liquid fertilizer to revise the rules as they pertain to the length of time that temporary field storage may be in place. They are requesting that the length of time remain at twenty-one days. The main reasons cited for this request are: (1) The current twenty-one days has worked well and (2) fourteen days is not adequate in certain situations to complete the application, particularly for larger farming operations. Also, the current twenty-one day time period has been in place since March 1, 1999, and the department is not aware of any problems or incidents associated with it.

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

Process for Developing New Rule: Proposed rule language will be sent to affected stakeholders and other interested parties for review and comment prior to the filing of a CR-101. Once the CR-102 is filed, interested parties will be able to submit comment during the public comment period and will be able to participate in the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Maxwell, Program Manager, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-

2560, e-mail maxwell@agr.wa.gov, phone (360) 902-2026, fax (360) 902-2093.

August 6, 2003
Bob Arrington
Assistant Director

WSR 03-16-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed August 6, 2003, 10:45 a.m.]

Subject of Possible Rule Making: Revising rules related to parking fees, permits and enforcement on the state capitol grounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.08.150 and 46.08.172.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Capitol campus parking rates and regulations have not been adjusted in over a decade. The legislature has established policy to reduce state subsidization of employee parking and that parking rates should take into account comparable private market rates for parking. General administration (GA) intends to update rates to reflect costs of providing parking spaces, structures and services and to ensure an equitable and consistent process for setting parking rates in the future. GA also intends to clarify and modify regulations on permitting and enforcement of parking.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Patrol provides parking enforcement services to GA on the capitol campus, and will be invited to participate in the rule development process.

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 Andy Stepelton, Office of Capital Planning and Management, Department of General Administration, P.O. Box 41019, Olympia, WA 98504-1019, (360) 902-0926, astepel@ga.wa.gov; or Martin Casey, Rules Coordinator, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, (360) 902-7208.

August 4, 2003
R. D. Fukai
Executive Director

WSR 03-16-009
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed July 24, 2003, 4:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-100.

Title of Rule: WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

Purpose: To explain how to determine timber volume harvested for the stumpage value tables.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule provides the acceptable log scaling and grading methods for the various timber stumpage areas within Washington. It also identifies the conversion methods that may be used if the harvested timber was not originally scaled by the Scribner Decimal C Log Rule. The proposed rule clarifies that a harvester may rely upon a purchaser's approved sample scaling method. The proposed rule also clarifies the consequence of not using an approved sample scaling method and that the weight conversion tables provided in the rule are to be used when weight is the sole method for payment for smaller logs.

Reasons Supporting Proposal: To recognize current practice in some areas where the purchaser's sample scaling method is used to determine volume. The proposed rule also clarifies what occurs when a sample scaling method has not been approved and when a weight conversion method is appropriate.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 1025 Union Avenue S.E., Suite 400, Olympia, WA, (360) 570-6126; Implementation and Enforcement: Ron Yamamoto, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides the log scaling and grading methods that may be used by a harvester to determine the volume of timber harvested. The rule identifies the guidelines under which the department will approve sample scaling for tax reporting purposes. It also identifies the conversion methods that may be used if the harvested timber was not originally scaled by the Scribner Decimal C Log Rule.

The proposed amendment of WAC 458-40-680 clarifies that a harvester may rely upon a purchaser's approved sample scaling method. In practice, harvesters sometimes rely upon a purchaser's approved sample scaling method. The proposed rule clarifies that the weight conversion tables are to be used when weight is the sole method for payment for smaller logs. It also explains that the department will designate a reasonable conversion method when harvesters use a sample scaling method that is not approved.

Proposal Changes the Following Existing Rules: This is a proposed revision of an existing rule, WAC 458-40-680. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department is not aware of any new or additional administrative responsibilities placed on business as a result of this change.

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

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on September 11, 2003, at 10:00 a.m.

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

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by September 11, 2003.

Date of Intended Adoption: September 18, 2003.

July 24, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-24-068, filed 12/1/00, effective 1/1/01)

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions. (1) **Introduction.** The acceptable log scaling and grading standard for stumpage value areas 1, 2, 3, 4, 5, and 10 is the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" developed and authored by the Northwest Log Rules Advisory Group. The acceptable log scaling standard for stumpage value areas 6 and 7 is the Scribner Decimal C log rule described in the most current edition of the "National Forest Log Scaling Handbook" (FSH 2409.11) as published by the United States Forest Service. Lodgepole pine harvested in stumpage value areas 6, 7, or 10 must be scaled using a one inch taper allowance per log segment.

(2) **Special services scaling.** Special services scaling as described in the "Official Log Scaling and Grading Rules" developed and authored by the Northwest Log Rules Advisory Group may not be used for tax reporting purposes without prior written approval of the department of revenue.

(3) **Sample scaling.** Sample scaling may not be used for tax reporting purposes without prior written approval of the department of revenue. To be approved, sample scaling must be in accordance with the following guidelines:

(a) Sample selection, scaling, and grading must be conducted on a continuous basis as the unit is harvested.

(b) The sample must be taken in such a manner to assure random, unbiased sample selection in accordance with accepted statistical tests of sampling.

(c) The sample used to determine total volume, species, and quality of timber harvested for a given reporting period must have been taken during that period.

(d) Sample frequency must be large enough to meet board foot variation accuracy limits of plus or minus two and five-tenths percent standard error at the ninety-five percent confidence level.

(e) Harvesters, or a purchaser with an approved sample scaling method, must maintain sufficient supporting documentation to allow the department of revenue to verify source data, and test statistical reliability of sample scale systems.

(f) Exceptions: Sampling designs and accuracy standards other than those described herein may only be used with the prior written approval of the department of revenue.

(4) Conversions to Scribner Decimal C Scale. The following definitions, tables, and conversion factors must be used in determining taxable volume for timber harvested that was not originally scaled by the Scribner Decimal C Log Rule. Conversion methods other than those listed are not to be used for tax reporting purposes without prior written approval of the department of revenue. Harvesters who wish to use a method of conversion other than those listed below must obtain written approval from the department of revenue before harvesting. Purchasers may obtain written approval of a sample scaling method from the department of revenue. The department will maintain a list of purchasers with an approved sample scaling method. A harvester may obtain this list and a summary of the approved method for specific purchasers from the department of revenue. If a harvester has not obtained approval of a sample scaling method before harvesting, the harvester may use a purchaser's approved sample scaling method. If the harvester, or purchaser, fails to use an approved sample scaling method or other method of conversion approved by these rules to set the purchase price, the department will establish its own method, as the circumstances require, to determine a reasonable estimate of the volume of timber sold.

(a) **Weight measurement.** If the ~~((original))~~ sole unit of measure used to set the purchase price for logs from harvest units that meet the definition of the lowest quality code for each species was ~~((by))~~ weight, and the harvester ~~((has not applied for approval))~~ does not use an approved method of sample scaling to determine volume for the stumpage value tables, the following tables must be used for converting to Scribner Decimal C. If weight is the sole measure used for a harvest unit with quality codes other than the lowest, the department will establish its own method, as the circumstances require, to determine a reasonable estimate of the volume of timber sold. Harvesters must keep records to substantiate the species and quality codes reported. For tax reporting purposes, a ton equals 2,000 pounds.

(Stumpage Value Areas 1, 2, 3, 4, 5, & 10) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)				
Species	Quality code			
	1	2	3	4
Douglas-fir ¹	NA	NA	NA	7.50
Western Hemlock ²	NA	NA	NA	8.25
Western Redcedar ³	7.0			((7.00))
Red Alder ⁴	NA	7.8		((7.75))

(Stumpage Value Areas 1, 2, 3, 4, 5, & 10) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)				
Species	Quality code			
Chipwood	9.0			((9.00))

- ¹ Includes Douglas-fir, Western Larch, and Sitka Spruce.
- ² Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ³ Includes Alaska-cedar.
- ⁴ Maple, Black Cottonwood and other hardwoods.

(Stumpage Value Areas 6 & 7) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)		
Species	Quality code	
((Species))	1	2
Ponderosa Pine	((5.0)) NA	6.50
Douglas-fir ¹	5.50	
Lodgepole Pine	6.0	
Western Hemlock ²	5.50	
Englemann Spruce	4.50	
Western Redcedar ³	4.50	
Chipwood	9.0	
Small Logs	6.50	

- ¹ Includes Western Larch.
- ² Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ³ Includes Alaska-cedar.

(b) **Cord measurement.** For the purposes of converting cords into Scribner volume:

(i) In stumpage value areas 1, 2, 3, 4, 5, and 10 logs with an average scaling diameter of 8 inches and larger must be converted to Scribner volume using 400 board feet per cord. Logs having an average scaling diameter of less than 8 inches must be converted to Scribner volume using 330 board feet per cord.

(ii) In stumpage value areas 6 and 7 logs with an average scaling diameter of 8 inches and larger must be converted to Scribner volume using 470 board feet per cord. Logs having an average scaling diameter of less than 8 inches must be converted to Scribner volume using 390 board feet per cord.

(iii) A cord of Western Redcedar shake or shingle blocks must be converted to Scribner volume using 600 board feet per cord.

(c) **Cants or lumber from portable mills.** To convert from lumber tally to Scribner volume:

(i) In stumpage value areas 1, 2, 3, 4, 5, and 10 multiply the lumber tally for the individual species by 75%, and round to the nearest one thousand board feet (MBF); or

(ii) In stumpage value areas 6 and 7 multiply the lumber tally for the individual species by 88%, and round to the nearest one thousand board feet (MBF).

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(d) **Log scale conversion.** Timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 10 and which has been scaled by methods and procedures published in the "National Forest Log Scaling Handbook" (FSH 2409.11) must have the volumes reported reduced by eighteen percent. Timber harvested in stumpage value areas 6 and 7 and which has been scaled by methods and procedures published in the "Official

Log Scaling and Grading Rules" developed and authored by the Northwest log rules advisory group, must have the volumes reported increased by eighteen percent.

(e) **Timber pole and piling volume tables.** Harvesters of poles must use the following tables to determine the Scribner board foot volume for each pole length and class:

Total Scribner Board Foot Volume Stumpage Value Areas 1, 2, 3, 4, 5, and 10																		
Length	Pole Class ¹														Piling Class ²			
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B	
20							50	50	40	40	30	30	20	20	20	80	70	
25							60	60	50	50	40	40	30	30	30	100	90	
30							110	70	60	60	50	50	40	40		130	110	
35					160	160	130	100	80	80	60	60	50			130	110	
40			240	200	180	180	150	120	120	90	70	60				150	120	
45	380	340	340	280	230	230	190	150	120	120	90	90				150	120	
50	430	370	370	300	260	260	210	160	140	140	100					160	140	
55	470	410	410	330	280	280	230	180	150	150						180	150	
60	540	470	470	410	340	340	290	220	190	190						190	160	
65	610	520	520	420	380	380	320	260	210	210						210	180	
70	650	560	560	480	400	400	350	270	230	230						230	190	
75	700	600	600	520	520	520	440	290	250							230	200	
80	820	700	700	600	600	540	440	360	290							250	210	
85	910	800	800	660	660	660	570	490	360							260	210	
90	1080	930	930	820	820	690	590	490	400							260	220	
95	1170	1000	1000	870	870	750	640	540								290	240	
100	1190	1030	1030	900	900	760	660	550								310	250	
105	1310	1160	1160	1000	1000	860	740	610								330	270	
110	1370	1220	1220	1050	1050	910	780	650								380	300	
115	1440	1280	1280	1100	1100	960	860	680								400	310	
120	1660	1460	1460	1300	1300	1140	970	820								500	400	
125	1840	1600	1600	1410	1410	1250	1080	930										
130	1920	1680	1680	1490	1490	1310	1120	970										

- ¹ Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976, under American National Standard Institute, Inc. codified ANSI 05.1-1972.
- ² Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

Total Scribner Board Foot Volume Stumpage Value Areas 6 and 7																	
Length	Pole Class ¹														Piling Class ²		
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
20							70	60	50	50	30	30	20	20	20	90	70
25							80	70	50	50	40	40	30	30	20	100	80
30							110	90	60	60	50	50	50	40		130	110
35					190	160	140	100	100	70	60	60	50			140	100
40				240	240	200	170	120	110	100	70	70				140	100
45	390	330	330	270	270	220	180	150	110	110	80	70				150	110
50	460	390	390	340	340	280	240	190	150	150	120					190	150
55	510	430	430	370	360	300	250	190	150	150						190	150
60	610	530	530	440	440	380	310	240	200	200						240	200
65	650	570	570	490	480	410	350	280	220	220						240	200
70	750	650	650	550	470	470	410	320	260	260						260	210
75	810	700	700	600	600	500	440	340	270							270	220
80	960	830	830	710	710	610	510	420	340							220	220
85	1020	870	870	760	760	640	550	450	360							300	240
90	1110	970	970	840	840	720	620	500	420							280	280
95	1160	1010	1010	870	870	740	640	510								360	280

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Total Scribner Board Foot Volume Stumpage Value Areas 6 and 7																	
Length	Pole Class ¹															Piling Class ²	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
100	1380	1210	1210	1060	1060	910	780	650								360	280
105	1430	1250	1250	1100	1100	940	820	690								400	300
110	1580	1390	1390	1220	1220	1070	920	770								460	340
115	1660	1470	1470	1280	1280	970	810	680								470	360
120	1880	1680	1680	1480	1480	1290	1130	950								560	450
125	1910	1690	1690	1490	1490	1140	970	810									
130	2170	1920	1920	1710	1710	1510	1320	1140									

- ¹ Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976, under American National Standard Institute, Inc. codified ANSI 05.1-1972.
- ² Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by October 8, 2003.

Date of Intended Adoption: October 24, 2003.

Larry Davis
Executive Director

WSR 03-16-013
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed July 25, 2003, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-022.

Title of Rule: WAC 180-82-105 Assignment of classroom teacher within districts.

Purpose: The purpose of the amendment to this rule is to establish a list of endorsement related assignments and allows a school district to assign a teacher to an endorsement related area when no teacher with an endorsement in the assignment area is available.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education, 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. Not applicable.

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Edmonds School District Administration Building, 20420 68th Avenue West, Lynnwood, WA 98036-7400, on October 22, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by October 8, 2003, TDD (360) 664-3631 or (360) 725-6027.

AMENDATORY SECTION (Amending WSR 02-18-038, filed 8/26/02, effective 9/26/02)

WAC 180-82-105 Assignment of classroom teachers within districts. In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial, residency, endorsed continuing, or professional teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-82-202.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a career and technical education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11)(a) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teacher's endorsement and courses or classes which the board of directors of the district, using the endorsement-related assignment table published by the state board of education as a nonbinding guideline, determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

(b) The endorsement-related assignment table published by the state board of education may not be changed without prior state board of education approval. Endorsement-related assigned classroom teachers must be evaluated annually specific to the assignment and achieve a satisfactory rating to continue in the assignment.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

WSR 03-16-027

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 02-05—Filed July 29, 2003, 1:06 p.m.]

Continuance of WSR 03-13-077.

Title of Rule: Chapter 173-434 WAC, Solid waste incinerator facilities.

Purpose: The purpose of this filing is to extend the comment period beyond the original deadline of July 29, 2003. The new end of comment period is August 12, 2003.

Submit Written Comments to: Steve Cross, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504, fax (360) 407-7534, rulescomments@ecy.wa.gov, by 5:00 p.m. on August 12, 2003.

Date of Intended Adoption: August 26, 2003.

July 28, 2003

Linda Hoffman
Deputy Director

WSR 03-16-033

PROPOSED RULES

HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Order 02-07—Filed July 29, 2003, 4:34 p.m.]

Continuance of WSR 03-13-138.

Preproposal statement of inquiry was filed as WSR 02-21-133.

Title of Rule: Rules affecting Public Employees Benefits Board (PEBB) sponsored active employees and retirees.

Purpose: The Health Care Authority reviewed chapters 182-08 and 182-12 WAC and is proposing amendments to those chapters to clarify the eligibility and administrative rules affecting PEBB-sponsored insurance coverages for active and retired public employees and to streamline administration of the PEBB program.

The purpose of this filing is to provide notice of the postponement of the date for the rule-making hearing and a change in location.

Hearing Location: Attorney General's Office Training Center, RoweSix, Building 1, 4224 6th Avenue S.E., Lacey, WA, on August 5, 2003, at 1:30 p.m.

Submit Written Comments to: Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, fax (360) 923-2602, by July 29, 2003.

Date of Intended Adoption: August 14, 2003.

July 29, 2003

Melodie Bankers, Director
Legal and Contract Services

WSR 03-16-041

PROPOSED RULES

SECRETARY OF STATE

[Filed July 30, 2003, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-140.

Title of Rule: Presidential primary.

Purpose: Implement the 2004 presidential primary.

Statutory Authority for Adoption: RCW 29.19.070.

Statute Being Implemented: Chapter 29.19 RCW.

Summary: The repealers and amendments update and streamline the presidential primary rules.

Name of Agency Personnel Responsible for Drafting: Bill Huennekens, Office of the Secretary of State, (360) 902-4169; Implementation and Enforcement: Dean Logan, Office of the Secretary of State, (360) 902-4180.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates existing rules and repeals unnecessary rules.

Proposal Changes the Following Existing Rules: Updates language for conducting the presidential primary.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules do not impact small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(ii) establishes that this section does not apply to rules relating only to internal government operations.

Hearing Location: Office of the Secretary of State, 520 Union Avenue S.E., Olympia, WA, on September 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bill Huennekens by September 25, 2003, TDD (800) 422-8683 or (360) 902-4169.

Submit Written Comments to: Bill Huennekens, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504-0229, fax (360) 586-5629, by September 25, 2003.

Date of Intended Adoption: November 1, 2003.

July 30, 2003

Steve Excell

Assistant Secretary of State

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-219-010
WAC 434-219-030
WAC 434-219-040
WAC 434-219-130
WAC 434-219-255
WAC 434-219-270
WAC 434-219-285
WAC 434-219-300
WAC 434-219-350

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-020 Definitions. As used in this chapter:

(1) (~~"County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and conduct state and local elections in a charter county, and his or her deputies or staff where the context indicates;~~

(2) (~~"Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or statewide office received at least five percent of the total vote cast at the last preceding state general election for that office in an even-numbered year;~~

(3) (~~"Ballot" means, as the context implies, either:~~

(a) ~~The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a presidential primary;~~

(b) ~~A facsimile of the contents of a particular ballot, whether printed on a paper ballot or ballot card or as part of a voting device;~~

(c) ~~A physical or electronic record of the choices of an individual voter at a presidential primary;~~

(d) ~~A physical document on which the voter's choices are to be recorded;~~

(4)) ~~"Political party ballot" means a ballot composed of a list of names of candidates belonging to the same major political party and who have been certified by the secretary of state as provided in RCW 29.19.030.~~

((5)) (2) ~~"Unaffiliated ballot" means a ballot composed of a list of all the candidates certified by the secretary of state as provided in RCW 29.19.030.~~

((6) ~~"Physically") (3) "Separate ballot" means a ballot specific to a single political party or an unaffiliated ballot. When ((physically)) separate ballots are used, all ballots must be issued to each absentee voter unless the voter signs the appropriate oath requesting only one ballot.~~

((7)) (4) ~~"Consolidated ballot" means a ((single sheet of ballot paper or card)) medium upon which multiple ballots may be listed. Such ballots must clearly identify each separate ballot by type and, if used at a polling place, must also be capable of being coded so that only votes cast for candidates matching the oath signed by the voter are counted. Consolidated mail ballots may be coded in the same manner as polling place ballots.~~

((8) ~~"Voting system" means a voting device, vote tallying system, or combination of these together with ballots and other supplies or equipment used to conduct a presidential primary or to canvass votes cast in a presidential primary;~~

(9) ~~"Voting device" means a piece of equipment used for the purpose of marking, or to facilitate the marking, of a ballot to be tabulated by a vote tallying system, or a piece of mechanical or electronic equipment used to directly record votes and to accumulate results for a number of issues or offices from a series of voters;~~

(10) ~~"Vote tallying system" means a piece of mechanical or electronic equipment and associated data processing software used to tabulate votes cast on ballot cards or otherwise recorded on a voting device or to prepare that system to tabulate ballot cards or count votes;~~

(11) ~~"Ad hoc committee" means the committee created under RCW 29.19.020 that has the authority to change the date of the presidential primary-))~~

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-080 Petition process for ballot access.

Members of a major political party may petition the secretary of state, pursuant to the provisions of RCW 29.19.030(2), to include on the presidential primary ballot the name of any candidate of that party not designated by the secretary of state under WAC 434-75-060. Petitions may be circulated for signatures not earlier than the first day following the designation of candidates by the secretary of state under WAC 434-75-060. Such petitions must be filed with the secretary of state not later than the thirty-ninth day preceding the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-100 Verification of signatures by secretary of state. Upon receipt of any nominating petition filed pursuant to WAC ((434-75-080)) 434-219-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC ((434-75-090)) 434-219-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29.79.200 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and any multiple signatures from the same voter. No signature may be rejected solely on the basis that it is not accompanied by the address or precinct name or number of the signer.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-150 Ballot request form used at the polling place. (1) The political party declaration provided under WAC ((434-75-140)) 434-219-140, when provided to a voter desiring to vote at a polling place, may appear on either:

(a) A paper form of uniform size for each voter. The form shall identify the presidential primary, the major political party, and the date, and shall have space for the voter to sign his or her name and address. The voter's precinct shall be clearly indicated on the form. Multiple-part reproducible forms may be used for this purpose. The signed ballot request forms shall be collected by the precinct election officers and transmitted to the county auditor at the end of the voting day; or

(b) A format printed in the poll book which would permit the voter to sign his or her name and address and to indicate his or her political party preference, if any; or

(c) Separate poll books for each major political party distinct from the poll books for voters who do not subscribe to the declaration of any major political party.

(2) The county auditor shall provide appropriate instructions for the precinct election officers regarding the handling, maintaining, and transportation of the political party declarations.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-160 Political party and unaffiliated ballots—Arrangement. Ballots for each major political party and unaffiliated ballots shall be provided as follows:

(1) Where candidate names are listed on ((physically)) separate ballots, each ballot shall be identified by color and either the name of the political party or as an unaffiliated bal-

lot. Each separate ballot shall contain a machine readable code to distinguish each ballot type within each precinct.

(2) Where candidate names are listed on a consolidated ballot, they shall be ((printed)) presented in such a manner that each party's group of candidates is clearly distinguishable and identified by party name. The unaffiliated ballot may be listed in a separate listing or may be considered a combination of the party ballots. The order of the parties shall be the same as the order in which candidate names are listed on partisan general election ballots.

At a polling place, each ballot must be coded so that only votes cast for candidates of the party matching the oath signed by the voter are counted.

The code shall be a response position on the consolidated ballot identifying one of the major political parties or the unaffiliated status. Its purpose will be to exclude any vote cast on the ballot that does not correspond to the party or unaffiliated status indicated by the voter on the response position. The voter must mark or punch the appropriate response position corresponding to the oath or declaration on the absentee ballot return envelope. If the vote is cast at a polling place, the voter or precinct election official shall mark or punch the code. If the code is marked or punched by the voter, the precinct election official shall ensure that the code matches the oath or declaration as signed in the poll book. If a consolidated ballot is used in a mail ballot precinct or as an absentee ballot and a party/unaffiliated code is not used, each returning ballot must be segregated by oath and then subsequently inspected to ensure that only votes cast for candidates corresponding to the oath signed by the voter are counted.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-170 Order of political parties. Whenever political party declarations or ballots are printed on the same envelope, card, or sheet of paper, the party which polled the highest number of votes in the state for its candidate for president at the last preceding presidential election shall be listed first. The party which polled the next highest number of votes in the state for its candidate for president at the last preceding presidential election shall be listed second. Unaffiliated declarations shall be printed below political party declarations.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-180 Ballots—Arrangement of names—Instructions. (1) The unaffiliated ballot shall contain the names of all of the candidates certified by the secretary of state under WAC 434-219-120 listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary.

(2) The political party ballots shall contain the names of all of the candidates certified by the secretary of state under WAC 434-219-120 for that party's nomination listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted

to the voters at special elections held in conjunction with the presidential primary.

(3) Provision for the voter to write-in the name of another candidate shall be provided on each ~~((physically))~~ separate ballot or for each party's office on a consolidated ballot. The names of candidates on the presidential primary ballot shall not be rotated.

(4) The ballot shall contain instructions to the voters in substantially the following form:

"If you vote for more than one candidate for this office, your vote in the presidential primary will not be counted."

The instructions shall be printed large enough to be easily read by the voter.

(5) Ballots for each political party and unaffiliated ballots shall be differentiated by color except when using a consolidated ballot.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-185 Logic and accuracy test decks. No later than fifteen days before the date of the presidential primary, the county auditor shall provide for the preparation of a test deck for logic and accuracy testing. No later than thirty days before the date of the presidential primary, the county auditor in consultation with the office of the secretary of state shall schedule a logic and accuracy test so that a representative of the office of the secretary of state can be present during the test. A representative of the secretary of state shall observe and certify that the test was conducted. Excluding the provisions in this chapter the procedures for the logic and accuracy test shall be conducted pursuant to the provisions of chapter 434-333 WAC and RCW 29.33.350.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-210 Issuing absentee and polling place ballots. (1) Polling place voters who do not make a political party declaration under WAC 434-219-140 shall be ~~((issued))~~ presented either an unaffiliated ballot, or a consolidated ballot coded as an unaffiliated ballot. Polling place voters who make a political party declaration under WAC 434-219-140 shall be ~~((issued))~~ presented either that party's ballot or a consolidated ballot coded to match their party oath.

(2) Absentee ballot voters, except as provided in subsection (3) of this section if applicable, shall be issued all unaffiliated and political party ballots, either as ~~((physically))~~ separate ballots or as a consolidated ballot.

(3) At the discretion of the county auditor, absentee ballots issued directly to the voter at the auditor's office may be issued in the same manner as polling place ballots provided that the voter marks, or verbally refuses to mark, the appropriate declaration on the return envelope prior to receiving the ballot.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-220 Absentee ballots—Declarations—Instructions. (1) The political party declaration and unaffiliated declaration provided under WAC 434-219-140 shall be printed on the return envelope below the absentee ballot oath provided under WAC 434-240-190. Each declaration shall be printed next to a box in which the voter ~~((may))~~ is instructed to make a mark to indicate to which declaration ~~((he or she))~~ they subscribe~~((s))~~. The date and signature lines in the absentee ballot oath shall also serve as the date and signature lines for the political party and unaffiliated declarations.

(2) In addition to other instructions normally provided to absentee voters, the county auditor shall ensure that, whenever presidential primary ballots are issued, the voters are given specific instructions on how to mark their ballot so that it will be counted in accordance with the oath they signed on the return envelope. Instructions shall also be provided to the voter on the correct method for writing in a candidate's name on the ballot.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-230 Segregation of absentee ballots. Absentee ballots must be segregated according to major party declaration choice before they are removed from the return envelopes. The number of ballots in each segregated group shall be recorded on a ballot accountability form at each step of the absentee ballot canvassing process. ~~((If consolidated absentee ballots are used, they shall be processed in the manner provided by either WAC 434-219-160(2) or, if a party/unaffiliated ballot code is used, by WAC 434-219-165 if applicable.))~~

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-250 Tabulation of ballots. (1) Any voter who ~~((signs))~~ selects a party oath and votes for a candidate certified by the secretary of state for that party shall have that vote tabulated as a political party vote, regardless upon which ballot that vote is cast.

(2) Any voter who ~~((signs))~~ selects the unaffiliated oath, ~~((or who does not sign an oath at all,))~~ shall have that vote tabulated as an unaffiliated vote, regardless upon which ballot that vote is cast.

(3) Any voter who ~~((signs))~~ selects a party oath and then votes for a candidate certified by the secretary of state for a different party shall not have that vote tabulated.

(4) If the voter does not select an oath, then no vote for president shall be tabulated.

(5) Votes shall be tabulated in accordance with the oath selected regardless of which ballot upon which the vote is recorded.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-280 Votes not tabulated. In addition to WAC 434-219-255, the county auditor shall not tabulate votes in the presidential primary in the following cases:

(1) Where the voter has attempted to vote (~~more than once for that office~~) for more than one candidate on the same political party or unaffiliated ballot;

(2) Where the voter has voted (~~for candidates of more than one political party~~) on more than one political party or unaffiliated ballot, in which case ((all such votes)) any vote cast on a ballot not matching the oath signed by the voter shall be rejected;

~~((3) Where a write-in vote is made for a person who has declined the nomination as provided by WAC 434-75-070;~~

~~(4) Where the person issued a special or challenged ballot does not otherwise satisfy the constitutional or statutory requirements for voting;~~

~~(5) Where the voter has signed a political party oath and then cast a vote other than a write-in vote for a candidate whose name appears on a different party's ballot.))~~

In those instances where the auditor is not sure whether a ballot or part of a ballot should be counted, he or she shall refer that ballot to the county canvassing board for their determination.

AMENDATORY SECTION (Amending WSR 00-03-003, filed 1/6/00, effective 2/6/00)

WAC 434-219-290 Canvassing and certification of presidential primary. County canvassing boards shall certify the results of the presidential primary including (~~totals for all~~) the total number of write-in votes cast, by congressional and legislative districts, not later than the tenth day following the primary. (~~No later than the twentieth day following the primary, county canvassing boards shall certify totals for all valid write-in votes cast for each candidate and the total of all write-in votes not tabulated, by congressional and legislative districts.~~) The county auditor shall send one original copy of the returns by mail to the secretary of state on the same day the returns are certified. Wherever applicable, the other procedures established by chapter 29.62 RCW for the canvassing of state primaries shall apply to the canvassing of a presidential primary. Not later than the thirtieth day following the presidential primary, the secretary of state shall notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for each candidate listed on the ballot and of the write-in votes cast for any qualified write-in candidates.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-340 Claims for reimbursement. Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29.13.045. The procedures for allocating

such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the returns of the presidential primary by the secretary of state.

WSR 03-16-045

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 31, 2003, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-056 on March 6, 2003.

Title of Rule: WAC 388-408-0034 What is an assistance unit for food assistance?, 388-408-0035 Who is in my assistance unit for food assistance?, 388-408-0040 How does living in an institution affect my eligibility for food assistance?, 388-408-0045 Am I eligible for food assistance if I live in a shelter for battered women and children?, and 388-408-0050 Does the department consider me homeless for food assistance benefits?

Purpose: Amend the rules to update the language of department rules, and clarify rules to be consistent with federal regulations for the food stamp program.

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

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Summary: These rules explain what an assistance unit is for the Washington basic food program, who must be in an assistance unit, and how certain circumstances impact a client's eligibility and assistance unit composition.

Reasons Supporting Proposal: These changes are necessary to clarify who must be in an assistance unit and allow for consistent statewide application of department rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

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

Rule is necessary because of federal law, Title 7 of the Code of Federal Regulations, Part 273 - 273.1.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule: WAC 388-408-0034 What is an assistance unit for food assistance?, 388-408-0035 Who is in my assistance unit for food assistance?, 388-408-0040 How does living in an institution affect my eligibility for food assistance?, 388-408-0045 Am I eligible for food assistance if I live in a shelter for battered women and children?, and 388-408-0050 Does the department consider me homeless for food assistance benefits?

Purpose and Effect: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it only affects DSHS clients by clarifying who is in an assistance unit for the Washington basic food program.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts federal requirements mandated by Title 7 of the Code of Federal Regulations, Part 273 - 273.1 regarding household concept for federal food stamp benefits. The department also applies the same requirements for the state-funded portion of the Washington basic food program.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 5, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 9, 2003.

Date of Intended Adoption: No earlier than September 10, 2003.

July 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

WAC 388-408-0034 What is an assistance unit for Basic Food ((assistance))? For all sections of this chapter:

"We" means the department of social and health services;

"You" means the person applying for or receiving benefits from the department;

"Assistance unit" or "AU" is the group of people who live together and whose income and resources we count to decide if you are eligible for benefits and the amount of benefits you get.

"Boarder" means a person who:

(1) We decide pays a reasonable amount for lodging and meals; or

(2) Is in foster care.

"Live-in attendant" means a person who lives in the home and provides medical, housekeeping, childcare, or similar personal services an AU member needs because:

(1) A member is aged, incapacitated, or disabled;

(2) A member of the AU is ill; or

(3) A minor child in the AU needs childcare.

"Parent" means a natural, step, or adoptive parent. A stepparent is not a parent to a child if the marriage to the child's natural parent ends due to divorce or death.

A person who lives with you pays a "reasonable amount" for meals if:

(1) You provide two or more meals a day and they pay at least the maximum allotment under WAC 388-478-0060 for their AU size; or

(2) You provide one meal a day and they pay at least two-thirds the maximum allotment under WAC 388-478-0060 for their AU size.

"Roomer" means a person who pays for lodging, but not meals;

A person has a "separate residence" from an AU if they have separate living, cooking, and sanitation facilities.

"Spouse" means your husband or wife through a legally recognized marriage.

AMENDATORY SECTION (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

WAC 388-408-0035 Who is in my assistance unit for Basic Food ((assistance))? (1) For Basic Food ((assistance)), a person must be in your assistance unit (AU) if they live in the same home as you and:

(a) ~~((Live in the same home as you; and~~

~~(b) Usually purchase and prepare food with you))~~ Usually buy and fix food with you; or

(b) You provide meals for them and they pay less than a reasonable amount for meals.

(2) If the following people live with you, they must be in your AU even if you do not usually ~~((purchase))~~ buy and ~~((prepare))~~ fix food together:

(a) Your spouse;

(b) Your parents if you are under age twenty-two (even if you are married);

(c) Your children under age twenty-two;

(d) A child under age eighteen who doesn't live with their parent unless the child:

(i) Is emancipated;

(ii) Gets a TANF grant in their own name; or

~~(iii) ((Gets income in their own name of))~~ Is not financially dependent on an adult in the AU because they get and have control of income of at least the TANF payment standard under WAC 388-478-0020(2) before taxes or other withholdings(-

~~(e) Someone not listed in (a) through (d) above if:~~

~~(i) You provide meals for them; and~~

~~(ii) They pay less than a reasonable amount for meals)).~~

(3) If you live in an institution where you may be eligible for Basic Food under WAC 388-408-0040, we decide who is in your AU as follows:

(a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your AU under subsection (2) of this rule; or

(b) If you apply for benefits on your own, we include you, anyone who must be in your AU under subsection (2) of this rule, and other residents you choose to apply with.

(4) Anyone who must be in your AU under subsection ~~((2))~~ (1) or ~~((3))~~ (2) is an ineligible AU member if they:

(a) Are disqualified for an Intentional Program Violation (IPV) under WAC 388-446-0015;

(b) ~~((Did))~~ Do not meet ABAWD work requirements under WAC 388-444-0030.

(c) ~~((Did))~~ Do not meet work requirements under WAC 388-444-0055;

(d) ~~((Did))~~ Do not provide a social security number under WAC 388-476-0005;

(e) ~~((Did))~~ Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;

(f) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010;

(g) Are disqualified for a drug-related felony under WAC 388-442-0010.

~~((4))~~ (5) If your AU has an ineligible member:

(a) We count the ineligible member's income to ~~((the))~~ your AU under WAC 388-450-0140;

(b) We count all the ineligible members resources to ~~((the))~~ your AU; and

(c) We do not use the ineligible member to determine ~~((the))~~ your AU's size for the maximum income amount or allotment under WAC 388-478-0060.

~~((5))~~ (6) If the following people live in the same home as you, you can choose if we include them in ~~((the))~~ your AU:

(a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the one hundred sixty-five percent standard under WAC 388-478-0060;

(b) A boarder. If you do not include a boarder in your AU, the boarder cannot get Basic Food ((assistance)) benefits in a separate AU;

(c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get Basic Food ((assistance)) benefits in a separate AU;

(d) Roomers; or

(e) Live-in attendants even if they ~~((purchase and prepare))~~ buy and fix food with you.

~~((6))~~ (7) If someone in your AU is out of your home for a full issuance month, they are not eligible for benefits as a part of your AU.

~~((7))~~ (8) If someone received Basic Food or Food Stamps in another AU or another state, they cannot receive benefits in your AU for the same period of time with one exception. If you already received Basic Food or Food Stamp benefits:

(a) In another state, you are not eligible for Basic Food for the period of time covered by the benefits you received from the other state; or

(b) In another AU, you are not eligible for Basic Food in a different AU for the same period of time;

(c) In another AU, but you left the AU to live in a shelter for battered women and children under WAC 388-408-0045, you may be eligible to receive benefits in a separate AU.

(9) The following people who live in your home are not members of your AU. If they are eligible for Basic Food ((assistance)), they may be a separate AU:

(a) Someone who usually ~~((purchases and prepares meals))~~ buys and fixes food separately from your AU if they are not required to be in your AU; or

(b) Someone who lives in a separate residence.

~~((8))~~ (10) A student who is ineligible for Basic Food ((assistance)) under WAC 388-482-0005 is not a member of ~~((the))~~ your AU.

AMENDATORY SECTION (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food ((assistance))? (1) For Basic Food ((assistance)), an "institution" means a place where people live that provides residents more than half of three meals daily as a part of their normal services.

(2) Most residents of institutions are not eligible for Basic Food ((assistance)).

(3) If you live in one of the following institutions, you may be eligible for Basic Food ((assistance)) even if the institution provides the majority of your meals:

(a) Federally subsidized housing for the elderly;

(b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative;

(c) Qualified DDD group homes for persons with disabilities;

(d) A shelter for battered women and children when the resident left the home that included the abuser; or

(e) Nonprofit shelters for the homeless.

(4) A qualified DDD group home is a nonprofit residential facility that:

(a) Houses sixteen or fewer persons with disabilities as defined under WAC 388-400-0040(6); and

(b) Is certified by the Division of Developmental Disabilities (DDD).

(5) A qualified drug and alcohol treatment center is a residential facility that is:

(a) A nonprofit residential facility; and

(b) Is certified by the Division of Alcohol and Substance Abuse (DASA).

(6) Elderly or disabled individuals and their spouses may use Basic Food ((assistance)) benefits to buy meals from the following meal providers if FNS has approved them to accept Basic Food ((assistance)) benefits:

(a) Communal dining facility; or

(b) Nonprofit meal delivery service.

~~((6))~~ (7) If you are homeless, you may use your Basic Food ((assistance)) benefits to buy prepared meals from non-profit organizations the department has certified as meal providers for the homeless.

AMENDATORY SECTION (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

WAC 388-408-0045 Am I eligible for Basic Food ((assistance)) if I live in a shelter for battered women and children? (1) You may be eligible for Basic Food ((assistance)) benefits if you live in a shelter for battered women and children.

(2) If you live in a shelter for battered women and children and you left an assistance unit (AU) that included the abuser, ~~((we certify you a))~~ as a separate AU for Basic Food ((assistance)):

(a) You may get additional amount of Basic Food ~~((assistance))~~ benefits even if you received benefits with the abuser.

(b) The department will decide your eligibility and benefits based on:

- (i) The income and resources you have access to; and
- (ii) The expenses you are responsible for.

AMENDATORY SECTION (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

WAC 388-408-0050 Does the department consider me homeless for Basic Food ~~((assistance))~~ benefits? The department considers you as homeless if you do not have a regular nighttime residence or when you stay primarily in a:

- (1) Supervised shelter that provides temporary living or sleeping quarters;
- (2) Halfway house that provides a temporary residence for persons going into or coming out of an institution;
- (3) Residence of another person that is temporary and the client has lived there for ninety days or less; or
- (4) A place not usually used as sleeping quarters for humans.

WSR 03-16-058
PROPOSED RULES
SECRETARY OF STATE
 [Filed August 1, 2003, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-004.

Title of Rule: Washington citizens' commission on salaries for elected officials.

Purpose: Update the timelines and repeal outdated sections.

Statutory Authority for Adoption: RCW 43.03.305.

Statute Being Implemented: RCW 43.03.305.

Summary: Update the timelines and repeal outdated sections.

Reasons Supporting Proposal: Good government.

Name of Agency Personnel Responsible for Drafting: Bill Huennekens, Office of the Secretary of State, (360) 902-4180; Implementation and Enforcement: Dean Logan, Office of the Secretary of State, (360) 902-4180.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Conducting the selection of names for the citizens' commission on salaries for elected officials by lot, notifying persons selected for the commission and forwarding the names of selected person[s] to the governor.

Proposal Changes the Following Existing Rules: Updates the dates and deadlines to correspond with legislative changes made by chapter 102, Laws of 1999.

Eliminates rules on transmitting and compiling the data file of records of registered voters.

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

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(ii) establishes that this section does not apply to rules relating only to internal government operations.

Hearing Location: Office of Secretary of State, 520 Union Avenue S.E., Olympia, WA, on September 18, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bill Huennekens by September 18, 2003, TDD (800) 422-8683.

Submit Written Comments to: Bill Huennekens, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504-0229, fax (360) 586-5629, by September 18, 2003.

Date of Intended Adoption: November 1, 2003.

August 1, 2003

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-209-050 Conducting the selection of names by lot. No later than ~~((January))~~ May 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district that requires appointment of a new commissioner. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section. ~~((The secretary of state shall request a separate list of registered voters for each congressional district to be selected by a random sample from the lists compiled under WAC 434-209-040.))~~

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-209-060 Notifying persons selected by lot. (1) No later than ~~((January))~~ May 31 of the year of selection, the secretary of state shall notify by nonforwardable 1st class mail each person selected by lot under WAC 434-209-050. The notification shall contain a response form and pre-stamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than ~~((February))~~ June 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before ~~((February))~~ June 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-209-080 Names of selected persons to governor. No later than ~~((February 15))~~ July 1 of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under WAC 434-209-070.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-209-040	Transmitting and compiling the data file of records of registered voters.
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WSR 03-16-061
PROPOSED RULES
GAMBLING COMMISSION
[Filed August 1, 2003, 12:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-136.

Title of Rule: Merchandise prizes for punch board and pull-tab games, WAC 230-04-124 Licensing of manufacturer, distributor, gambling service supplier, and linked bingo prize provider representatives—Exceptions.

Purpose: To require license of persons that sell merchandise with the intent to be used as a prize for a punch board or pull-tab game.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: A petition for rule change was submitted to the commission by Dwight Bailey, Spokane Pull-Tab and Bingo Supply. Mr. Bailey is requesting the licensure of individuals or entities that sell only merchandise to punch board and pull-tab operators to be used as a punch board or pull-tab prize. At the June 13, 2003, commission meeting the commission filed the petition for further discussion.

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 an SBEIS 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: Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on September 11 and 12, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by September 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 September 1, 2003.

Date of Intended Adoption: September 12, 2003.

August 1, 2003

Susan Arland

Rules Coordinator

AMENDATORY SECTION [(Amending Order 385, filed 7/14/00)]

WAC 230-04-124 Licensing of manufacturer, distributor, gambling service supplier, and linked bingo prize provider representatives—Exceptions. Except as allowed by this section, all individuals representing or acting as an agent of a licensed manufacturer, distributor, gambling service supplier or linked bingo prize provider shall be licensed by the commission prior to selling, promoting or providing any person gambling equipment, paraphernalia or related services. This includes individuals that manage or supervise individuals selling, promoting, or providing products or services for which a license is required. A licensed manufacturer, distributor, gambling service supplier or linked bingo prize provider shall not allow an unlicensed person to represent them in transactions restricted by this section and shall take all measures necessary to prevent an unlicensed person from doing so. The following restrictions, procedures and exceptions apply to representative licenses:

Persons soliciting merchandise prizes must be licensed

No operator shall purchase or otherwise obtain from any person any non-cash prizes to be used in conjunction with state regulated punch board and/or pull-tabs or related products in this state until it is first determined that the person selling or otherwise offering such product has a valid licensed issued to sell the product in this state or has been registered with the commission as required: Provided That, an operator may purchase merchandise prizes from a catalog, retail or specialty stores bearing a receipt of total good purchased which complies with Washington state rules and guidelines for offering non-cash prizes in a game of chance. The intent of these retail or catalog stores does not reflect the organiza-

tion's intent to use the products it sells as prizes of chance. The operator will adhere to all rules regulations regarding merchandise prize-boards and is subject to the penalties of violation.

Exceptions - representative license not required.

(1) The following individuals do not require a separate representative's license:

(a) A sole owner, partner, major officer or board member and/or owner of a substantial interest in an entity;

(b) Office, clerical or warehouse personnel who have contact with customers or potential customers only by telephone at the manufacturer's, distributor's, gambling service supplier's, or linked bingo prize provider's own premises when working under the immediate and direct supervision of an owner, partner, major officer, or a licensed manager or supervisor; and

(c) Resident agents required by WAC 230-12-300 when such agents are not involved in selling or providing products or services for which a license is required.

Signature of employer required.

(2) The manufacturer, distributor, gambling service supplier, or linked bingo prize provider for which the representative will work shall sign the application acknowledging that the applicant will be representing them with their full knowledge and consent.

Requirements.

(3) An applicant for a license as a distributor representative, gambling service supplier representative, or linked bingo prize provider representative shall:

Training.

(a) Complete a training course for any activity being managed, as required and provided by the commission within thirty days after the first day worked; and

Represent only one employer at a time - exceptions.

(b) Represent only one licensed manufacturer, distributor, gambling service supplier, or linked bingo prize provider at a time and shall not represent a manufacturer: Provided, That this rule shall not prevent a licensed representative from representing a manufacturer, distributor, and/or linked bingo prize provider when all businesses are owned by the same person: Provided further, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

Conflict of interest.

(4) If a licensed gambling service supplier representative has any interest in a licensed manufacturer or distributor and they provide services to any punch board, pull-tab, or bingo operator, they shall inform the commission, the operator, and the manufacturer or distributor of the relationship. Such manufacturer or distributor shall be prohibited from selling punch boards, pull-tabs, or disposable bingo cards to such operator.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 03-16-063

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 1, 2003, 1:39 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.330 (1)(b).

Title of Rule: WAC 480-120-146 Changing service providers from one local exchange company (LEC) to another, the current rule requires telecommunications companies to continue service when a customer migrates from one LEC to another until confirmation of activation of new service is received from the new service provider. On June 17, 2003, Qwest Corporation filed a petition to amend this section to require the LEC providing existing service to the customer to wait until 11:59 of the next business day following the scheduled port before disconnecting the customer.

Purpose: The proposal would amend WAC 480-120-146 to clarify the process to be followed when a customer migrates from one LEC to another LEC, and the customer retains his/her telephone number via local number portability (LNP).

Other Identifying Information: Docket No. UT 030964.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, and 34.05.330.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Tom Wilson, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA, (360) 664-1282; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, (360) 664-1174.

Name of Proponent: Qwest Corporation, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule revision clarifies the situation where a customer migrates from one LEC to another LEC, and the customer retains his/her telephone number via LNP.

When the customer migrates from one LEC to another using LNP, the proposed amendments to WAC 480-120-146 would replace the manual system of confirmation of activation of new service with the LNP practices ordered in Docket Nos. UT-003022/UT-003040 (Fifteenth Supplemental Order dated August 17, 2001). Specifically, the proposed procedure would require the LEC providing existing service to the customer must wait until 11:59 p.m. of the next business day following the scheduled port before disconnecting a customer's previous service.

The proposal would provide a more efficient and reliable process that would minimize service interruptions for customers who wish to retain their numbers when changing local exchange carriers.

PROPOSED

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. The proposed rule streamlines the process for confirming migrations from LEC to LEC using LNP, and utilizes resources more efficiently. Because there will not be any increase in cost resulting from the proposed rule, an SBEIS is not required.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 22, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by October 17, 2003, TDD (360) 586-8203 or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, e-mail to records@wutc.wa.gov, fax (360) 586-1150, by August 27, 2003. Please include Docket No. UT-030964 in your communication.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **Wednesday, August 27, 2003.**

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (UT-030964).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.wutc.wa.gov/030964>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

NOTICE OF STAKEHOLDER DISCUSSION: The commission has scheduled a stakeholder discussion to provide interested persons the opportunity to discuss the rule proposal in an informal setting. The stakeholder discussion is planned for **October 2, 2003**, beginning at 2:00 p.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 Evergreen Park Drive S.W., Olympia, WA.

Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the Commission's Records Center at (360) 664-1234, (2)

e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the Commission, please refer to Docket No. UT-030964 to ensure that you are placed on the appropriate service list. Questions may be addressed to Tom Wilson (360) 664-1282 or e-mail at twilson@wutc.wa.gov.

Date of Intended Adoption: October 22, 2003.

August 1, 2003

Carole J. Washburn
Secretary

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-146 Changing service providers from one local exchange company to another. When a customer changes from one local exchange company (LEC) to another and the customer retains the same telephone number via local number portability (LNP) the LEC providing original service to the customer must wait until 11:59 p.m. of the next business day following the scheduled port before disconnecting a customer's original service.

When a customer changes service providers from one ((local exchange company (LEC))) LEC to another, and the customer does not retain the same telephone number via LNP, the LEC providing ((existing)) original service to the customer must not discontinue service until it receives confirmation of activation of new service from the new service provider. The LEC providing new service must supply prompt notice of activation.

The requirements of this section do not apply if the customer submitted the cancellation order directly to the LEC providing existing service.

WSR 03-16-065
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed August 1, 2003, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-075.

Title of Rule: Chapter 250-70 WAC, Educational opportunity grant.

Purpose: Passage of ESB 5676 results in the need to update rules. The major revisions include the inclusion of branch campuses as eligible institutions and making students from all Washington counties eligible.

Statutory Authority for Adoption: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030.

Statute Being Implemented: RCW 28B.101.005 through [28B.101].040.

Summary: To incorporate changes from the program evaluation and ESB 5676 updating eligible counties, eligible

institutions and deleting outdated references to existing demonstration project and existing unused capacity.

Reasons Supporting Proposal: The passage of ESB 5676.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Gebhardt, 917 Lakemridge Way, Olympia, WA 98504, (360) 753-7852.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes to the rules would make the program available to all Washington residents and would allow students to attend branch campuses. Making these changes means the program can be better publicized and more equitably used by all state citizens.

Proposal Changes the Following Existing Rules: All residents of the state can participate in the program, expands the definition to include other direct transfer degrees, extends eligibility to recipients who wish to enroll at a branch campus, expands recognition of accredited institutions to those approved by the board, the concept of "unused institutional capacity" is eliminated from the program, and removes the language referencing "demonstration project."

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes will not have an impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Higher Education Coordinating Board, 3rd Floor Conference Room, 917 Lakemridge Way, Olympia, WA 98504-3430, on September 9, 2003, at 9:00 a.m. to 12:00 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by September 2, 2003, TDD (360) 753-7809 or (360) 753-7800.

Submit Written Comments to: Betty Gebhardt, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, fax (360) 753-7808, by September 9, 2003.

Date of Intended Adoption: September 24, 2003.

August 1, 2003

Betty Gebhardt

Associate Director

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-010 Purpose. Recognizing that Washington state experiences low participation rates at the upper-division level within postsecondary education, ~~((and further recognizing that the state intends to meet future educational demand, in part, through a system of branch campuses,))~~ the legislature has authorized ~~((the development of))~~ the educational opportunity grant program.

~~((Further, recognizing that there exists in some public and private higher education institutions unused enrollment capacity within existing educational programs and facilities, the educational opportunity grant program will test the premise that a supplemental grant of some significance will~~

~~influence eligible placebound students to choose such institutions when transferring to or enrolling in baccalaureate study.))~~

The purpose of the educational opportunity grant program is to serve eligible placebound financially needy ~~((students))~~ Washington residents who have completed an associate of arts or associate of science degree, or ~~((its))~~ the equivalent, ~~((by))~~ enabling them to ~~((increase their participation))~~ participate in and ~~((completion of))~~ complete upper-division study at eligible institutions ~~((which have the capacity to accommodate such students within existing educational programs and facilities))~~ approved for participation by the higher education coordinating board.

~~((Believing that there will be a substantial saving to the state to maximize use of existing capacity within educational programs and facilities at both public and private institutions, the demonstration project will test the relationship between student financial aid and enrollment to improve understanding of how financial aid policy and the awarding of this grant affect otherwise placebound students in choosing higher education and selecting institutions.))~~

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-020 Program definitions. (1) ~~(("Branch campus service areas" shall mean:~~

~~(a) For the University of Washington Bothell-Woodinville branch, the service area consists of Snohomish County and King County.~~

~~(b) The University of Washington Tacoma branch service area includes Pierce County, the southern part of King County, and a portion of Kitsap County.~~

~~(c) The service area for the proposed Washington State University Spokane branch consists of Spokane County.~~

~~(d) The Washington State University Tri-Cities branch service area includes three counties: Benton, Franklin and Walla Walla.~~

~~(e) The Washington State University Southwest Washington branch service area is defined as Clark, Cowlitz, and Skamania counties.~~

~~(f) The Yakima education center service area includes Yakima County.~~

~~The board shall, in guidelines, further define these service areas.~~

~~(2) "Demonstration project" shall mean a reasonable period of time for testing the premise and expected outcomes of the program.~~

~~(3)) "Placebound" shall mean unable ((to relocate)) to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.~~

~~((4)) (2) "Placebound resident" shall mean a person ((whose residence is located in an area served by a branch campus)) who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be presumed unable to complete an upper-division course of study but for receipt of an educational opportunity grant. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid~~

award to attend an eligible institution (~~that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW~~) approved for participation in the program by the higher education coordinating board.

~~((5))~~ (3) "Demonstrated financial need" shall mean the difference between the budgetary cost to the student attending the institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

~~((6))~~ (4) "Needy student" shall mean those students as defined in RCW 28B.10.802(3), and as otherwise defined by the board.

~~((7))~~ (5) "Washington resident or resident student" shall mean an individual who at the time of application for an educational opportunity grant satisfies the requirements of RCW 28B.15.012 (~~through 28B.15.013~~) (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of state residency.

~~((8))~~ (6) "Associate of arts or associate of science degree or the equivalent" shall mean coursework comparable to admission at the junior level or above by the enrolling institution.

~~((9))~~ (7) "Upper division" shall mean baccalaureate coursework beyond an associate of arts degree or its equivalent.

~~((10))~~ (8) "Award amount" shall mean an award amount up to \$2,500 per academic year per student, prorated per term of attendance, paid periodically in equal installments, not to exceed the student's demonstrated financial need.

~~((11))~~ (9) "Academic year" shall generally mean a nine-month period (three quarters or two semesters).

(10) "Board" shall mean the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

~~((12) "Existing unused capacity" shall mean available capacity within existing educational programs and facilities as periodically and formally defined and approved by the board for purposes of statewide enrollment planning.)~~

AMENDATORY SECTION (Amending WSR 93-19-024, filed 9/3/93, effective 10/4/93)

WAC 250-70-030 Institutional eligibility. To qualify as an eligible institution for purposes of this program an institution shall:

~~((1) Be a public [university of four-year college operated by the state of Washington political subdivision thereof,] or [a] private baccalaureate institution of higher education in the state of Washington which is a member institution of the Northwest Association of Schools and Colleges. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association, and~~

~~(2) Be certified by the higher education coordinating board as having existing unused capacity to accommodate educational opportunity grant recipients within existing educational programs and facilities, excluding any branch campus or [education] [educational] program established under chapter 28B.45 RCW[, and].~~

~~(3))~~ (1) Be a public or private postsecondary educational institution in the state of Washington accredited by the Northwest Association of Schools and Colleges; or a branch campus of a member institution accredited by Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges that is eligible for federal student financial aid assistance, have operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years in the state of Washington, and have an annual enrollment of at least seven hundred full-time equivalent students.

(2) Complete an agreement to participate (~~and acknowledge~~) acknowledging its responsibility to administer the educational opportunity grant program according to prescribed rules and regulations and guidelines, and otherwise give evidence of its eligibility, if necessary.

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-040 Student eligibility. A placebound student is eligible for an educational opportunity grant if the additional financial resource would alleviate the placebound condition by (~~either~~) allowing the student access to education at (~~a local~~) an eligible institution (~~(with existing unused capacity or allowing relocation to another institution with existing unused capacity)~~). For a student to be eligible for an educational opportunity grant he or she must:

(1) Be a "financially needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802(3);

(2) Be a resident of the state of Washington;

(3) (~~Be a resident of a branch campus service area;~~

~~(4))~~ Be enrolled or accepted for enrollment at least half time, with priority to full-time enrollment, as an upper-division undergraduate student at an eligible baccalaureate institution in the state of Washington (~~(approved by the higher education coordinating board as an eligible institution for purposes of this program)~~);

~~((5))~~ (4) Be a placebound resident;

~~((6))~~ (5) Have completed an associate of arts or associate of science degree or (~~its~~) the equivalent (~~(at an institution other than the one selected for purposes of receiving this grant)~~);

~~((7))~~ (6) Not be required by the institution to be involved in a program that includes any religious worship, exercise or instruction (~~(or the pursuit of any degree in religious, seminarian, or theological academic studies)~~);

~~((8))~~ (7) Make satisfactory academic progress as determined by the institution; and

~~((9))~~ (8) An otherwise eligible student may not ~~((use))~~ apply for this grant to ~~((attend a branch campus of a public university or to))~~ continue enrollment at an institution where he or she is presently attending.

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-050 Application procedure. Placebound students shall ~~((annually))~~ initially apply directly to the higher education coordinating board and shall complete an application and other materials as provided and required by the board.

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-060 Recipient selection and award. In selecting grant recipients, the board will give priority to those students who, but for this grant, evidence that they could not pursue a baccalaureate degree.

(1) Determination. The higher education coordinating board shall determine student eligibility and awards under this program. The board will ~~((appoint a policy))~~ convene as necessary an advisory committee to ~~((advise))~~ work with the board on matters of program policy and administration including, but not limited to: Award screening ~~((and))~~, selection criteria ~~((and))~~, administrative procedures, program publicity, and efforts to recruit placebound students. ~~((The board shall appoint a separate screening and selection committee.))~~

(2) Standards. Assuming program eligibility criteria are met, the following additional selection criteria, among others, may be employed ~~((by the selection committee))~~ in ranking candidates and awarding grants:

(a) Evidence that, but for this grant, a placebound student could not pursue baccalaureate study at an eligible institution of the student's choice;

(b) Evidence of financial hardship or significant educational debt; and

(c) ~~((A brief statement))~~ Information describing the student's educational goals and plans.

~~((Once named, recipients may elect to use the grant at any one of the board certified eligible institutions.))~~ A student may ultimately choose an eligible institution different from that referenced in his or her application, provided the board and the receiving eligible institution can ~~((also))~~ verify student eligibility criteria such as placebound status, certification of enrollment in an eligible academic program, documented financial need and satisfactory academic progress status. To deliver an incentive for recipients, the institution agrees to package the grant as "self-help."

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-070 Grant amount disbursement limits. Grant disbursement shall be made ~~((directly))~~ to the eligible enrolled student in equal amounts per term upon institutional verification of the student's enrollment in an eligible program, proof of financial need and satisfactory academic progress. The award amount shall not exceed \$2,500 per aca-

demical year. The value of the grant shall be the same regardless of the institution selected. Students may be awarded grants for up to eight quarters (or equivalent) of study. Renewability will not be forfeited if a student stops out for a single term during the academic year. However, students who fail to attend for more than one regular academic term during the period of their award will be required to reapply for the grant. If they are reawarded, previous terms of enrollment during which they received the grant will count toward their total eligibility.

The educational opportunity grant, when combined with the state share of other state-appropriated student financial aid programs, shall not exceed an amount equal to the total maximum student expense budget at the public research institutions plus the current average state appropriation per student for operating expense in the public institutions.

AMENDATORY SECTION (Amending WSR 90-16-023, filed 7/20/90, effective 8/20/90)

WAC 250-70-080 Program administration. (1) Administering agency. The higher education coordinating board shall administer the educational opportunity grant program. The staff of the board, under the direction of the executive director, will manage the administrative functions relative to the program and shall be authorized to enter into agreement with eligible institutions for participation in the program.

(2) Maintenance of effort. State funds provided under this program are not to be used to supplant federal, state or institutional grants which would otherwise be available to support the student's attendance.

(3) Reports. The higher education coordinating board will obtain periodic reports from institutions describing the number of educational opportunity grant recipients selecting that institution, the socio-economic profile of such recipients in attendance at each participating institution, and other information about the student's academic program pertinent to these rules.

(4) Oversight and appeals. If an institution fails to maintain eligibility for the program as defined in WAC ~~((250-70-030))~~ 250-70-020, or if the board determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program. Satisfactory resolution of a dispute will be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the institution initiating the appeal may request a hearing with the board, which shall take action on the appeal. Eligible applicants may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of the adverse decision, addressed to the executive director of the higher education coordinating board. In both circumstances, the appeal shall be conducted consistent with the terms of the Administrative Procedure Act, chapter 34.05 RCW.

WSR 03-16-068
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed August 4, 2003, 11:01 a.m.]

Continuance of WSR 03-15-015.

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

Title of Rule: Chapter 148-280 WAC, Family Educational Rights and Privacy Act of 1974.

Purpose: To implement federal regulatory changes regarding educational records, resulting from amendments to the Family Educational Rights and Privacy Act, state laws, RCW 13.40.480 and 28A.225.330; and to revise school policy on disclosure of directory information.

Statutory Authority for Adoption: RCW 72.42.041.

Statute Being Implemented: 20 U.S.C. § 1232g, RCW 13.40.480 and 28A.225.330.

Summary: Changes are needed to comply with the federal regulatory changes related to the protection and disclosure of educational records as a result of the amendments to Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, its implementing regulations at 34 C.F.R. part 99; amendments to state laws related to school security and sharing of information in the juvenile justice system; and to revise school policy on disclosure of directory information.

Reasons Supporting Proposal: Required by federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation: Dr. John Davis, Interim Superintendent, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, (360) 414-0400; and Enforcement: Superintendent, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, (360) 414-0400.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the federal regulatory changes related to the protection and disclosure of educational records as a result of the amendments to Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and its implementing regulations at 34 C.F.R. part 99. Revisions and new rules are also necessary to implement state laws related to school security and sharing of personally identifiable information within and outside of the school, including other participants in the juvenile justice system. The school policy governing disclosure of directory information is being revised to allow disclosure of certain types of information in education records that is not generally considered harmful, and its release is not considered an invasion of a student's privacy. The revision of policy is consistent with FERPA regulations which require the school to provide public notice to parents and students of the types of personally identifiable information designated as directory information and the right to refuse disclosure of any or all of such information.

Proposal Changes the Following Existing Rules: As described above.

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

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. The rules are not considered significant legislative rules by the Washington State School for the Deaf.

Hearing Location: Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on September 4, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Smith by August 29, 2003, TTY (360) 414-0401 or (360) 414-0401.

Submit Written Comments to: Bonnie Terada, Assistant Attorney General, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, fax (360) 696-6291, by August 29, 2003.

Date of Intended Adoption: September 4, 2003.

July 30, 2003

Bonnie Y. Terada

Assistant Attorney General

WSR 03-16-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed August 4, 2003, 4:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-028.

Title of Rule: WAC 388-468-0005 Residency.

Purpose: To delete reference to medically indigent program which ended June 30, 2003; and to add language for the following:

- An individual cannot receive comparable benefits from another state;
- An indefinite period of time is now included as part of the definition of residency;
- The state where a child's primary custodian lives is the state of residence for the child; and
- The state of residence is the state where an institutionalized individual is living with the intent to remain.

Other wording changes for clarity.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This amendment is needed to clarify parts of the rule that have consistently been confusing or misinterpreted.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1343.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment is needed to clarify parts of the rule that have consistently been confusing or misinterpreted.

Proposal Changes the Following Existing Rules: 1. Deleted reference to medically indigent program which ended June 30, 2003 per the 2003-05 state operating budget; 2. Added language for the following:

- An individual cannot receive comparable benefits from another state;
- An indefinite period of time is now included as part of the definition of residency;
- The state where a child's primary custodian lives is the state of residence for the child; and
- The state of residence is the state where an institutionalized individual is living with the intent to remain.

Other wording changes for clarity.

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

RCW 34.05.328 does not apply to this rule adoption. This proposed rule is related to client eligibility for medical or financial assistance, and therefore the revision is exempt from the provisions of RCW 34.05.328 per RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 5, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov by 5:00 p.m., September 9, 2003.

Date of Intended Adoption: Not sooner than September 10, 2003.

July 30, 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 388-468-0005 Residency. Subsections (1) through (4) applies to cash, the basic food program, and medical programs. (1) A resident is ~~((an individual))~~ a person who:

- (a) Currently lives in Washington and intends to continue living here; permanently or for an indefinite period of time; or
- (b) Entered the state looking for a job; or
- (c) Entered the state with a job commitment.

(2) A person does not need to live in the state for a specific period of time to be considered a resident but may not receive benefits while receiving comparable benefits from another state.

(3) A child under age eighteen is a resident of the state where the child's primary custodian lives.

(4) With the exception of subsection ~~((4))~~ (5) of this section, a client can temporarily be out of the state for more than one month. If so, ~~((they))~~ the client must supply the department with adequate information to demonstrate ~~the((#))~~ intent to continue to reside in the state of Washington.

~~((4) Noncategorically eligible food assistance))~~

(5) Basic food program assistance units that are not categorically eligible do not meet residency requirements if they stay ((households remaining)) out of the state more than one calendar month ((lose their state residence status)).

~~((5))~~ (6) A former resident of the state can apply for the GA-U program while living in another state if:

(a) The person:

(i) Plans to return to this state;

(ii) Intends to maintain a residence in this state; and

(iii) Lives in the United States at the time of the application.

(b) In addition to the conditions in subsection (6)(a)(i), (ii), and (iii) being met, the absence must be:

(i) Enforced and beyond the person's control; or

(ii) Essential to the person's welfare and is due to physical or social needs.

(c) See WAC 388-406-0035, 388-406-0040, and 388-406-0045 for time limits on processing applications.

(7) Residency is not a requirement for ((the following:

(a) The medically indigent (MI) program; or

(b) D)) detoxification services.

(8) A person is not a resident when the person enters Washington state only for medical care. This person is not eligible for any medical program. The only exception is described in subsection (9) of this section.

~~((6))~~ (9) It is not necessary for a person moving from another state directly to a nursing facility in Washington state to establish residency ~~((, prior to))~~ before entering the facility. The person is considered a resident if they intend to remain permanently or for an indefinite period unless placed in the nursing facility by another state.

~~((7))~~ A person who enters Washington state temporarily just to get medical care does not meet the definition of a resident and is not eligible for those services.

~~((8))~~ (10) For purposes of medical programs, a client's residence is the state:

(a) ~~((Making))~~ Paying a state Supplemental Security Income (SSI) payment; or

(b) ~~((Making))~~ Paying federal payments for foster or adoption assistance ~~((under Title IV-E of the Social Security Act)); or~~

(c) Where the noninstitutionalized individual lives when Medicaid eligibility is based on blindness or disability; or

~~((e))~~ (d) ~~((Of residence of))~~ Where the parent or legal guardian, if appointed, for an institutionalized:

(i) Minor child; or

(ii) Client twenty-one years of age or older, who became incapable of determining residential intent before reaching age twenty-one.

~~((d))~~ (e) Where a client is residing if the person becomes incapable ~~((before))~~ of determining residential intent after reaching twenty-one years of age; or

~~((e))~~ (f) Making a placement in an out-of-state institution(-), or

(g) For any other institutionalized individual, the state of residence is the state where the individual is living with the intent to remain there permanently or for an indefinite period.

~~((9))~~ (11) In a dispute between states as to which is a person's state of residence, the state of residence is the state in which the person is physically located.

~~((10))~~ A former resident of the state can apply for the GA-U program while living in another state if:

(a) The person:

(i) Plans to return to this state; and

(ii) Intends to maintain a residence in this state; and

(iii) Lives in the United States at the time of the application.

~~(b) In addition to the conditions in subsection (10)(i), (ii), and (iii) being met, the absence must be the result of one of the following:~~

~~(i) Is enforced and beyond the person's control; or~~

~~(ii) Is essential to the person's welfare and is due to physical or social needs.)~~

WSR 03-16-082

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 4, 2003, 4:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-04-086.

Title of Rule: Social Security numbers, WAC 388-476-0005.

Purpose: To delete references to the children's health program and the medically indigent program, as these programs have been eliminated due to budget reductions.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The department must correct the WAC to remove references to programs that are no longer available.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1343.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: We are only eliminating two references to programs that no longer exist.

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. This rule amendment does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. This proposed rule is related to client eligibility for medical or financial assistance, and therefore the revision is exempt from the provisions of RCW 34.05.328 per RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 5, 2003, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 9, 2003.

Date of Intended Adoption: Not sooner than September 10, 2003.

July 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-17-025, filed 8/10/99, effective 10/1/99)

WAC 388-476-0005 Social Security number requirements. (1) With certain exceptions, each person who applies for or receives cash, medical or food assistance benefits must provide to the department a Social Security number (SSN), or numbers if more than one has been issued.

(2) If the person is unable to provide the SSN, either because it is not known or has not been issued, the person must:

(a) Apply for the SSN;

(b) Provide proof that the SSN has been applied for; and

(c) Provide the SSN when it is received.

(3) Assistance will not be delayed, denied or terminated pending the issuance of an SSN by the Social Security Administration. However, a person who does not comply with these requirements is not eligible for assistance.

(4) For cash, medical, and food assistance benefits, a person cannot be disqualified from receiving benefits for refusing to apply for or supply an SSN based on religious grounds.

(5) For food assistance programs:

(A) A person can receive benefits for the month of application and the following month if the person attempted to apply for the SSN and made every effort to provide the needed information to the Social Security Administration.

(B) A newborn may receive benefits for up to six months from the date of birth if the household is unable to provide proof of application for an SSN at the time of birth.

(6) For medical programs, a newborn as described in WAC 388-505-0210(1) is eligible for categorically needy

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(CN) medical without meeting the SSN requirement until the baby's first birthday.

(7) There is no SSN requirement for the following programs:

- (a) The consolidated emergency assistance program;
- (b) The refugee cash and medical assistance program;
- (c) ~~((The medically indigent program;~~
- ~~(d)))~~ The alien emergency medical program;
- ~~((e)d))~~ The state-funded pregnant woman program; and
- ~~((f)The children's health program; and~~
- ~~(g)e)~~ Detoxification services.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-16-089
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed August 5, 2003, 4:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-110.

Title of Rule: Residency rules for determination of status for purposes of tuition and fees at Washington public higher education institutions.

Purpose: Amend existing WACs to conform to statutory changes.

Statutory Authority for Adoption: RCW 28B.15.015.

Statute Being Implemented: RCW 28B.15.012, 28B.15.0139.

Summary: Four new subsections are added to WAC 250-18-020, regarding "resident" classification:

- Active military duty.
- Washington national guard.
- Noncitizens who indicate willingness to become permanent residents and citizens.
- Oregon residents participating in border county project.

One subsection of WAC 250-18-060 is deleted to conform to statutory changes.

A technical/wording change is made in WAC 250-18-035(5).

Reasons Supporting Proposal: Changes bring the WACs into compliance with state statutes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nina Oman, 917 Lakemead Way, Olympia, WA 98504, (360) 753-7855.

Name of Proponent: Higher Education Coordinating Board, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Statutory changes have designated the following as residents of Washington for purposes of determining resident status for tuition and fees at Washington public higher education institutions:

- A student who is on active military duty or a member of the Washington national guard. (Active duty military had formerly been an exemption that institutions could invoke. Deleting the exemption is part of the current proposed changes in the WACs.)
- A student who is the spouse or dependent of a member of the Washington national guard.
- A student who is a noncitizen and who has lived in Washington for three years and completed the full senior year of high school in Washington and received a diploma (or equivalent), and who files an affidavit that he/she will become a permanent resident and is willing to acquire citizenship.
- Is a student who is a resident of Oregon residing in a county in the northern part of Oregon. The student may enroll as a resident in designated Washington community colleges and in the TriCities and Vancouver branches of Washington State University.

The purpose of the rule change is to bring the appropriate WACs into conformity with recently enacted state laws.

The effect is to classify certain students as residents, and make them eligible to pay resident tuition and fees at Washington public higher education institutions.

Proposal Changes the Following Existing Rules: The above four subsections are added to WAC 250-18-020, and the following subsection is deleted from WAC 250-18-060:

(4) Is an active duty military person stationed in the state of Washington.

The following language is changed in WAC 250-18-035(5):

Existing language: "Information submitted by the student to the institution on the Washington financial aid form may be."

Change to: "Information submitted by the student to the institution on the financial aid form may be."

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect educational institutions and students, not businesses.

RCW 34.05.328 does not apply to this rule adoption. The Higher Education Coordinating Board is not one of the listed agencies subject to this statute.

Hearing Location: Senate Hearing Room 3, John A. Cherberg Building, Capitol Campus, Olympia, on September 12, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by September 1, 2003, TDD (360) 753-7809 or (360) 753-7800.

Submit Written Comments to: Nina Oman, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail ninao@hec.wa.gov, fax (360) 704-6255, by September 1, 2003.

Date of Intended Adoption: September 24, 2003.

August 6 [5], 2003

Belma Villa

Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-13-056, filed 6/13/03, effective 7/14/03)

WAC 250-18-020 Student classification. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she must prove by evidence of a sufficient quantity and quality to satisfy the institution that he or she:

(a)(i) Has established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) Is financially independent; or

(b) Is a dependent student, one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution provided that any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who has enrolled in a public institution of higher education within six months of leaving high school, shall be considered a resident only for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(c) Is a person who has completed the full senior year of high school and obtained a high school diploma - both at a Washington public or private high school approved under chapter 28A.195 RCW (or who has received the equivalent of a diploma). The person must have lived in Washington at least three years immediately prior to receiving the diploma (or its equivalent), and lived continuously in Washington state after receiving the diploma (or its equivalent) until the time of admittance to an institution of higher education (defined as a public university, college, or community college within the state of Washington). In addition, the person must provide an affidavit to the institution indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so. Furthermore, the individual must indicate a willingness to engage in other activities necessary to acquire citizenship, including, but not limited to, citizenship or civics review courses; or

(d) Is a student who is on active military duty stationed in the state, or who is a member of the Washington national guard; or

(e) Is the spouse or dependent of an active duty military person stationed in the state of Washington; or

~~((d))~~ (f) Is a student who resides in Washington and is the spouse or dependent of a member of the Washington national guard; or

(g) Is a student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition program agreement under RCW 28B.15.725; or

~~((e))~~ (h) Is a student domiciled for one year in one or a combination of the following states: Idaho, Montana, Ore-

gon, or Washington, and is a member of one of the following American Indian tribes:

- (i) Colville Confederated Tribes;
- (ii) Confederated Tribes of the Chehalis Reservation;
- (iii) Hoh Indian Tribe;
- (iv) Jamestown S'Klallam Tribe;
- (v) Kalispel Tribe of Indians;
- (vi) Lower Elwha Klallam Tribe;
- (vii) Lummi Nation;
- (viii) Makah Indian Tribe;
- (ix) Muckleshoot Indian Tribe;
- (x) Nisqually Indian Tribe;
- (xi) Nooksack Indian Tribe;
- (xii) Port Gamble S'Klallam Community;
- (xiii) Puyallup Tribe of Indians;
- (xiv) Quileute Tribe;
- (xv) Quinault Indian Nation;
- (xvi) Confederated Tribes of Salish Kootenai;
- (xvii) Sauk Suiattle Indian Nation;
- (xviii) Shoalwater Bay Indian Tribe;
- (xix) Skokomish Indian Tribe;
- (xx) Snoqualmie Tribe;
- (xxi) Spokane Tribe of Indians;
- (xxii) Squaxin Island Tribe;
- (xxiii) Stillaguamish Tribe;
- (xxiv) Suquamish Tribe of the Port Madison Reserva-

tion;

(xxv) Swinomish Indian Community;

(xxvi) Tulalip Tribes;

(xxvii) Upper Skagit Indian Tribe;

(xxviii) Yakama Indian Nation;

(xxix) Coeur d'Alene Tribe;

(xxx) Confederated Tribes of Umatilla Indian Reserva-

tion;

(xxxi) Confederated Tribes of Warm Springs;

(xxxii) Kootenai Tribe; and

(xxxiii) Nez Perce Tribe.

(i) Is a student who is a resident of Oregon residing in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county. The student must meet the following conditions:

(i) Is eligible to pay resident tuition rates under Oregon laws and has been domiciled in one or more of the designated Oregon counties for at least ninety days immediately prior to enrollment at a community college located in the following Washington counties: Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, or Walla Walla; or

(ii) Is a student enrolled for eight credits or less at the Tri-Cities branch or Vancouver branch of Washington State University.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she does not qualify as a resident student under the provisions of subsection (1) of this section. A nonresident student shall include a student if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a

parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"

(c) Is not a citizen of the United States of America, unless such person holds permanent or temporary resident immigration status, "refugee - parolee," or "conditional entrant" status or is not otherwise permanently residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

AMENDATORY SECTION (Amending WSR 03-13-056, filed 6/13/03, effective 7/14/03)

WAC 250-18-035 Evidence of financial dependence or independence. A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive significant financial assistance in any form directly or indirectly from his or her parents, relatives, legal guardians, or others for the current calendar year and for the calendar year immediately prior to the year in which application is made.

(1) To consider a claim that a person is financially independent, the institution may require such documentation as deemed necessary, including but not limited to the following:

(a) That individual's sworn statement.

(b) A true and correct copy of the state and federal income tax return of the person for the calendar year immediately prior to the year in which application is made.

Should a person not have filed a state or federal income tax return because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income may be submitted.

(c) A true and correct copy of the person's W-2 forms filed for the previous calendar year.

(d) Other documented financial resources, which may include but are not limited to the sale of personal or real property, inheritance, trust funds, state or financial assistance, gifts, loans, or statement of earnings of the spouse of a married student.

(e) A true and correct copy of the first and signature page of the state and federal tax returns of the parents, legally appointed guardians, or person or persons having legal custody of the student for the calendar year immediately prior to the year in which application is made.

The extent of the disclosure required concerning the parent's or legal guardian's state and federal tax returns shall be limited to the listing of dependents claimed and the signature of the taxpayer and shall not require disclosure of financial information contained in the returns.

(f) A student whose parents are both deceased or who has been made an official ward of the court may be required to provide documentation attesting to the fact of such circumstances.

(g) Evidence of coverage for medical, life, automobile, and property insurance.

(2) To aid institutions in determining the financial independence of a student whose parents, legally appointed guardian, or person having legal custody of the student do not provide the documentation because of total separation or other reasons from the student, documentation clearly stating the student's status and relationship with his or her parents or legal guardian from a responsible third person, e.g., family physician, lawyer, or social worker may be submitted.

(3) To be considered financially independent, a student must demonstrate by evidence satisfactory to the institution that he or she has met, through his or her income, the expenses associated with college tuition and living for the current calendar year and the calendar year immediately prior to the year in which application is made. Personal loans, PLUS loans (parent loan for undergraduate students), gifts, and cash earnings shall not be counted as income in this calculation. Financial aid grants, scholarships and loans authorized by the financial aid office in the student's name may be considered as personal income.

(4) A trust or other account available to the student shall be considered evidence of financial dependence. If the account was created before the student entered high school, there shall be a rebuttable presumption of dependence.

(5) Information submitted by the student to the institution on the ((Washington)) financial aid form may be used to affirm the authenticity of information submitted on an application.

(6) In all cases, the burden of proof that a student is financially independent lies with the student.

AMENDATORY SECTION (Amending WSR 98-08-004, filed 3/18/98, effective 4/18/98)

WAC 250-18-060 Exemptions from nonresident status. In accordance with RCW 28B.15.014, certain nonresidents may be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week;

(3) Is a faculty member, classified staff member, or administratively exempt employee who resides in the state of Washington and is holding not less than a half-time appointment, or the spouse or dependent child of such a person;

(4) ~~((Is an active duty military person stationed in the state of Washington;~~

~~(5))~~ Is an immigrant having refugee classification from the U.S. Immigration and Naturalization Service or the spouse or dependent child of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship; or

~~((6))~~ (5) Is a dependent of a member of the United States Congress representing the state of Washington.

WSR 03-16-091
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed August 6, 2003, 8:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-086.

Title of Rule: **Part 1 of 3, chapter 388-531 WAC, Physician-related services**; amending WAC 388-531-0050 Definitions and 388-531-1650 Substance abuse detoxification.

Purpose: To avoid federal penalties, the department is amending these rules by October 16, 2003, to comply with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.

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

Statute Being Implemented: Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191.

Summary: WAC 388-531-0050, deleting references to state-unique procedure codes and correcting outdated agency names; and WAC 388-531-1650, deleting reference to state-unique procedure codes and correcting obsolete WAC cross-references.

Reasons Supporting Proposal: Complies with the HIPAA requirements and avoids federal penalties by amending rules to be HIPAA-compliant by October 16, 2003.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344.

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

Rule is necessary because of federal law, Public Law 104-191 (Health Insurance Portability and Accountability Act of 1996).

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

Proposal Changes the Following Existing Rules: The proposal makes minor changes in the rule, i.e., deleting references to state-unique procedure codes and correcting obsolete WAC cross-references and outdated agency names.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rules will have no economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a "significant legislative rule." The department has prepared a memo regarding the cost benefits of this rule change. A copy of the memo can be obtained from the department representative listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 5, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 9, 2003.

Date of Intended Adoption: Not sooner than September 10, 2003.

August 1, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-06-049, filed 2/28/03, effective 3/31/03)

WAC 388-531-0050 Physician-related services definitions. The following definitions and abbreviations and those found in WAC 388-500-0005, apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

"Acquisition cost" means the cost of an item excluding shipping, handling, and any applicable taxes.

"Acute care" means care provided for clients who are not medically stable. These clients require frequent monitoring by a health care professional in order to maintain their health status. See also WAC 246-335-015.

"Acute physical medicine and rehabilitation (PM&R)" means a comprehensive inpatient and rehabilitative program coordinated by a multidisciplinary team at an MAA-approved rehabilitation facility. The program provides twenty-four hour specialized nursing services and an intense level of specialized therapy (speech, physical, and occupational) for a diagnostic category for which the client shows significant potential for functional improvement (see WAC 388-550-2501).

"Add-on procedure(s)" means secondary procedure(s) that are performed in addition to another procedure.

"Admitting diagnosis" means the medical condition responsible for a hospital admission, as defined by ICD-9-M diagnostic code.

"Advanced registered nurse practitioner (ARNP)" means a registered nurse prepared in a formal educational program to assume an expanded health services provider role in accordance with WAC 246-840-300 and 246-840-305.

"Aging and ((adult) disability services administration ((AASA) ADSA)" means the administration that administers directly or contracts for long-term care services, including but not limited to nursing facility care and home and community services. See WAC ((388-15-202)) 388-71-0202.

"Allowed charges" means the maximum amount reimbursed for any procedure that is allowed by MAA.

"Anesthesia technical advisory group (ATAG)" means an advisory group representing anesthesiologists who are affected by the implementation of the anesthesiology fee schedule.

"Base anesthesia units (BAU)" means a number of anesthesia units assigned to a surgical procedure that includes the usual pre-operative, intra-operative, and post-operative visits. This includes the administration of fluids and/or blood incident to the anesthesia care, and interpretation of noninvasive monitoring by the anesthesiologist.

"Bundled services" means services integral to the major procedure that are included in the fee for the major procedure. Bundled services are not reimbursed separately.

"Bundled supplies" means supplies which are considered to be included in the practice expense RVU of the medical or surgical service of which they are an integral part.

"By report (BR)" means a method of reimbursement in which MAA determines the amount it will pay for a service that is not included in MAA's published fee schedules. MAA may request the provider to submit a "report" describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

"Call" means a face-to-face encounter between the client and the provider resulting in the provision of services to the client.

"Cast material maximum allowable fee" means a reimbursement amount based on the average cost among suppliers for one roll of cast material.

"Centers for Medicare and Medicaid Services (CMS)" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for Medicare and Medicaid programs.

"Certified registered nurse anesthetist (CRNA)" means an advanced registered nurse practitioner (ARNP)

with formal training in anesthesia who meets all state and national criteria for certification. The American Association of Nurse Anesthetists specifies the National Certification and scope of practice.

"Children's health insurance plan (CHIP)," see chapter 388-542 WAC.

"Clinical Laboratory Improvement Amendment (CLIA)" means regulations from the U.S. Department of Health and Human Services that require all laboratory testing sites to have either a CLIA registration or a CLIA certificate of waiver in order to legally perform testing anywhere in the U.S.

"Conversion factors" means dollar amounts MAA uses to calculate the maximum allowable fee for physician-related services.

"Covered service" means a service that is within the scope of the eligible client's medical care program, subject to the limitations in this chapter and other published WAC.

"CPT," see "current procedural terminology."

"Critical care services" means physician services for the care of critically ill or injured clients. A critical illness or injury acutely impairs one or more vital organ systems such that the client's survival is jeopardized. Critical care is given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility.

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Diagnosis code" means a set of numeric or alphanumeric characters assigned by the ICD-9-CM, or successor document, as a shorthand symbol to represent the nature of a disease.

"Emergency medical condition(s)" means a medical condition(s) that manifests itself by acute symptoms of sufficient severity so that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

"Emergency services" means medical services required by and provided to a patient experiencing an emergency medical condition.

"Estimated acquisition cost (EAC)" means the department's best estimate of the price providers generally and currently pay for drugs and supplies.

"Evaluation and management (E&M) codes" means procedure codes which categorize physician services by type of service, place of service, and patient status.

"Expedited prior authorization" means the process of obtaining authorization that must be used for selected services, in which providers use a set of numeric codes to indicate to MAA which acceptable indications, conditions, diagnoses, and/or criteria are applicable to a particular request for services.

"Experimental" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evi-

dence of safety and effectiveness. See WAC 388-531-0550. A service is not "experimental" if the service:

(1) Is generally accepted by the medical profession as effective and appropriate; and

(2) Has been approved by the FDA or other requisite government body, if such approval is required.

"Fee-for-service" means the general payment method MAA uses to reimburse providers for covered medical services provided to medical assistance clients when those services are not covered under MAA's healthy options program or children's health insurance program (CHIP) programs.

"Flat fee" means the maximum allowable fee established by MAA for a service or item that does not have a relative value unit (RVU) or has an RVU that is not appropriate.

"Geographic practice cost index (GPCI)" as defined by Medicare, means a Medicare adjustment factor that includes local geographic area estimates of how hard the provider has to work (work effort), what the practice expenses are, and what malpractice costs are. The GPCI reflects one-fourth the difference between the area average and the national average.

"Global surgery reimbursement," see WAC 388-531-1700.

"HCPCS Level II" means a coding system established by ~~(the HCFA)~~ CMS (formerly known as the Health Care Financing Administration) to define services and procedures not included in CPT.

~~("Health care financing administration (HCFA)" means the agency within the federal Department of Health and Human Services (DHHS) with oversight responsibility for the Medicare and Medicaid programs.)~~

"Health care financing administration common procedure coding system (HCPCS)" means the name used for the ~~(Health Care Financing Administration)~~ Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration) codes made up of CPT and HCPCS level II codes.

"Health care team" means a group of health care providers involved in the care of a client.

"Hospice" means a medically directed, interdisciplinary program of palliative services which is provided under arrangement with a Title XVIII Washington licensed and certified Washington state hospice for terminally ill clients and the clients' families.

"ICD-9-CM," see "International Classification of Diseases, 9th Revision, Clinical Modification."

"Informed consent" means that an individual consents to a procedure after the provider who obtained a properly completed consent form has done all of the following:

(1) Disclosed and discussed the client's diagnosis; and
(2) Offered the client an opportunity to ask questions about the procedure and to request information in writing; and

(3) Given the client a copy of the consent form; and
(4) Communicated effectively using any language interpretation or special communication device necessary per 42 C.F.R. Chapter IV 441.257; and

(5) Given the client oral information about all of the following:

(a) The client's right to not obtain the procedure, including potential risks, benefits, and the consequences of not obtaining the procedure; and

(b) Alternatives to the procedure including potential risks, benefits, and consequences; and

(c) The procedure itself, including potential risks, benefits, and consequences.

"Inpatient hospital admission" means an acute hospital stay for longer than twenty-four hours when the medical care record shows the need for inpatient care beyond twenty-four hours. All admissions are considered inpatient hospital admissions, and are paid as such, regardless of the length of stay, in the following circumstances:

(1) The death of a client;

(2) Obstetrical delivery;

(3) Initial care of a newborn; or

(4) Transfer to another acute care facility.

"International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)" means the systematic listing that transforms verbal descriptions of diseases, injuries, conditions, and procedures into numerical or alpha-numerical designations (coding).

"Investigational" means a term to describe a procedure, or course of treatment, which lacks sufficient scientific evidence of benefit for a particular condition. A service is not "investigational" if the service:

(1) Is generally accepted by the medical professional as effective and appropriate for the condition in question; or

(2) Is supported by an overall balance of objective scientific evidence, in which the potential risks and potential benefits are examined, demonstrating the proposed service to be of greater overall benefit to the client in the particular circumstance than another, generally available service.

"Life support" means mechanical systems, such as ventilators or heart-lung respirators, which are used to supplement or take the place of the normal autonomic functions of a living person.

"Limitation extension" means a process for requesting and approving reimbursement for covered services whose proposed quantity, frequency, or intensity exceeds that which MAA routinely reimburses. Limitation extensions require prior authorization.

"Maximum allowable fee" means the maximum dollar amount that MAA will reimburse a provider for specific services, supplies, and equipment.

"Medically necessary," see WAC 388-500-0005.

"Medicare physician fee schedule data base (MPFSDB)" means the official HCFA publication of the Medicare policies and RVUs for the RBRVS reimbursement program.

"Medicare program fee schedule for physician services (MPFSPS)" means the official HCFA publication of the Medicare fees for physician services.

"Medicare clinical diagnostic laboratory fee schedule" means the fee schedule used by Medicare to reimburse for clinical diagnostic laboratory procedures in the state of Washington.

"Mentally incompetent" means a client who has been declared mentally incompetent by a federal, state, or local court.

"Modifier" means a two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. The modifier provides the means by which the reporting physician can describe or indicate that a performed service or procedure has been altered by some specific circumstance but not changed in its definition or code. The modifier can affect payment or be used for information only. Modifiers are listed in fee schedules.

"Outpatient" means a client who is receiving medical services in other than an inpatient hospital setting.

"Peer-reviewed medical literature" means medical literature published in professional journals that submit articles for review by experts who are not part of the editorial staff. It does not include publications or supplements to publications primarily intended as marketing material for pharmaceutical, medical supplies, medical devices, health service providers, or insurance carriers.

"Physician care plan" means a written plan of medically necessary treatment that is established by and periodically reviewed and signed by a physician. The plan describes the medically necessary services to be provided by a home health agency, a hospice agency, or a nursing facility.

"Physician standby" means physician attendance without direct face-to-face client contact and which does not involve provision of care or services.

"Physician's current procedural terminology," see "CPT, current procedural terminology."

"PM&R," see acute physical medicine and rehabilitation.

"Podiatric service" means the diagnosis and medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the foot and ankle.

"Pound indicator (#)" means a symbol (#) indicating a CPT procedure code listed in MAA fee schedules that is not routinely covered.

"Preventive" means medical practices that include counseling, anticipatory guidance, risk factor reduction interventions, and the ordering of appropriate laboratory and diagnostic procedures intended to help a client avoid or reduce the risk or incidence of illness or injury.

"Prior authorization" means a process by which clients or providers must request and receive MAA approval for certain medical services, equipment, or supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization.

"Professional component" means the part of a procedure or service that relies on the provider's professional skill or training, or the part of that reimbursement that recognizes the provider's cognitive skill.

"Prognosis" means the probable outcome of a client's illness, including the likelihood of improvement or deterioration in the severity of the illness, the likelihood for recurrence, and the client's probable life span as a result of the illness.

"Prolonged services" means face-to-face client services furnished by a provider, either in the inpatient or outpatient setting, which involve time beyond what is usual for such services. The time counted toward payment for pro-

longed E&M services includes only face-to-face contact between the provider and the client, even if the service was not continuous.

"Provider," see WAC 388-500-0005.

"Radioallergosorbent test" or "RAST" means a blood test for specific allergies.

"RBRVS," see resource based relative value scale.

"RVU," see relative value unit.

"Reimbursement" means payment to a provider or other MAA-approved entity who bills according to the provisions in WAC 388-502-0100.

"Reimbursement steering committee (RSC)" means an interagency work group that establishes and maintains RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Relative value guide (RVG)" means a system used by the American Society of Anesthesiologists for determining base anesthesia units (BAUs).

"Relative value unit (RVU)" means a unit which is based on the resources required to perform an individual service or intervention.

"Resource based relative value scale (RBRVS)" means a scale that measures the relative value of a medical service or intervention, based on the amount of physician resources involved.

"RBRVS RVU" means a measure of the resources required to perform an individual service or intervention. It is set by Medicare based on three components - physician work, practice cost, and malpractice expense. Practice cost varies depending on the place of service.

"RSC RVU" means a unit established by the RSC for a procedure that does not have an established RBRVS RVU or has an RBRVS RVU deemed by the RSC as not appropriate for the service.

"Stat laboratory charges" means charges by a laboratory for performing tests immediately. "Stat" is an abbreviation for the Latin word "statim," meaning immediately.

~~("State unique procedure codes" means procedure codes established by the RSC to define services or procedures not contained in CPT or HCPCS level II.)~~

"Sterile tray" means a tray containing instruments and supplies needed for certain surgical procedures normally done in an office setting. For reimbursement purposes, tray components are considered by HCFA to be nonroutine and reimbursed separately.

"Technical advisory group (TAG)" means an advisory group with representatives from professional organizations whose members are affected by implementation of RBRVS physician fee schedules and other payment and purchasing systems utilized by the health care authority, MAA, and department of labor and industries.

"Technical component" means the part of a procedure or service that relates to the equipment set-up and technician's time, or the part of the procedure and service reimbursement that recognizes the equipment cost and technician time.

AMENDATORY SECTION (Amending WSR 01-01-012, filed 12/6/00, effective 1/6/01)

WAC 388-531-1650 Substance abuse detoxification physician-related services. (1) ~~((MAA reimburses substance abuse detoxification services under state unique codes-~~

~~(2)))~~ MAA covers physician services for three-day alcohol detoxification or five-day drug detoxification services for a client eligible for medical care program services in an MAA-enrolled hospital-based detoxification center.

~~((3)))~~ (2) MAA covers treatment in programs ~~((qualified under chapter 275-25 WAC and))~~ certified under chapter ~~((275-19))~~ 388-805 WAC or its successor.

~~((4)))~~ (3) MAA covers detoxification and medical stabilization services to chemically using pregnant (CUP) women for up to twenty-seven days in an inpatient hospital setting.

WSR 03-16-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed August 6, 2003, 8:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-086.

Title of Rule: **Part 2 of 3, chapter 388-543 WAC, Durable medical equipment;** amending WAC 388-543-1150 Limits and limitations extensions.

Purpose: To avoid federal penalties, the department is amending these rules by October 16, 2003, to comply with the requirements of federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.

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

Statute Being Implemented: Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191.

Summary: Elimination of state-unique codes per HIPAA, required making limitations on purchasing and renting of cloth, reusable diapers consistent for children and adults.

Reasons Supporting Proposal: Complies with the HIPAA requirements and avoids federal penalties by amending rules to be HIPAA-compliant by October 16, 2003.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344.

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

Rule is necessary because of federal law, Public Law 104-191 (Health Insurance Portability and Accountability Act of 1996).

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rules will have no economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a "significant legislative rule." The department has prepared a memo regarding the cost benefits of this rule change. A copy of the memo can be obtained from the department representative listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 5, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 9, 2003.

Date of Intended Adoption: Not sooner than September 10, 2003.

August 1, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-16-141, filed 7/31/01, effective 8/31/01)

WAC 388-543-1150 Limits and limitation extensions.

The medical assistance administration (MAA) covers non-DME (MSE), DME, and related supplies, prosthetics, orthotics, medical supplies, and related services as described in WAC 388-543-1100(1). MAA Limits the amount, frequency, or duration of certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services, and reimburses up to the stated limit without requiring prior authorization. These limits are designed to avoid the need for prior authorization for items normally considered medically necessary and for quantities sufficient for a thirty-day supply for one client. In order to exceed the stated limits, the provider must request a limitation extension (LE), which is a form of prior authorization (PA). MAA approves such requests for LE when medical necessary, under the standards for covered services in WAC 388-501-0165. Procedures for LE are found in MAA's billing instructions. The following items and quantities do not require prior authorization; requests to exceed the stated quantities require LE:

(1) Antiseptics and germicides:

(a) Alcohol (isopropyl) or peroxide (hydrogen) - one eight ounce bottle per month;

(b) Alcohol wipes (box of two hundred) - one box per month;

(c) Betadine or pHisoHex solution - one pint per month;

(d) Betadine or iodine swabs/wipes (box of one hundred) - one box per month;

(e) Disinfectant spray - one twelve ounces bottle or can per six month period; or

(f) Periwash (when soap and water are medically contraindicated) - one five ounce bottle of concentrate solution per six-month period.

(2) Blood monitoring/testing supplies:

(a) Replacement battery of any type, used with a client-owned, medically necessary home or specialized blood glucose monitor - one in a three month period; and

(b) Spring-powered device for lancet - one in a six-month period.

(3) Braces, belts and supportive devices:

(a) Custom vascular supports (CVS) - two pair per six-month period. CVS fitting fee - two per six-month period;

(b) Surgical stockings (below-the-knee, above-the-knee, thigh-high, or full-length) - two pair per six-month period;

(c) Graduated compression stockings for pregnancy support (panty hose style) - two per twelve-month period;

(d) Knee brace (neoprene, nylon, elastic, or with a hinged bar) - two per twelve-month period;

(e) Ankle, elbow, or wrist brace - two per twelve-month period;

(f) Lumbosacral brace, rib belt, or hernia belt - one per twelve-month period;

(g) Cervical head harness/halter, cervical pillow, pelvic belt/harness/boot, or extremity belt/harness - one per twelve-month period.

(4) Decubitus care products:

(a) Cushion (gel, sacroiliac, or accuback) and cushion cover (any size) - one per twelve-month period;

(b) Synthetic or lambs wool sheepskin pad - one per twelve-month period;

(c) Heel or elbow protectors - four per twelve-month period.

(5) Ostomy supplies:

(a) Adhesive for ostomy or catheter: Cement; powder; liquid (e.g., spray or brush); or paste (any composition, e.g., silicone or latex) - four total ounces per month.

(b) Adhesive or nonadhesive disc or foam pad for ostomy pouches - ten per month.

(c) Adhesive remover or solvent - three ounces per month.

(d) Adhesive remover wipes, fifty per box - one box per month.

(e) Closed pouch, with or without attached barrier, with a one- or two-piece flange, or for use on a faceplate - sixty per month.

(f) Closed ostomy pouch with attached standard wear barrier, with built-in one-piece convexity - ten per month.

(g) Continent plug for continent stoma - thirty per month.

(h) Continent device for continent stoma - one per month.

(i) Drainable ostomy pouch, with or without attached barrier, or with one- or two-piece flange - twenty per month.

(j) Drainable ostomy pouch with attached standard or extended wear barrier, with or without built-in one-piece convexity - twenty per month.

(k) Drainable ostomy pouch for use on a plastic or rubber faceplate (only one type of faceplate allowed) - ten per month.

(l) Drainable urinary pouch for use on a plastic, heavy plastic, or rubber faceplate (only one type of faceplate allowed) - ten per month.

(m) Irrigation bag - two every six months.

(n) Irrigation cone and catheter, including brush - two every six months.

(o) Irrigation supply, sleeve - one per month.

(p) Ostomy belt (adjustable) for appliance - two every six months.

(q) Ostomy convex insert - ten per month.

(r) Ostomy ring - ten per month.

(s) Stoma cap - thirty per month.

(t) Ostomy faceplate - ten per month. MAA does not allow the following to be used on a faceplate in combination with drainable pouches (refer to the billing instructions for further details):

(i) Drainable pouches with plastic face plate attached; or

(ii) Drainable pouches with rubber face plate.

(6) Supplies associated with client-owned transcutaneous electrical nerve stimulators (TENS):

(a) For a four-lead TENS unit - two kits per month. (A kit contains two leads, conductive paste or gel, adhesive, adhesive remover, skin preparation material, batteries, and a battery charger for rechargeable batteries.)

(b) For a two-lead TENS unit - one kit per month.

(c) TENS tape patches (for use with carbon rubber electrodes only) are allowed when they are not used in combination with a kit(s).

(d) A TENS stand alone replacement battery charger is allowed when it is not used in combination with a kit(s).

(7) Urological supplies - diapers and related supplies:

(a) The standards and specifications in this subsection apply to all disposable incontinent products (e.g., adult briefs/child diapers, pull-up training pants, underpads for beds, and liners/shields). See subsections (b), (c), (d), and (e) of this section for additional standards for specific products. All of the following apply to all disposable incontinent products:

(i) All materials used in the construction of the product must be safe for the client's skin and harmless if ingested;

(ii) Adhesives and glues used in the construction of the product must not be water-soluble and must form continuous seals at the edges of the absorbent core to minimize leakage;

(iii) The padding must provide uniform protection;

(iv) The product must be hypoallergenic; and

(v) The product must meet the flammability requirements of both federal law and industry standards.

(b) In addition to the standards in subsection (a) of this section, adult briefs/child diapers must meet all the following specifications. They must:

(i) Be hourglass shaped with formed leg contours;

(ii) Have an absorbent filler core that is at least one-half inch from the elastic leg gathers;

(iii) Have leg gathers that consist of at least three strands of elasticized materials;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have a backsheet that is moisture impervious and is at least 1.00 mm thick, designed to protect clothing and linens;

(vi) Have a topsheet that resists moisture returning to the skin;

(vii) Have an inner lining that is made of soft, absorbent material; and

(viii) Have either a continuous waistband, or side panels with a tear-away feature, or refastenable tapes, as follows:

(A) For adult briefs, at least four tapes, two on each side.

(B) For child diapers, at least two tapes, one on each side.

(C) The tape adhesive must release from the backsheet without tearing it, and permit a minimum of three fastening/unfastening cycles.

(c) In addition to the standards in subsection (a) of this section, pull-up training pants and incontinent pants must meet the following specifications. They must:

(i) Be made like regular underwear with an elastic waist;

(ii) Have an absorbent core filler that is at least one-half inch from the elastic leg gathers;

(iii) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling;

(iv) Have leg gathers that consist of at least three strands of elasticized materials;

(v) Have a backsheet that is moisture impervious, is at least 1.00 mm thick, and is designed to protect clothing and linens;

(vi) Have an inner lining made of soft, absorbent material; and

(vii) Have a top sheet that resists moisture returning to the skin.

(d) In addition to the standards in subsection (a) of this section, underpads for beds must meet the following specifications. They must:

(i) Have an absorbent layer that is at least one and one-half inches from the edge of the underpad;

(ii) Be manufactured with a waterproof backing material;

(iii) Be able to withstand temperatures not to exceed one hundred-forty degrees Fahrenheit;

(iv) Have a covering or facing sheet that is made of non-woven, porous materials that have a high degree of permeability, allowing fluids to pass through and into the absorbent filler. The patient contact surface must be soft and durable;

(v) Have filler material that is highly absorbent. It must be heavy weight fluff filler or the equivalent; and

(iv) Have four-ply, nonwoven facing, sealed on all four sides.

(e) In addition to the standards in subsection (a) of this section, liners/shields (including pads and undergarments) must meet the following specifications. They must:

(i) Have channels to direct fluid throughout the absorbent area, and leg gathers to assist in controlling leakage, and/or be contoured to permit a more comfortable fit;

(ii) Have a waterproof backing designed to protect clothing and linens;

(iii) Have an inner liner that resists moisture returning to the skin;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have pressure-sensitive tapes on the reverse side to fasten to underwear; and

(vi) For undergarments only, be contoured for good fit, have at least three elastic leg gathers, and may be belted or unbelted.

(f) MAA covers the products in this subsection only when they are used alone; they cannot be used in combination with each other. MAA approves a client's use of a combination of products only when the client uses different products for daytime and nighttime use (see MAA's billing instructions for how to specify this when billing). The total of all products used cannot exceed the monthly limitation for the product with the highest limit (see subsections (g), (h), (i), (j), (k), (l), and (m) of this section for product limitations). The following products cannot be used together:

(i) Disposable briefs (incontinent pants)/diapers;

(ii) Disposable pull-up training pants;

(iii) Disposable liners/pads;

(iv) Rented reusable briefs/diapers (e.g., from a diaper service); and

(v) Rented reusable briefs (incontinent pants) (e.g., from a diaper service), or pull-up training pants.

(g) Purchased disposable diapers (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) Two hundred forty per month for an adult.

(h) (~~Purchased cloth,~~) Reusable cloth diapers (any size) are limited to:

(i) (~~Forty-eight per year for a child age three and older; and~~

~~(ii))~~ Purchased - thirty-six per year ((for an adult)) ; and

(ii) Rented - two hundred forty per month.

(i) (~~Rented cloth, reusable diapers (any size) are limited to:~~

~~(i) Three hundred per month for a child age three and older; and~~

~~(ii) Two hundred forty per month for an adult.~~

~~(j))~~ Disposable briefs (incontinent pants) and pull-up training pants (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) One hundred fifty per month for an adult.

~~((k))~~ (j) Reusable briefs (incontinent pants) or pull-up training pants (any size) are limited to:

(i) Purchased - four per year.

(ii) Rented - one hundred fifty per month.

~~((H))~~ (k) Disposable pant liner/pads are limited to two hundred forty per month.

~~((m))~~ (l) Underpads for beds are limited to:

(i) Disposable (any size) - one hundred eighty per month.

(ii) Purchased, reusable (large) - forty-two per year.

(iii) Rented, reusable (large) - ninety per month.

(8) Urological supplies - urinary retention:

(a) Bedside drainage bag, day or night, with or without anti-reflux device, with or without tube - two per month. This cannot be billed in combination with any of the following:

(i) With extension drainage tubing for use with urinary leg bag or urostomy pouch (any type, any length), with connector/adaptor; and/or

(ii) With an insertion tray with drainage bag, and with or without catheter.

(b) Bedside drainage bottle, with or without tubing - two per six month period.

(c) Extension drainage tubing (any type, any length), with connector/adaptor, for use with urinary leg bag or urostomy pouch. This cannot be billed in combination with a vinyl urinary leg bag, with or without tube.

(d) External urethral clamp or compression device (not be used for catheter clamp) - two per twelve-month period.

(e) Indwelling catheters (any type) - three per month.

(f) Insertion trays:

(i) Without drainage bag and catheter - one hundred and twenty per month. These cannot be billed in combination with other insertion trays that include drainage bag, catheters, and/or individual lubricant packets.

(ii) With indwelling catheters - three per month. These cannot be billed in combination with: Other insertion trays without drainage bag and/or indwelling catheter; individual indwelling catheters; and/or individual lubricant packets.

(g) Intermittent urinary catheter - one hundred twenty per month. These cannot be billed in combination with: An insertion tray with or without drainage bag and catheter; or other individual intermittent urinary catheters.

(h) Irrigation syringe (bulb or piston) - cannot be billed in combination with irrigation tray or tubing.

(i) Irrigation tray with syringe (bulb or piston) - thirty per month. These cannot be billed in combination with irrigation syringe (bulb or piston), or irrigation tubing set.

(j) Irrigation tubing set - thirty per month. These cannot be billed in combination with an irrigation tray or irrigation syringe (bulb or piston).

(k) Leg straps (latex foam and fabric). Allowed as replacement only.

(l) Male external catheter, specialty type, or with adhesive coating or adhesive strip - sixty per month.

(m) Urinary suspensory with leg bag, with or without tube - two per month. This cannot be billed in combination with: a latex urinary leg bag; urinary suspensory without leg bag; extension drainage tubing; or a leg strap.

(n) Urinary suspensory without leg bag, with or without tube - two per month.

(o) Urinary leg bag, vinyl, with or without tube - two per month. This cannot be billed in combination with: A leg strap; or an insertion tray with drainage bag and without catheter.

(p) Urinary leg bag, latex - one per month. This cannot be billed in combination with an insertion tray with drainage bag and with or without catheter.

(9) Miscellaneous supplies:

(a) Bilirubin light therapy supplies - five days' supply. MAA reimburses only when these are provided with a prior authorized bilirubin light.

(b) Continuous passive motion (CPM) softgoods kit - one, with rental of CPM machine.

(c) Eye patch with elastic, tied band, or adhesive, to be attached to an eyeglass lens - one box of twenty.

(d) Eye patch (adhesive wound cover) - one box of twenty.

(e) Lice comb (e.g., LiceOut TM, or LiesMeister TM, or combs of equivalent quality and effectiveness) - one per year.

(f) Nontoxic gel (e.g., LiceOut™) for use with lice combs - one bottle per twelve month period
Syringes and needles ("sharps") disposal container for home use, up to one gallon size - two per month.

(10) Miscellaneous DME:

(a) Bilirubin light or light pad - five days rental per twelve-month period.

(b) Blood glucose monitor (specialized or home) - one in a three-year period.

(c) Continuous passive motion (CPM) machine - up to ten days rental and requires prior authorization.

(d) Diaphragmatic pacing antennae - four per twelve month-period.

(e) Lightweight protective helmet/soft shell (including adjustable chin/mouth strap) - two per twelve-month period.

(f) Lightweight ventilated hard-shell helmet (including unbreakable face bar, woven chin strap w/adjustable buckle and snap fastener, and one set of cushion pads for adjusting fit to head circumference) - two per twelve-month period.

(11) Prosthetics and orthotics:

(a) Thoracic-hip-knee-ankle orthosis (THKAO) standing frame - one every five years.

(b) Preparatory, above knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot plaster socket, molded to model - one per lifetime, per limb.

(c) Preparatory, below knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot thermoplastic or equal, direct formed - one per lifetime, per limb.

(d) Socket replacement, below the knee, molded to patient model - one per twelve-month period.

(e) Socket replacement, above the knee/knee disarticulation, including attachment plate, molded to patient model - one per twelve-month period.

(12) Positioning devices:

(a) Deluxe floor sitter/feeder seat (small, medium, or large), including floor sitter wedge, shoulder harness, and hip strap - one in a three-year period.

(b) High-back activity chair, including adjustable footrest, two pairs of support blocks, and hip strap - one in a three-year period.

(c) Positioning system/supine boards (small or large), including padding, straps adjustable armrests, footboard, and support blocks - one in a five-year period.

(d) Prone stander (child, youth, infant or adult size) - one in a five-year period.

(e) Adjustable standing frame (for child/adult thirty - sixty-eight inches tall), including two padded back support blocks, a chest strap, a pelvic strap, a pair of knee blocks, an abductor, and a pair of foot blocks - one in a five-year period.

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 03-16-093
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed August 6, 2003, 8:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-08-086.

Title of Rule: **Part 3 of 3, chapter 388-543 WAC, Durable medical equipment**; amending WAC 388-543-2100 Wheelchairs—Reimbursement methodology, 388-543-2500 Reimbursement methodology for other durable medical equipment, and 388-543-2900 Medical supplies and nondurable medical equipment (MSE)—Reimbursement methodology.

Purpose: To avoid federal penalties, the department is amending these rules by October 16, 2003, to comply with the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.

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

Statute Being Implemented: Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191.

Summary: Deletes references to state-unique procedure codes.

Reasons Supporting Proposal: Complies with the HIPAA requirements and avoids federal penalties by amending rules to be HIPAA-compliant by October 16, 2003.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344.

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

Rule is necessary because of federal law, Public Law 104-191 (Health Insurance Portability and Accountability Act of 1996).

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rules will have no economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a "significant legislative rule." The department has prepared a memo regarding the cost benefits of this rule change. A copy of the memo can be obtained from the department representative listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 5, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance

Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 9, 2003.

Date of Intended Adoption: Not sooner than September 10, 2003.

August 1, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

WAC 388-543-2100 Wheelchairs—Reimbursement methodology. (1) MAA reimburses a DME provider for purchased wheelchairs for a home or nursing facility client based on the specific brand and model of wheelchair dispensed. MAA decides which brands and/or models of wheelchairs are eligible for reimbursement based on all of the following:

- (a) The client's medical needs;
- (b) Product quality;
- (c) Cost; and
- (d) Available alternatives.

(2) For ~~((HCPCS codes for))~~ wheelchair rentals and wheelchair accessories (e.g., cushions and backs), MAA uses either:

(a) The Medicare fees that are current on April 1 of each year(~~(~~

~~(3) For state-assigned procedure codes, including those listed as BR, for wheelchairs and wheelchair accessories;);~~
or

(b) MAA's maximum allowable reimbursement is based on a percentage of the manufacturer's list price in effect on January 31 of the **base year**, or the invoice for the specific item. ~~((This applies to))~~ MAA uses the following percentages:

~~((a))~~ (i) For basic standard wheelchairs, sixty-five percent;

~~((b))~~ (ii) For add-on accessories and parts, eighty-four percent;

~~((c))~~ (iii) For upcharge modifications and cushions, eighty percent;

~~((d))~~ (iv) For all other manual wheelchairs, eighty percent; and

~~((e))~~ (v) For all other power-drive wheelchairs, eighty-five percent.

~~((4))~~ (3) MAA determines rental reimbursement for categories of manual and power-driven wheelchairs based on average market rental rates or Medicare rates.

~~((5))~~ (4) MAA evaluates and updates the wheelchair fee schedule once per year.

~~((6))~~ (5) MAA implements wheelchair rate changes on April 1 of the base year, and the rates are effective until the next rate change.

AMENDATORY SECTION (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

WAC 388-543-2500 Reimbursement methodology for other durable medical equipment. (1) For the purposes of this section, MAA uses the following terms:

(a) **"Other durable medical equipment (other DME)"** means all durable medical equipment, excluding wheelchairs and related items.

(b) **"Pricing cluster"** means a group of discounted manufacturers' list prices and/or dealer's costs for brands/models of other DME that MAA uses to calculate the reimbursement rate for a procedure code that does not have a fee established by Medicare. MAA uses the discounted manufacturer list price for a brand/model unless that price is not available.

(2) MAA establishes reimbursement rates for purchased other DME.

(a) For ~~((HCPSC procedure codes))~~ other durable medical equipment that have a Medicare rate established for a new purchase, MAA uses the rate that is in effect on January first of the year in which MAA sets the reimbursement.

(b) For ~~((all other procedure codes))~~ other durable medical equipment that do not have a Medicare rate established for a new purchase, MAA uses a pricing cluster to establish the rate.

(3) Establishing a pricing cluster and reimbursement rates.

(a) In order to make up a pricing cluster for a procedure code, MAA determines which brands/models of other DME its clients most frequently use. MAA obtains prices for these brands/models from manufacturer catalogs or commercial data bases. MAA may change or otherwise limit the number of brands/models included in the pricing cluster, based on the following:

- (i) Client medical needs;
- (ii) Product quality;
- (iii) Introduction of new brands/models;
- (iv) A manufacturer discontinuing or substituting a brand/model; and/or
- (v) Cost.

(b) If a manufacturer list price is not available for any of the brands/models used in the pricing cluster, MAA calculates the reimbursement rate at the manufacturer's published cost to providers plus a thirty-five percent mark-up.

(c) For each brand used in the pricing cluster, MAA discounts the manufacturer's list price by twenty percent.

(i) If six or more brands/models are used in the pricing cluster, MAA calculates the reimbursement rate at the seventieth percentile of the pricing cluster.

(ii) If five brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the fourth highest discounted list price, as described in (b) of this subsection.

(iii) If four brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the third highest discounted list price, as described in (b) of this subsection.

(iv) If three brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the third highest discounted list price, as described in (b) of this subsection.

(v) If two or fewer brands/models are used in the pricing cluster, MAA establishes the reimbursement rate at the highest discounted list price, as described in (b) of this subsection.

(4) Rental reimbursement rates for other DME.

(a) MAA sets monthly rental rates at one-tenth of the purchase reimbursement rate as it would be calculated as described in subsections (2) and (3) of this section.

(b) MAA sets daily rental rates at one-three hundredth of the purchase reimbursement rate as it would be calculated as described in subsections (2) and (3) of this section.

(5) MAA annually evaluates and updates reimbursement rates for other DME.

AMENDATORY SECTION (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

WAC 388-543-2900 Medical supplies and nondurable medical equipment (MSE)—Reimbursement methodology. (1) MAA determines rates for each category of medical supplies and non-DME (MSE) using either the:

(a) Medicare fee schedule; or

(b) Manufacturers' catalogs and commercial data bases for price comparisons.

(2) MAA evaluates and updates the maximum allowable fees for MSE as follows:

(a) ~~((For HCPSC MSE codes, MAA considers the current Medicare fee schedule;~~

~~(b) For all MSE with state assigned procedure codes, when the legislature mandates a vendor rate increase or decrease.~~

~~(c))~~ MAA sets the maximum allowable fees for new MSE using one of the following:

(i) Medicare's fee schedule; or

(ii) For those items without a Medicare fee, commercial data bases to ~~((obtain all))~~ identify brands to make up MAA's pricing cluster. MAA establishes the fee for products in the pricing cluster by using the lesser of either:

(A) Eighty-five percent of the average manufacturer's list price; or

(B) One hundred twenty-five percent of the average dealer cost.

~~((d))~~ (b) All the brands for which MAA obtains pricing information make up MAA's pricing cluster. However, MAA may limit the number of brands included in the pricing cluster if doing so is in the best interests of its clients. MAA considers all of the following:

(i) A client's medical needs;

(ii) Product quality;

(iii) Cost; and

(iv) Available alternatives.

(3) MAA's nursing facility per diem rate includes any reusable and disposable medical supplies that may be required for a nursing facility client. MAA may reimburse the following medical supplies separately for a client in a nursing facility:

(a) Medical supplies or services that replace all or parts of the function of a permanently impaired or malfunctioning internal body organ. This includes, but is not limited to the following:

(i) Colostomy and other ostomy bags and necessary supplies; and

(ii) Urinary retention catheters, tubes, and bags, excluding irrigation supplies;

(b) Supplies for intermittent catheterization programs, for the following purposes:

(i) Long term treatment of atonic bladder with a large capacity; and

(ii) Short term management for temporary bladder atony; and

(c) Surgical dressings required as a result of a surgical procedure, for up to six weeks after surgery.

(4) MAA considers decubitus care products to be included in the nursing facility per diem rate and does not reimburse for these separately.

WSR 03-16-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 6, 2003, 8:07 a.m.]

Original Notice.

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

Title of Rule: Changes to several sections of chapter 388-14A WAC to correct erroneous cross-references. See Statutory Authority for list of sections amended in this proposal.

Purpose: The Division of Child Support (DCS) has discovered erroneous cross-references in chapter 388-14A WAC. These errors mostly are due to changes in WAC or RCW, but some are due to typographical errors in the rules when they were initially adopted.

Other Identifying Information: This proposal is exempt from filing a CR-101 under RCW 34.05.310 (4)(d) because we are correcting information without changing the effect of the rules.

Statutory Authority for Adoption: General rule-making authority: The changes in this CR-102 are being done pursuant to RCW 34.05.310 (4)(d). Specific statutory authority for each amended WAC section proposed is as follows:

WAC 388-14A-1030 What kinds of services can the division of child support provide?: RCW 74.08.090, 45 C.F.R. 303.106.

WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support? and 388-14A-2075 What happens if the division of child support determines that I am not cooperating?: RCW 74.08.090, 26.23.035, 74.20A.310.

WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process?: RCW 26.23.120, 74.08.090.

WAC 388-14A-2150 How much does it cost to get copies of DCS records? and 388-14A-2155 Can I appeal a denial of public disclosure by the division of child support? and 388-14A-3300 How does the division of child support require me to make my support payments to the Washington state support registry when my support order says to pay someone else?: RCW 74.08.090.

WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services, 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices, 388-14A-3140 What can happen at a hearing on a support establishment notice? and 388-14A-3205 How does DCS calculate my income?: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

WAC 388-14A-3315 When DCS serves a notice of support debt or notice of support owed, we notify the custodial parent and/or the payee under the order: RCW 74.08.090, 26.23.035, 34.05.220(1), 74.20A.310.

WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish?, 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?, 388-14A-3865 Duties of the administrative law judge when a party requests a temporary support order and 388-14A-3875 What if a party does not agree with a temporary support order?: RCW 74.20A.055 and 74.08.090.

WAC 388-14A-3800 Once a support order is entered, can it be changed?: RCW 74.08.090, chapter 26.19 RCW, RCW 34.05.220(1), 74.20A.055, 74.20A.056.

WAC 388-14A-4605 Whose picture can go on the division of child support's DCS most wanted Internet site?: RCW 26.23.120(2), 74.08.090.

WAC 388-14A-5000 How does the division of child support distribute support payments? and 388-14A-5008 Can the noncustodial parent prepay support?: RCW 74.08.090, 26.23.035, 74.20A.057, 74.20A.310.

Statute Being Implemented: RCW 34.05.310 (4)(d). Also, see Statutory Authority above.

Summary: See Purpose above.

Reasons Supporting Proposal: DCS desires to have correct cross-references in its rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: All rules in this proposal need correction of erroneous cross-references.

Proposal Changes the Following Existing Rules: The cross-references will now be correct.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DCS is correcting information in the text of the rules without changing the effect of the rules. The proposed rules are exempt from preparing a small business economic impact statement under RCW 19.85.025 and 34.05.310(4).

RCW 34.05.328 does not apply to this rule adoption. The rule does not meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(iv). DCS is correcting

information in the text of the rules without changing the effect of the rules.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 23, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by September 19, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., September 23, 2003.

Date of Intended Adoption: Not earlier than September 24, 2003.

August 1, 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 03-17 issue of the Register.

WSR 03-16-095
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 6, 2003, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-099.

Title of Rule: WAC 415-111-310 Defined contribution account distribution (withdrawal).

Purpose: RCW 41.34.070(3) allows a member with a terminal illness who terminates from employment to withdraw his or her account balance as a lump sum payment based on the most recent valuation in order to expedite the distribution. The Department of Retirement Systems (DRS) is proposing to amend WAC 415-111-310 to set forth its interpretation and practice regarding this statute. In addition, DRS is updating the WAC to cover annuity purchases.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.34.070(3).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above. In addition, DRS seeks to provide more flexibility for its customers in their time of need.

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: 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. These amendments have no affect on businesses.

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on September 9, 2003, at 3:30 p.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 September 9, 2003.

Date of Intended Adoption: No sooner than September 10, 2003.

August 5, 2003

Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-111-310 Defined contribution account distribution (withdrawal). (1) **How do I (~~receive~~) request a distribution (withdrawal) of funds from my defined contribution account?** Except as otherwise allowed by RCW 41.34.070, before you can receive a distribution of funds from your defined contribution account:

- (a) You must separate from all eligible employment;
- (b) The department must receive the notice of separation from your employer(s) through the retirement transmittal system; and
- (c) You must submit the appropriate, completed form requesting a defined contribution distribution to the department's designated recordkeeper as directed on the form. See WAC 415-111-110.

(2) **Can I receive an expedited distribution?**

(a) If you are terminally ill and eligible, the department will arrange for payment to you within ten work days. To be eligible for an expedited payment:

- (i) You must separate from all eligible employment;**
- (ii) The department must receive the notice of separation from your employer(s);**
- (iii) You must submit documentation to the department verifying your terminal illness; and**
- (iv) You must submit the appropriate, completed form requesting a defined contribution distribution to the department's designated recordkeeper as directed on the form (see WAC 415-111-110).**

(b) If you have an emergency, the department will consider your request for expedited payment and arrange for

expedited payment to you whenever possible. To be eligible for consideration:

- (i) You must separate from all eligible employment;
- (ii) The department must receive the notice of separation from your employer(s);
- (iii) You must submit the appropriate, completed form requesting a defined contribution distribution to the department's designated recordkeeper as directed on the form (see WAC 415-111-110); and
- (iv) You must submit documentation to the department verifying and explaining your emergency. The department will consider only unforeseeable emergencies or serious illnesses or death of you or a close family or household member.

(c) If you are invested in a self-directed option, the Plan 3 recordkeeper will distribute your entire self-directed account balance, less any applicable tax withholding.

(d) If you are invested in the Total Asset Portfolio (TAP), the Plan 3 recordkeeper will distribute 80% of your estimated TAP account balance, less any applicable tax withholding. You will be paid the balance of your account after the final valuation has been made.

(3) Can I still receive my defined contribution distribution if I have returned to work before receiving my funds? If you return to work in an eligible position after all the criteria in subsection (1) of this section are met, you may receive distribution from your defined contribution account.

((3)) (4) What are my options for distributing my defined contribution funds? You have the following options for distributions from your Plan 3 defined contribution account. Options for both the WSIB and the SELF-directed investment programs are combined where applicable.

(a) Lump sum cash distribution. In either program, you may request the entire amount of your funds in a single lump-sum payment.

(b) Direct rollover. In either program, you may have some or all of your funds rolled over to an eligible retirement plan or individual retirement account (IRA). If you choose a partial rollover, the remaining funds that were not rolled over will be distributed to you as a lump sum, unless you create a personal payment schedule under (d) of this subsection.

(c) Scheduled payments. In either program, subject to the distribution requirements of IRC section 401 (a)(9), you may request that your funds be distributed in equal payments over a specified period of time, or that a specific dollar amount be paid on a monthly basis until the account is exhausted. You may also request equal payments over your lifetime or the lifetimes of you and your beneficiary. Scheduled payments for the WSIB program are made monthly only. Scheduled payments for the SELF-directed program are made monthly, quarterly, semi-annually and annually. Both programs have a minimum payment requirement of one hundred dollars per month.

(d) Personalized payment plan. In either program, you may create a personalized payment plan using any part of one or more of the distribution options provided in (a), (b), and (c) of this subsection (see examples below).

(e) Annuity purchase. ((For the SELF-directed program only)) In either program, you may request to have

your funds used to purchase an annuity ((~~from an insurance company~~)) which pays a benefit for your lifetime or the lifetimes of you and your beneficiary.

((4)) (5) Market fluctuations. Your defined contribution account is subject to actual investment earnings (both gains and losses). These gains or losses will be used to adjust the value of your account. The defined contribution payment plans are subject to the same market fluctuations. As a result, the funding of your selected payment plan may last longer than anticipated due to market gains, or end earlier than anticipated due to market losses.

EXAMPLE (WSIB - Partial rollover with payments until account exhausted):

Pat has \$10,000 in the WSIB investment program. Pat wants to rollover \$2,000 of the total to an IRA, but does not want to receive the remainder of the account in a lump sum payment as provided by the partial direct rollover option. Pat selects the personalized payment schedule option and requests to do a partial rollover of \$2,000 and receive the remaining \$8,000 in equal monthly payments of \$125 until the account is exhausted (approximately 64 months).

EXAMPLE (Self - Partial rollover with payments for fixed period):

Chris has \$10,000 in the self-directed investment program. Chris wants to rollover \$3,000 of the total to an IRA, but does not want to receive the remainder of the account in a lump sum payment as provided by the partial direct rollover option. Chris selects the personalized payment schedule option and requests to do a partial rollover of \$3,000 and receive the remaining \$7,000 in quarterly payments of \$250 over the next 7 years (28 quarters).

Summary of Distribution Options	
SELF	WSIB
Lump Sum Cash Distribution Direct Rollover	Lump Sum Cash Distribution Direct Rollover
-entire account	-entire account
-partial amount	-partial amount
-remaining funds can be distributed in a lump-sum payment or by a personalized payment schedule (see below).	-remaining funds can be distributed in a lump-sum payment or by a personalized payment schedule (see below).
Scheduled Payments	Scheduled Payments
-equal payments	-equal payments
-monthly, quarterly, semi-annual or annual	-monthly payments only
-specified period of time, or	-specified period of time, or
-until the account is exhausted	-until the account is exhausted
-payments can be combined life expectancy of you and a beneficiary.	-payments can be combined life expectancy of you and a beneficiary.
Annuity Purchase	((Not available for WSIB program)) Annuity Purchase
-purchase an annuity from an insurance company	-purchase an annuity out of the Total Allocation Portfolio (TAP)
-set up to pay benefits for	-set up to pay benefits for
-your lifetime, or	-your lifetime, or
-lifetimes of you and your beneficiary.	-lifetimes of you and your beneficiary.

PROPOSED

Summary of Distribution Options

SELF	WSIB
In addition to the above, you may set up:	In addition to the above, you may set up:
Personalized Payment Plan	Personalized Payment Plan
-customized for your needs	-customized for your needs
-available for options above.	-available for options above.

~~((5))~~ **(6) Minimum required distribution.** Beginning on April 1 of the calendar year following the year in which you turn age 70 1/2, you are required to withdraw a minimum amount from your defined contributions annually. If you are still working at age 70 1/2, distribution will be required to begin immediately upon retirement.

WSR 03-16-096
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 6, 2003, 8:22 a.m.]

Original Notice.

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

Title of Rule: Updates to WAC 415-600-210, 415-600-260, 415-600-310, and 415-600-410, dependent care salary assistance program.

Purpose: Updates to outdated web pages references; housekeeping update.

Statutory Authority for Adoption: RCW 41.04.640, 41.50.050(5).

Statute Being Implemented: RCW 41.04.600 - 41.04.635.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Robert Julian, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7021.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

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

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on September 9, 2003, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possi-

ble, 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 September 9, 2003.

Date of Intended Adoption: No sooner than September 10, 2003.

August 5, 2003

Merry A. Kogut

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

WAC 415-600-210 How do I enroll in DCAP? (1) You enroll in the dependent care salary reduction assistance program (DCAP) by submitting a completed salary reduction agreement (SRA) form to the department of retirement systems (DRS).

(2) SRA forms are available through DRS or its website at (~~http://www.wa.gov/drs/forms/~~) <http://www.drs.wa.gov/forms>.

(3) You may enroll in DCAP:

(a) During the open-enrollment period;

(b) Within sixty days of becoming an eligible employee;

or

(c) At any time you have a qualifying change in status as set forth in WAC 415-600-240.

(4) The open enrollment period is the month of November for the following plan year.

(5) The enrollment process is complete on the date DRS approves your completed SRA.

AMENDATORY SECTION (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

WAC 415-600-260 What is "earned income" for purposes of DCAP? (1) Except as set forth in subsection (2) of this section, earned income for DCAP purposes includes wages, salaries, tips and other employee compensation, plus the amount of the taxpayer's net earnings from self-employment for the taxable year.

(2) If your spouse is either a full-time student or physically or mentally incapable of self-care, your spouse's earned income is deemed to be:

(a) Two hundred fifty dollars per month, if you have one qualifying person for whom care is provided; or

(b) (~~Four~~) Five hundred dollars per month, if you have two or more qualifying persons for whom care is provided.

AMENDATORY SECTION (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

WAC 415-600-310 Do my expenses qualify for DCAP reimbursement? (1) You may be reimbursed for dependent care expenses for the well-being and protection of a qualifying person, provided that the expenses are incurred to enable you and your spouse to be gainfully employed.

(a) Only expenses incurred on days you work may be reimbursed.

(b) If you are married, only expenses incurred on days you and your spouse both work may be reimbursed, provided that:

(i) If your spouse is a full-time student, expenses incurred on days you work and your spouse attends school may be reimbursed.

(ii) If your spouse is physically or mentally incapable of self-care, expenses incurred on days you work may be reimbursed.

(2) You may be reimbursed only for expenses incurred during the plan year for which you are enrolled. If you enroll after January 1 of the plan year, you may be reimbursed only for expenses incurred ~~((from the date))~~ on or after the first day of the month following the month in which DRS approves your salary reduction agreement.

(3) Only the cost of care may be reimbursed. The following expenses may be reimbursed, subject to the limitations stated in subsection (4) of this section.

(a) Expenses for care of a qualifying person in the participant's home, including feeding, administration of medicine, general supervision, and incidental household services; and

(b) Expenses for care of the following qualifying persons outside the participant's home:

(i) A dependent of the participant, age twelve or younger, with respect to whom the participant is entitled to a federal tax deduction.

(ii) Any other qualifying person who regularly spends eight hours or more per day in the participant's home.

(4) The following limitations apply to the reimbursement of expenses:

(a) Expenses for food, clothing, and entertainment are reimbursable **ONLY IF** these expenses cannot be separated from the cost of care.

(b) Expenses for care in a dependent care center (as defined in Internal Revenue Code (IRC) Section 21(b)) are reimbursable **ONLY IF** the facility complies with all federal, state, and local laws and regulations.

(c) Expenses for schooling are reimbursable **ONLY IF**:

(i) The schooling is at a prekindergarten level; and

(ii) The expenses cannot reasonably be separated from the cost of care.

(d) Payments to a person for whom you or your spouse may claim a dependency exemption for federal income tax purposes are not reimbursable.

(e) Payments to a nondependent child, as defined in IRC Section 151 (c)(3), are not reimbursable unless the child will be age nineteen or older by December 31 of the plan year.

(f) Summer camp expenses, when the child stays overnight, are not reimbursable.

(g) Amounts paid by an employer of your spouse or by an educational institution where your spouse is enrolled as a student are not reimbursable.

AMENDATORY SECTION (Amending WSR 01-21-091, filed 10/22/01, effective 11/22/01)

WAC 415-600-410 How do I request reimbursement for DCAP expenses? (1) You must use the DRS reimburse-

ment claim forms to submit claims for dependent care expenses.

(2) DRS will mail a supply of reimbursement claim forms to you upon confirmation of your enrollment. You can obtain additional forms by phone or on the DRS website, at (<http://www.wa.gov/drs/forms/>) <http://www.drs.wa.gov/forms>.

(3) You may submit reimbursement claim forms as often as you wish.

(4) The reimbursement claim form must be completed, signed, and accompanied by bills, invoices, receipts, or a statement signed by the provider. The department cannot accept canceled checks or credit card statements as verification. All documentation must show the amounts of dependent care expenses and periods of service for which you seek reimbursement.

(5) DRS must receive claims for expenses incurred during a given plan year on or before March 31 of the following year.

WSR 03-16-104

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 6, 2003, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-11-070.

Title of Rule: Motorist information signs tourist-orientated businesses daily hours of operation.

Purpose: Reduce the daily hours of operation from eight to six for tourist-orientated businesses to qualify for motorist information signing on state highways.

Statutory Authority for Adoption: RCW 47.36.310 and 47.36.320.

Statute Being Implemented: Chapter 47.36 RCW.

Summary: The proposed rule reduces the hours of operation for tourist-orientated businesses to qualify for motorist information signing.

Reasons Supporting Proposal: Tourist-oriented businesses are defined as natural, recreational, historical, cultural, educational, or entertainment activity, or a unique or unusual commercial or nonprofit activity. Many of these types of businesses do not operate eight hours a day.

Name of Agency Personnel Responsible for Drafting: Mike Dornfeld, Department of Transportation, Traffic Operations, (360) 705-7288; Implementation and Enforcement: Toby Rickman, Olympia, Washington, (360) 705-7280.

Name of Proponent: Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule reduces the hours of operation for tourist-orientated businesses to qualify for motorist information signing. Reducing the daily hours of operation from eight to six for tourist-orientated businesses to qualify for motorist information signing on state highways allows more businesses to participate.

Proposal Changes the Following Existing Rules: The proposed rule modifies WAC 468-70-050 [(1)](f)(ii). It reduces the daily hours of operation from eight to six.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not add significant regulatory requirements to small businesses per chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. The proposed change does not meet the requirements of RCW 34.05.328.

Hearing Location: Washington State Department of Transportation, Commission Board Room, 310 Maple Park Avenue S.E., Olympia, WA 98501, on September 25, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (800) 833-6388.

Submit Written Comments to: Toby Rickman, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, fax (360) 705-6826, by September 1, 2003.

Date of Intended Adoption: September 25, 2003.

August 4, 2003

John F. Conrad

Assistant Secretary

AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

WAC 468-70-050 Business eligibility. (1) To be eligible for placement of a business sign on a motorist information sign panel a motorist service activity must conform to the following standards:

(a) Gas activity:

(i) Provide vehicle services including fuel, oil, tire repair and water; and

(ii) Be in continuous operation at least sixteen hours a day, seven days a week; and

(iii) Provide restroom facilities, drinking water and a telephone access;

(iv) Motorist information sign panels may be installed and existing signing will not be removed when the motorist service activity is closed for a short period of time or when its hours of operation have been reduced as a result of a shortage of gasoline;

(v) Activities not meeting the tire repair requirement of (i) of this subsection but have gas, oil, and water may qualify for signing provided that the motorist information sign panel displays fewer than the full complement of business signs. A telephone must also be available at no cost for a person to use to acquire tire repair;

(vi) Business signs for card-lock gas activities may be installed, provided that the activities serve the general motoring public, without membership, and accept a variety of credit cards available to the general public. Card-lock gas activities must also meet the applicable requirements of (a)(i) through (v) of this subsection.

(b) Food activity:

(i) Be licensed or approved by the county health office; and

(ii) Be in continuous operation for a minimum of twelve hours a day to serve meals six days a week; and

(iii) Have inside seating for a minimum of twenty patrons and parking facilities for a minimum of ten vehicles; and

(iv) Provide telephone and restroom facilities.

(c) Lodging activity:

(i) Be licensed or approved by the Washington department of health; and

(ii) Provide adequate sleeping and bathroom accommodations available without reservations for rental on a daily basis; and

(iii) Provide public telephone facilities.

(d) Camping activity (applicable only for activities available from interstate highways):

(i) Have a valid business license;

(ii) Consist of at least twenty camping spaces, at least fifty percent of which will accommodate tents, and have adequate parking, modern sanitary and drinking water facilities for such spaces; and

(iii) Have an attendant on duty to manage and maintain the facility twenty-four hours a day while in operation.

(e) Recreation activity (applicable only for activities available from noninterstate highways):

(i) Consist of activities and sports of interest to family groups and the public generally in which people participate for purposes of active physical exercise, collective amusement or enjoyment of nature; e.g., hiking, golfing, skiing, boating, swimming, picnicking, camping, fishing, tennis, horseback riding, ice skating and gun clubs; and

(ii) Be licensed or approved by the state or local agency regulating the particular type of business; and

(iii) When the recreational activity is a campground, it must meet the criteria specified in WAC 468-70-050 (1)(d)(i) thru (iii).

(f) Tourist-oriented business activity:

(i) A natural, recreational, historical, cultural, educational, or entertainment activity, or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business seasons from motorists not residing in the immediate area of the activity.

(ii) Activities must be open to the motoring public without appointment, at least ~~((eight))~~ six hours a day, five days a week including Saturday and/or Sunday.

(2) Distances prescribed herein will be measured from the center of the interchange or intersection along the centerline of the most direct public road to the facility access.

(3) The maximum distance that **gas, food, lodging, camping, recreational, or tourist-oriented** activities can be located on either side of an interchange or intersection to qualify for a business sign shall be as follows:

(a) From an interstate highway, **gas, food and lodging** activities shall be located within three miles in either direction. **Camping or tourist-oriented** activities shall be located within five miles in either direction;

(b) From a noninterstate highway, **gas, food, lodging, recreation, or tourist-oriented** activities shall be located within five miles in either direction.

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(c) Where there are fewer than the maximum number, as specified in WAC 468-70-060 (3)(a), of eligible services within the distance limits prescribed in subsection (3)(a) and (b) of this section, the distance limits may be increased up to a maximum of fifteen miles to complete the balance of allowable signs.

(i) In reference to WAC 468-70-040(3), the department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible activity.

(ii) The department may erect and maintain signs on a route up to a maximum of twenty miles if an activity qualifies as eligible and is located within a distressed area under the criteria set forth in chapter 43.165 RCW.

(4) Within cities and towns having a population greater than twenty-two thousand five hundred, the department shall obtain concurrence from the municipality of locations for installing panels, and may request that the municipality install the panels.

(5) A gas, food, lodging, camping/recreational, or tourist-oriented activity visible from the mainline at least three hundred feet prior to an intersection shall not qualify for a business sign on such highway. The activity's on-premise sign is considered part of that activity in determining the three hundred foot visibility.

(6) When a multiple business activity qualifies for business sign placement on more than one type of motorist information sign panel, placement will be made on that type of panel which, as determined by the department, best describes the main product or service. Additional business signs for a qualifying multiple business activity may only be placed on more than one type of motorist information sign panel where the applicable panels display fewer than a full complement of business signs. Where these additional business signs complete the full complement of business signs on a motorist information sign panel, the most recently installed of such additional business signs shall be substituted for in the event that a qualifying single business activity applies to receive business signs.

(7) Motorist information sign panels will not be erected and maintained by the department until adequate follow-through signing, as specified by the department, is erected on local roads and/or streets. Written assurance that the follow-through signs will be maintained is required.

(8) Where operations are seasonal, business signs for each specific location shall be removed or covered during the appropriate period as determined by the department.

Purpose: The proposed rule repeals installation and application fees the Department of Transportation changes [charges] for motorist information signs.

Statutory Authority for Adoption: RCW 47.36.310 and 47.36.320.

Statute Being Implemented: Chapter 47.36 RCW.

Summary: The proposed rule repeals installation and application fees the Department of Transportation changes [charges] for motorist information signs.

Reasons Supporting Proposal: Legislative action directed the department to select a private contractor to administer the motorist information program and eliminated department funding to run the program. The proposed rule repeals existing fees and allows the department to charge reasonable amounts to off-set program costs until a contractor assume[s] responsibility for the program.

Name of Agency Personnel Responsible for Drafting: Mike Dornfeld, Olympia, Washington, (360) 705-7288; Implementation and Enforcement: Toby Rickman, Olympia, Washington, (360) 705-7280.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule repeals installation and application fees the Department of Transportation changes [charges] for motorist information signs. Legislative action directed the department to select a private contractor to administer the motorist information program and eliminated department funding to run the program. The proposed rule repeals existing fees and allows the department to charge reasonable amounts to off-set program costs until a contractor assume[s] responsibility for the program.

Proposal Changes the Following Existing Rules: The changes repeal application and installation fees for motorist information signs and other rules regarding motorist information sign application and installation procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not add significant regulatory requirements to small businesses per chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. The proposed changes do not meet the requirements outlined in RCW 34.04.328 [34.05.328].

Hearing Location: Washington State Department of Transportation, Commission Board Room, 310 Maple Park Avenue S.E., Olympia, WA 98501, on September 25, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact TDD (800) 833-6388.

Submit Written Comments to: Toby Rickman, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, fax (360) 705-6826, by September 1, 2003.

Date of Intended Adoption: September 25, 2003.

August 4, 2003

John F. Conrad

Assistant Secretary

WSR 03-16-105

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 6, 2003, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-052.

Title of Rule: To amend chapter 468-70 WAC, so that certain rules conflicting with 2002 legislative activity are corrected.

AMENDATORY SECTION (Amending Order 196, filed 12/22/99, effective 1/22/00)

WAC 468-70-070 Permits and procedure. (1) No business signs will be installed on motorist information sign panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with this chapter.

(2) Permit applications will be accepted at the appropriate department of transportation regional office in care of the regional administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application forms, which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of the business location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than fifteen feet higher than the roof of the main building, measured to the bottom of the sign for businesses located within one mile of an interchange or intersection. (Not applicable along interstate highways if the sign is not visible to the highway.)

Pursuant to RCW 47.36.310, for on-premise signs visible along rural interstate highways the department may waive the fifteen-foot height requirement, on a case-by-case basis, where granting the waiver will not preclude another business having an on-premise sign which complies with the fifteen-foot height requirement from receiving business signs.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. Business signs may not display messages advertising products or services incidental to the qualifying motorist service activity. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

~~(6) ((A nonrefundable application processing fee as prescribed in WAC 468-70-080 (1)(a) will accompany each application. Such fee may only be refunded if, after approval, the activity is not signed for reasons caused by the department.~~

~~(7)) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.05 RCW.~~

~~((8)) (7) Fabrication and installation of business signs:~~

~~(a) Once an application is approved, the department will request the business to provide the signs for installation. Such signs shall be built to the department's specifications prescribed by WAC 468-70-060. Prior to installation the business shall ((be billed and pay for the installation cost pre-~~

~~scribed in WAC 468-70-080 (1)(b))) agree to reimburse the department for the actual installation costs.~~

~~(b) ((When requested by a business, the department will manufacture business signs composed of standard solid color background with standard die-cut or silk-screened highway sign letters used for messages. The department does not manufacture business signs having nonstandard colors, nonstandard letters, or pictorial business symbols or trademarks. The manufacturing and installation fees for business signs manufactured by the department are prescribed in WAC 468-70-080 (2)(a) or (b), and shall be prepaid prior to manufacture and installation.)) The reimbursable business sign installation fees referenced in (a) of this subsection may vary from sign site to sign site.~~

~~((9)) (8) Business sign and motorist information sign panel maintenance and replacement:~~

~~(a) ((For a business which provides its own business signs to the department, an annual permit fee of fifty dollars shall be charged. (Effective January 1, 2001, this annual permit fee will no longer be charged by the department.)) Maintenance replacement business signs shall be provided by the business, when requested by the department to replace weather worn business signs. The department will install the replacement business sign after ((prepayment for the installation fees as prescribed in WAC 468-70-080 (1)(b))) the business agrees to reimburse the department for the actual installation costs as described in subsection (7) of this section.~~

~~(b) ((For business signs manufactured by the department, the department will notify businesses when business signs need replacement because of weather wear and will manufacture and install such replacement business signs after prepayment for the manufacturing and installation fees prescribed in WAC 468-70-080 (2)(a) or (b).~~

~~(e)) The annual maintenance replacement fee charged to each business for motorist information sign back panels is ((prescribed in WAC 468-70-080(3))) one hundred dollars for businesses signed at interchanges and thirty-five dollars for businesses signed at intersections.~~

~~((4)) (c) Annual maintenance fees shall be paid within thirty calendar days after the anniversary of the permit issue. These fees will not be prorated for fractions of the year in the event of business sign removal or coverage. Failure to pay the annual maintenance fees within thirty calendar days after the anniversary of the permit issue will cause the permit to expire and the business signs to be removed from the motorist information sign panels.~~

~~((10)) (9) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department. The department will not reassign permits in the event of change of both ownership and operation.~~

~~((11)) (10) Revocation and expiration:~~

~~(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.05 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:~~

~~(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is~~

material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(ii) For allowing or suffering any on-premise sign to remain that exceeds the height requirements set forth in this chapter.

(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and this section.

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the motorist service activity must meet the requirements of any other applying motorist service activity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-70-080 Fee schedule.

WSR 03-16-106

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 6, 2003, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-014.

Title of Rule: Law enforcement use of high occupancy lanes.

Purpose: To allow official, on duty law enforcement vehicles to use high occupancy lanes.

Statutory Authority for Adoption: RCW 46.61.165 and 47.52.025.

Statute Being Implemented: Chapters 46.61 and 47.52 RCW.

Summary: WAC 468-510-010.

Reasons Supporting Proposal: The use of high occupancy lanes by official, on duty law enforcement vehicles will significantly enhance high occupancy lane enforcement. It will also improve law enforcement emergency response time and improve incident management.

Name of Agency Personnel Responsible for Drafting: Mike Dornfeld, Olympia, Washington, (360) 705-7288; Implementation and Enforcement: Toby Rickman, Olympia, Washington, (360) 705-7280.

Name of Proponent: Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will allow official, on duty law enforcement vehicles to use high occupancy lanes. The use of high occupancy lanes by official, on duty law enforcement vehicles will significantly enhance high occupancy lane enforcement. It will also improve law enforcement emergency response time and improve incident management.

Proposal Changes the Following Existing Rules: This proposal modifies WAC 468-510-010. This WAC describes the vehicle types that are allowed to legally use high occupancy lanes. This rule change will allow another type of vehicles to legally use high occupancy vehicle lanes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no small business effect by this rule.

RCW 34.05.328 does not apply to this rule adoption. The proposed change does not meet the requirements of RCW 34.05.328.

Hearing Location: Washington State Department of Transportation, Commission Board Room, 310 Maple Park Avenue S.E., Olympia, WA 98501, on September 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (800) 833-6388.

Submit Written Comments to: Toby Rickman, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504, fax (360) 705-6826, by September 1, 2003.

Date of Intended Adoption: September 25, 2003.

August 4, 2003

John F. Conrad

Assistant Secretary

AMENDATORY SECTION (Amending Order 178, filed 6/1/98, effective 7/2/98)

WAC 468-510-010 High occupancy vehicles (HOVs). Pursuant to RCW 46.61.165 and 47.52.025, the department has reserved portions of interstate highways, state highways, and ramps, as HOV lanes for the exclusive use of public transportation vehicles or private motor vehicles with the number of occupants specified on signs. Motor vehicles authorized to use HOV lanes are:

(1) Rubber tired municipal transit vehicles conforming to RCW 46.04.355.

(2) Buses with a carrying capacity of sixteen or more persons, including the operator.

(3) Motorcycles conforming to RCW 46.04.330.

(4) Recreational vehicles with the number of occupants specified on signs.

(5) Official marked law enforcement vehicles equipped with emergency lights and siren, issued by a state, local or county law enforcement agency and operated by an on-duty state patrol, local, or county law enforcement personnel.

(6) All other vehicles with the number of occupants specified on signs, except that trucks in excess of 10,000 lb. G.V.W. are prohibited from the use of HOV lanes regardless of the number of occupants. Tow trucks that would be otherwise prohibited because of weight or number of occupants may use HOV lanes when en route to an emergency on a specific roadway or roadside.

WSR 03-16-107
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 6, 2003, 11:21 a.m.]

Original Notice.

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

Title of Rule: WAC 251-17-150 Veterans scoring in examinations and 356-22-220 Veterans scoring in examinations.

Purpose: Allows applicants who are veterans and who meet the criteria to receive additional percentages on final passing score for employment examinations.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: The modifications to WAC 251-17-150 and 356-22-220 reflect changes made in SB 5273 in 2003 and the revised definition of veteran in RCW 41.04.007.

Reasons Supporting Proposal: Bring the WACs up-to-date with current law.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The changes to these rules will reflect the changes made by SB 5273 passed by the legislature in 2003 and the changes in the definition for veteran in RCW 41.04.007 made in 2002.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 18, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 11, 2003, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 11, 2003.

Date of Intended Adoption: September 18, 2003.

August 5, 2003

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 02-15-052, filed 7/11/02, effective 9/1/02)

WAC 356-22-220 Veterans scoring in examinations.

~~((1) In all competitive examinations, any veteran who submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retire-~~

~~ment shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations-))~~

~~(1) "Veteran" includes every person, who at the time he or she seeks the benefits of this section has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:~~

~~(a) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;~~

~~(b) As a member of the women's air forces service pilots;~~

~~(c) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;~~

~~(d) As a civil service crew member with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or~~

~~(e) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.~~

(2) In all competitive examinations, veterans, as defined in ~~((subsection (4) of))~~ this section and upon submission of their qualifying DD214 form, shall be given additional percentages by adding to the passing score, a percentage of such passing score under the following conditions:

(a) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(b) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the final passing score. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

~~((b))~~ (c) Five percent to a veteran who was called from state employment to active military service for one or more years. The percentage shall be added to the first promotional examination only.

(3) The provisions in subsection ~~((1) and))~~ (2) ~~((must))~~ may be claimed ~~((within fifteen years of the date of))~~ upon or anytime after release from active military service. ~~((This period may be extended by the director or designee for valid and extenuating reasons to include but not be limited to:))~~

~~((a)) Documented medical reasons beyond control of the veteran;~~

~~(b) United States department of veterans' affairs documented disabled veteran; or~~

~~(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section-))~~

~~((4) The term veteran as used in subsection (2) of this section shall include any person who has served in any branch of the armed forces of the United States during:~~

- ~~(a) World War II;~~
- ~~(b) The Korean Conflict;~~
- ~~(c) The Viet Nam Era means:~~

~~(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.~~

~~(ii) The period beginning August 5, 1964, and ending on May 7, 1975.~~

~~(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;~~

~~(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor;~~

~~(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; or~~

~~(g) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.~~

~~(4) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.))~~

AMENDATORY SECTION (Amending WSR 02-15-052, filed 7/11/02, effective 9/1/02)

WAC 251-17-150 Veterans scoring in examinations.

~~((1) Any veteran who claims eligibility, submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.))~~

~~(1) "Veteran" includes every person, who at the time he or she seeks the benefits of this section has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:~~

~~(a) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;~~

~~(b) As a member of the women's air forces service pilots;~~

~~(c) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;~~

~~(d) As a civil service crew member with service aboard a U.S. army transport service or U.S. naval transportation ser-~~

~~vice vessel in oceangoing service from December 7, 1941, through December 31, 1946; or~~

~~(e) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.~~

~~(2) Veterans who claim eligibility, submit the qualifying DD214 form, and meet the criteria specified in ((subsection (4) of)) this section shall have added to their final passing scores:~~

~~(a) Ten percent of the final passing score for a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.~~

~~(b) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the final passing score. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.~~

~~((b)) (c) Five percent of the final passing score for a veteran who was called from state employment to active military service for one or more years. The percentage shall be added to the first promotional examination only.~~

~~(3) The provisions in subsection ((1) and) (2) of this section ((must)) may be claimed ((within fifteen years of the date of)) upon or anytime after release from active military service. ((This period may be extended by the personnel officer for valid and extenuating reasons to include but not be limited to:))~~

~~((a) Documented medical reasons beyond control of the veteran;~~

~~(b) United States department of veterans' affairs documented disabled veteran; or~~

~~(e) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.))~~

~~((4) The term "veteran" as used in subsection (2) of this section shall include every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:~~

~~(a) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or~~

~~(b) Has served in any branch of the armed forces of the United States and received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil.~~

~~(5) A "period of war" includes:~~

~~(a) World War I;~~

~~(b) World War II;~~

~~(c) The Korean conflict;~~

~~(d) The Viet Nam era means:~~

~~(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.~~

~~(ii) The period beginning August 5, 1964, and ending on May 7, 1975.~~

(e) ~~The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;~~

(f) ~~The following armed conflicts, if the participant was awarded the respective campaign badge or medal; the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; and~~

(g) ~~The period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress.))~~

WSR 03-16-108
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed August 6, 2003, 11:23 a.m.]

Original Notice.

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

Title of Rule: WAC 251-22-250 Shared leave, 251-22-260 Shared leave receipt, 251-22-270 Shared leave use, 251-22-280 Leave donation, 251-22-290 Shared leave administration, and 356-18-112 Shared leave.

Purpose: These rules pertain to the shared leave program for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications to shared leave rules reflect the changes that were made in HB 2266 effective June 2003.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The changes to these rules incorporate the legislative changes made to RCW 41.04.655 and HB 2266 effective June 2003. The changes allow state employees who are called to service in the uniformed services to receive shared leave when it will prevent the employee from going on leave without pay or terminating state employment. Changes also reduce the remaining balance of sick leave hours that employees must maintain when donating sick leave as shared leave.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 18, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 11, 2003, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 11, 2003.

Date of Intended Adoption: September 18, 2003.

August 6, 23003

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

WAC 251-22-250 Shared leave. The purpose of the Washington state leave sharing program is to permit state employees, at no significantly increased cost to the state of providing leave, to come to the aid of another state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. For purposes of the Washington state leave sharing program, the following definitions apply:

(1) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(2) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include, but is not limited to, foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

(3) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(4) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(5) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040. ..

AMENDATORY SECTION (Amending WSR 96-11-059 [96-21-036], filed 5/10/96 [10/10/96], effective 6/6/96 [11/10/96])

WAC 251-22-260 Shared leave receipt. An employee may be eligible to receive shared leave if the employee's agency/institution head has determined the employee meets the following criteria:

~~((1) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to go on leave without pay status or terminate state employment; and~~

~~(2) The employee has depleted or will shortly deplete his or her annual and sick leave reserves; and~~

~~(3) The employee's absence and the use of shared leave are justified; and~~

~~(4) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW; and~~

~~(5) The employee has abided by agency/institution policy regarding the use of sick leave.))~~

(1)(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(b) The employee has been called to service in the uniformed services.

(2) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:

(a) Go on leave without pay status; or

(b) Terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete his or her:

(a) Annual leave and sick leave reserves if the employee qualifies under subsection (1)(a) of this section; or

(b) Annual leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section.

(5) The employee has abided by institution/agency rules regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

(6) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

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

AMENDATORY SECTION (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

WAC 251-22-270 Shared leave use. (1) The agency/institution head shall determine the amount of leave, if any, which an employee may receive under these rules.

However, an employee shall not receive more than two hundred sixty-one days of shared leave.

(2) The agency/institution head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return-to-work status when the employee is qualified under WAC 251-22-260 (1)(a). The agency/institution head shall require the employee to submit, prior to approval or disapproval, a copy of the military orders verifying the employee's required absence when the employee is qualified under WAC 251-22-260 (1)(b).

(3) The agency/institution head should consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage per WAC 251-10-070, 251-10-080, 251-10-090, 251-17-090, 251-18-180, 251-19-100, 251-19-105, and 251-24-030.

(4) Leave transferred under these rules may be transferred from employees of one agency/institution to an employee of the same agency/institution or, with the approval of the heads of both agencies/institutions, to an employee of another state agency/institution.

(5) Annual leave, sick leave, or all or part of a personal holiday transferred from a donating employee under these rules shall be used solely for the purpose stated in WAC 251-22-250.

(6) The receiving employee shall be paid his/her regular rate of pay; therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

AMENDATORY SECTION (Amending WSR 96-21-036, filed 10/10/96, effective 11/10/96)

WAC 251-22-280 Leave donation. An employee may donate annual leave, sick leave, or personal holiday to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(a) The full-time employee's request to donate leave will not cause his/her annual leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated; and

(b) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(2) The employee's agency/institution head approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave(~~(and)~~).

~~((a))~~ The employee's request to donate leave will not cause his/her sick leave balance to fall below ~~((four hundred eighty))~~ one hundred seventy-six hours after the transfer(~~(and)~~).

~~((b))~~ In no event will a donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

PROPOSED

(3) The employee's agency/institution head approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

(a) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

AMENDATORY SECTION (Amending WSR 96-21-036, filed 10/10/96, effective 11/10/96)

WAC 251-22-290 Shared leave administration. (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave when the employee qualifies under WAC 251-22-260 (1)(a). Accrued annual leave and paid military leave allowed under RCW 38.40.060 must be used prior to using shared leave for employees qualified under WAC 251-22-260 (1)(b).

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned shall be prorated back based on the donor's original donation.

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

(8) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

AMENDATORY SECTION (Amending WSR 02-07-045 [02-07-049], filed 3/14/02, effective 5/1/02)

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(e) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(f) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits

under chapter 51.32 RCW if the employee qualifies under subsection (3)(a)(i) of this section.

(c) The employee has abided by agency policies regarding the use of sick leave if the employee qualifies under subsection (3)(a)(i) of this section.

(d) The employee has abided by agency policies regarding the use of vacation leave and paid military leave if the employee qualifies under subsection (3)(a)(i) of this section.

~~((d))~~ (e) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

~~((a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and~~

~~(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and~~

~~(iii) The agency head permits the leave to be shared with an eligible employee.)~~

(a)(i) The receiving employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(ii) The receiving employee has been called to service in the uniformed services;

(b) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the receiving employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment.

(c) The receiving employee's absence and the use of shared leave are justified.

(d) The receiving employee has depleted or will shortly deplete his or her:

(i) Vacation leave and sick leave reserves if the employee qualifies under subsection (3)(a)(i) of this section;

or

(ii) Vacation leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (3)(a)(ii) of this section.

(e) The agency head permits the leave to be shared with an eligible employee.

~~((b))~~ (f) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

~~((e))~~ (g) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

~~((d))~~ (h) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below ~~(four hundred eighty)~~ one hundred seventy-six hours after the

transfer. ~~((In no event will the donating employee transfer more than six days of sick leave during any 12 month period.))~~ For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

~~((e))~~ (i) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director in accordance with WAC 356-30-065(4), 356-30-067(7), and 356-30-140.

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition when the employee is qualified under subsection (3)(a)(i) of this section. The agency head shall require the employee to submit, prior to approval or disapproval, a copy of the military orders verifying the employee's required absence when the employee is qualified for shared leave under subsection (3)(a)(ii) of this section.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave when qualified under subsection (3)(a)(i) of this section. All forms of paid leave, except sick leave, available for use by the recipient must be used prior to using shared leave when qualified under subsection (3)(a)(ii) of this section.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 03-16-111
PROPOSED RULES**

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 6, 2003, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-119.

Title of Rule: Policies regarding employers, including Indian tribes and tribal units, who are delinquent in the payment of unemployment contributions.

Purpose: To clarify the penalties that will apply to employers who are delinquent in the payment of unemployment taxes.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Statute Being Implemented: Chapter 50.50 RCW, RCW 50.29.025.

Summary: This rules clarify chapter 50.50 RCW regarding the actions the department will take in the event a tribe or tribal unit is delinquent in the payment of contributions. The rules also clarify that the delinquency rate specified by RCW 50.29.025 shall apply to any delinquent reimbursable employer who becomes a contribution-paying employer.

Reasons Supporting Proposal: To clarify for employers the actions that will occur in the event of a delinquency.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; **Implementation and Enforcement:** Annette Copeland, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

Rule is necessary because of federal law, 26 U.S.C. § 3309.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules clarify that in the event a tribal unit is delinquent in the payment of unemployment contributions, any revocation action or other penalty shall apply to the tribe as a whole [whole]. If a delinquency results in the loss of coverage, any notice to tribal employees is left to the tribe, not the department. Finally, the rules provide that the penalty established by RCW 50.29.025 for delinquent employers shall also apply to reimbursable employers who begin paying taxes.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply primarily to tribes and tribal entities, not to employers in general.

The rule clarifying RCW 50.29.025 only clarifies the tax rate that will apply to a delinquent reimbursable employer who becomes a tax-paying employer, and will not impact a significant percentage of businesses in general or small businesses in particular.

RCW 34.05.328 does not apply to this rule adoption. The rules only clarify existing statute, they do not establish penalties that did not previously exist.

Hearing Location: Employment Security Department, Maple Leaf Room, 2nd Floor, 212 Maple Park, Olympia, WA, on September 11, 2003, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Mary Mendoza by September 9, 2003, TDD (360) 902-9589 or (360) 902-9281.

Submit Written Comments to: Larry Oline, Acting Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 438-3226, by September 10, 2003.

Date of Intended Adoption: September 12, 2003.

August 4, 2003

Dr. Sylvia P. Mundy
Commissioner

NEW SECTION

WAC 192-330-110 Delinquencies. RCW 50.29.025 (1)(f)(i) and (2)(c)(i) specifies the tax rate that shall be charged to employers who have failed to pay their contributions and who are not in compliance with a deferred payment contract. The tax rate established by that section shall also be assigned to a reimbursable employer (one who makes payments in lieu of contributions) who is delinquent in its payments and elects or is required to become a contribution-paying employer.

NEW SECTION

WAC 192-330-150 Tribes and tribal entities—RCW 50.50.040 (1) In any revocation action, the department will treat the entire tribe as a single entity. If any tribal entity or unit becomes delinquent, the entire tribe will be treated as delinquent. If any entity of the tribe is a contribution-paying employer and is delinquent, the entire tribe will be treated as a contribution-paying employer and will be subject to revocation of coverage.

(2) The ninety and one hundred-eighty day response periods begin with the date the tax statement is mailed to the employer by the department.

NEW SECTION

WAC 192-330-155 Notification to tribes. (1) A copy of any notice of payment or reporting delinquency required by RCW 50.50.050, issued to a tribe or tribal unit, will be provided to the tribal chairperson and to such other person(s) designated by the tribe or tribal unit.

(2) The tribe will be responsible for notifying its employees of the potential loss of coverage.

WSR 03-16-112
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed August 6, 2003, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-15-013.

Title of Rule: Chapter 196-09 WAC, Board practices and procedures, describes rules for administrative procedures and adjudicative proceedings held by the board.

Purpose: Amendments to chapter 196-09 WAC provide guidance to licensed engineers, land surveyors and on-site wastewater treatment system designers on requirements and process for adjudicative proceedings and the business procedures of the board. It also reorganizes and clarifies existing rules in accordance with the governor's directive for rule review.

Statutory Authority for Adoption: Chapters 18.43 and 18.235 RCW.

Statute Being Implemented: Chapters 18.43 and 18.235 RCW.

Summary: The new sections of rule describe the process and under what circumstances brief adjudicative proceedings will be conducted by the board. It also describes under what circumstances the board could consider recovery of investigative costs under chapter 18.235 RCW. Other sections are housekeeping and reorganization for ease of public use and reference as part of the overall review of all existing board rules.

Reasons Supporting Proposal: The new sections of rule allow the board to implement those sections of the Uniform Regulation of Business and Professions Act, codified as chapter 18.235 RCW regarding the conduct of brief adjudicative proceedings and the reimbursement of investigative costs.

Name of Agency Personnel Responsible for Drafting: Joe Vincent Jr., 405 Black Lake Boulevard, Olympia, WA, (360) 664-1567; **Implementation and Enforcement:** George A. Twiss, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1565.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed WAC 196-09-055 and 196-09-060 provide direction to licensees on the conduct and procedure of brief adjudicative proceedings, providing for the process of appeal of certain board actions in accordance with chapters 34.05, 18.43 and 18.235 RCW.

WAC 196-09-100 outlines under what circumstances the board may pursue reimbursement of investigative costs as provided for in RCW 18.235.110(2).

WAC 196-09-110 clarifies the requirement for licensees to cooperate with board investigations.

Proposal Changes the Following Existing Rules: WAC 196-09-050 and 196-09-120 were previously contained in chapter 196-24 WAC and are placed into chapter 196-09 WAC as part of the overall reorganization of the board's rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect individual licensees and do not create expense for businesses of any size and therefore do not disproportionately affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Neither the Department of Licensing nor the Board of Registration are one of the named agencies in this statute.

Hearing Location: LaQuinta Inn, 1425 East 27th Street, Tacoma, WA 98421, on September 9, 2003, at 7:00.

Assistance for Persons with Disabilities: Contact Kim Chipman by September 5, 2003, TDD (360) 586-2788 or (360) 664-1564.

Submit Written Comments to: Joe Vincent Jr., Manager, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, fax (360) 664-2551, by October 1, 2003.

Date of Intended Adoption: November 6, 2003.

July 31, 2003

George A. Twiss

Executive Director

Chapter 196-09 WAC

BOARD PRACTICES AND PROCEDURES

AMENDATORY SECTION (Amending WSR 98-12-045, filed 5/29/98, effective 7/1/98)

WAC 196-09-010 Declaration of purpose. This chapter contains rules and administrative procedures for ((~~all adjudicative~~)) proceedings held by the board in executing its responsibilities under chapter 18.43 RCW. ((~~This chapter replaces all rules previously codified in chapter 196-08 WAC.~~))

NEW SECTION

WAC 196-09-050 Brief adjudicative proceedings. The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Such proceedings may be held at the request of the applicant/registrant/board (petitioner) for the following purposes:

(1) To appeal a determination that an applicant for certification as an engineer-in-training or land surveyor-in-training does not meet the minimum certification requirements as provided in chapter 18.43 RCW and/or chapters 196-20 and 196-21 WAC; or

(2) To appeal a determination that a professional engineer or professional land surveyor applicant does not meet the minimum licensing requirements as provided in chapter 18.43 RCW and/or chapter 196-12 WAC (PE) and chapter 196-16 WAC (PLS); or

(3) To determine whether a licensee requesting renewal or reinstatement has submitted all required information and has met the minimum criteria for renewal or restatement; or

(4) To determine whether an individual, named in default of student loan payments under RCW 18.43.160,

holds a certification or license issued under chapter 18.43 RCW.

NEW SECTION

WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

(1) Applicants for certification/licensing: Original complete application with all attachments required by the board; all documents relied upon in reaching the determination of ineligibility; and all correspondence between the applicant and the board about the application or the appeal.

(2) License renewal or reinstatement: Copy(ies) of original renewal notice(s) sent by the department of licensing to the licensee; all documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(3) Default of student loan payments: Copy(ies) of notice(s) to the board showing the name and other identification information of the individual claimed to be in default on student loan payments; copies of identification information corresponding to the person(s) who is (are) certified/licensed by the board that relate to the identity of the individual in default; and all documents received by the board from or on behalf of the licensee relating to rebutting such identification.

NEW SECTION

WAC 196-09-060 Procedures for brief adjudicative proceedings. A brief adjudicative proceeding shall be held under the supervision of a presiding officer as designated by the board chair. The presiding officer shall have knowledge and experience in the administrative processes of the board and the requirements of the provisions for a brief adjudicative proceeding as provided for in chapter 34.05 RCW and WAC 196-09-050 through 196-09-060, but shall not have participated in the determination or action under review. Except as may be otherwise required by the presiding officer, the following procedures shall apply:

(1) The petitioner shall present petitioner's position in writing in accordance with the process and schedule established by the presiding officer.

(2) The presiding officer may accept oral testimony and/or argument.

(3) No witnesses may appear to testify.

(4) In addition to the written record, the presiding officer may employ agency expertise as a basis for the decision.

(5) The presiding officer will not issue an oral order at the time of the brief adjudicative proceeding. Within ten days of the final date established by the presiding officer for receipt of additional materials and/or oral arguments, if any, the presiding officer will enter a written initial order.

NEW SECTION

WAC 196-09-100 Investigative cost reimbursement. The reimbursement of investigative costs may be ordered by the board if the adjudicative process has resulted in a finding by the board that identifies conduct which is considered misconduct or malpractice and has resulted in the suspension or

revocation of the license to practice. Costs subject to reimbursement are those expenses paid by the board during the investigation process, such as expert or consultant witness contracts.

NEW SECTION

WAC 196-09-110 Cooperation with board investigation. In the course of an investigation and request by the board under its authority in chapter 18.43 RCW, a licensee or registrant must provide any papers, records, or documents in their possession or accessible to them that pertain to the allegations in a complaint or investigation, and a written explanation addressing such complaint/investigation or other information requested by the board. A facility related to a complaint or investigation shall be made accessible by the licensee during regular business hours.

NEW SECTION

WAC 196-09-120 Meetings and officers. The Washington state board of registration for professional engineers and land surveyors shall hold its regular public meeting annually in June. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

At the regular annual meeting the board shall elect a chair and vice-chair to hold office for one year commencing July 9. The executive director of the board shall serve as secretary. A vacancy in any office shall be filled for the remainder of the term by special election at the next special public meeting.

WSR 03-16-113

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 6, 2003, 11:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-09-032, 03-13-012, and 03-14-024.

Title of Rule: Chapter 196-12 WAC, Registered professional engineers; chapter 196-16 WAC, Registered professional land surveyors; chapter 196-21 WAC, Land surveyors-in-training; chapter 196-23 WAC, Stamping and seals; chapter 196-24 WAC, General; chapter 196-25 WAC, Business practices; and chapter 196-27A WAC, Rules of professional conduct and practice.

Purpose: Amendments to the above listed WAC provide guidance to applicants with regard to the experience, education and examination application requirements to become licensed professional engineers and land surveyors or engineers-in-training and land surveyors-in-training. It also reorganizes and clarifies additional existing rules in accordance with the governor's directive for rule review.

Statutory Authority for Adoption: Chapters 18.43 and 18.235 RCW.

Statute Being Implemented: Chapters 18.43 and 18.235 RCW.

Summary: These proposed amendments clarify and reorganize existing board rules. New "declaration and purpose" sections are added where appropriate to aid those affected in referencing individual sections. Listed below are those specific sections and a brief explanation of their changes.

Chapters 196-12, 196-16, and 196-21 WAC, reorganized to clarify the application requirements and the experience requirements.

Chapter 196-23 WAC, removed subsection [(2)](e) from WAC 196-23-070 upon recommendation of the Secretary of State's Office as unnecessary and not applicable.

Chapter 196-24 WAC, WAC 196-21-041 Brief adjudicative proceeding, is moved to new WAC 196-09-050. WAC 196-24-080 Fees, is deleted as fees are covered in chapter 196-26A WAC. WAC 196-24-085 Temporary permits, information required of nonresidents intending to practice thirty days or less in a calendar year - reference to land surveying is removed and the remainder placed into chapter 196-12 WAC. WAC 196-24-100 Meetings and officers, is moved to new WAC 196-09-120. WAC 196-24-105 Examination review, is deleted as examination review is referenced in chapters 196-12, 196-16, 196-20 and 196-21 WAC and is redundant. WAC 196-24-110 Land surveying standards, is revised and retitled to "Specific guidance concerning the monumentation, posting, and/or marking of a boundary line between two existing corner monuments" and is moved to new section WAC 196-27A-025.

Chapter 196-25 WAC, "Resident engineer or land surveyor," "employee," "branch office" and "project office" are defined. WAC 196-25-100 Retired status certificate of registration is removed and placed into the appropriate sections of chapters 196-12 and 196-16 WAC.

Chapter 196-27A WAC, see WAC 196-24-110 above.

Reasons Supporting Proposal: In accordance with the governor's directive regarding rule review, amendments to these rules are necessary to reorganize the rules to make them easier to follow and comply with. It also eliminates old language that no longer applies due examination procedural changes and changes in related WAC.

Name of Agency Personnel Responsible for Drafting: Joe Vincent Jr., 405 Black Lake Boulevard, Olympia, WA, (360) 664-1567; Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1565.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect individual licensees and do not create expense for businesses of any size and therefore do not disproportionately affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Neither the Department of Licensing nor the Board of Registration are one of the named agencies in this statute.

Hearing Location: LaQuinta Inn, 1425 East 27th Street, Tacoma, WA 98421, on September 9, 2003, at 7:00.

Assistance for Persons with Disabilities: Contact Kim Chipman by September 5, 2003, TDD (360) 586-2788 or (360) 664-1564.

Submit Written Comments to: Joe Vincent Jr., Manager, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9025, Olympia, WA 98507-9025, fax (360) 664-2551, by October 1, 2003.

Date of Intended Adoption: November 6, 2003.

July 31, 2003

George A. Twiss

Executive Director

NEW SECTION

WAC 196-12-005 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional engineers.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

WAC 196-12-010 Eligibility and applications. The law requires eight years of experience in engineering work of a character satisfactory to the board and passing the fundamentals-of-engineering examination to be eligible for the second stage (PE) engineer examination. These eight years must be of broad based, progressive experience to include gaining knowledge and comprehension of engineering subjects and applying engineering principles. The eight years of experience must be completed sixty days prior to the date of the examination.

A professional engineer (PE) applicant must have passed the first stage examination (the fundamentals-of-engineering (FE) examination) and be enrolled as an engineer-in-training (EIT), or qualify to waive the FE examination in accordance with WAC 196-12-050, before he or she can take the second stage (PE) examination. If the applicant has at least eight years of qualifying engineering experience, the PE examination may be applied for at the same time that he or she applies for the FE examination. The PE application may also be submitted before the results of the FE examination have been received, provided the application is submitted at least four months before the second stage examination date.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee (~~(and charge)~~) as listed in WAC (~~(196-26-020)~~) 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be (~~(submitted in a timely manner)~~) received by the board three months prior to the date of the examination in

order for the board to determine eligibility prior to ((meet)) examination ((preparation)) deadlines. ((An applicant will be notified what documents are missing, and a date set by the board by which those documents must be received.)) Failure to have the ((missing)) supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

To reschedule the taking of an examination, a written request accompanied by the applicable fee ((and charge)) as listed in WAC ((196-26-020)) 196-26A-025 is required at least three months prior to the examination date. Once an application has been approved, no further application is required.

AMENDATORY SECTION (Amending WSR 02-01-071, filed 12/14/01, effective 1/30/02)

WAC 196-12-020 Experience records. ((The law requires eight years of experience in engineering work of a character satisfactory to the board and passing the fundamentals of engineering examination to be eligible for the second stage (PE) engineer examination. These eight years must be of broad-based, progressive experience to include gaining knowledge and comprehension of engineering subjects and applying engineering principles. The eight years of experience must be completed sixty days prior to the date of the examination.))

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record:

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in engineering approved by the engineer accreditation commission (EAC) of the accreditation board for engineering and technology (ABET, Inc.) shall be equivalent to four years of required experience. Satisfactory completion of each year of such an approved engineering curriculum is equivalent to one year of experience.

(b) Graduation with a baccalaureate degree in a program in engineering technology approved by the technology accreditation commission (TAC) of the accreditation board for engineering and technology (ABET, Inc.) is equivalent to three years of required experience. Satisfactory completion of each year of such an approved program is equivalent to three-fourths of one year of experience.

(c) Graduation in an approved four year non-ABET, Inc. accredited engineering curriculum will be given a maximum of three years of experience.

(d) A maximum of one year may be granted for post-graduate engineering courses approved by the board for those applicants having earned degrees in accordance with (a), (b) or (c) of this subsection.

(e) A nonengineering bachelor of science program can be given a maximum of two years of experience. If the degree is followed by a master of science in engineering from a

school that has an ABET, Inc. accredited undergraduate program in the same discipline as the master's degree, a maximum of four years of experience may be granted for this combination of education.

(f) Graduation with an associate degree in engineering from an approved curriculum may be equivalent of up to two years of required experience.

(g) Education gained in a piecemeal fashion over time where no degree is conferred will be granted up to a maximum of two years of experience. For the purpose of this subsection, education in a "piecemeal fashion" means: One or two classes taken at a time, often at different schools; seminars; workshops; and classes taken through industry and the military. In order to determine the appropriate amount of experience, this type of education will be compared to college coursework in a baccalaureate of engineering technology degree program.

(h) The board may approve engineering degree programs from other countries.

(i) A number of foreign degree programs are included in mutual recognition agreements entered into by ABET, Inc. with other accrediting authorities. Applicants with a degree from one of these programs will be evaluated in accordance with (a) and (b) of this subsection. A list of those approved mutual recognition degree programs is maintained in the board office.

(ii) Applicants having engineering degrees from programs in countries that are not on the mutual recognition list will be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all necessary information to the evaluation service. ((If the evaluation service says that)) The board will use the evaluation to determine if the foreign degree is equivalent to an ABET, Inc. accredited degree. If the board determines that the degree is equivalent, experience will be granted in accordance with (a) or (b) of this subsection. If the ((evaluation says)) board determines that the foreign degree is not equivalent to an ABET, Inc. accredited degree, then a maximum of three years of experience may be granted in accordance with (c) of this subsection.

(iii) An applicant with an undergraduate foreign degree from a program that is not on the mutual recognition list, can waive the requirement for a degree evaluation if they have a master of science in engineering from a school that has an ABET, Inc. accredited undergraduate engineering degree program in the same discipline as the master's degree. A maximum of four years of experience can be granted for this combination of education.

(i) Any other education will be taken into account and evaluated on its merits.

(j) Work experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) Work experience will be approved based on a demonstration of competency and progressive responsibility in

the analysis, synthesis and evaluation of engineering concepts and data, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering. Under the general guidance and direct supervision of an authorized professional, the applicant must be in a position of making independent judgments and decisions in the following experience areas:

- (a) Formulating conclusions and recommendations;
- (b) Identifying design and/or project objectives;
- (c) Identifying possible alternative methods and concepts;
- (d) Defining performance specifications and functional requirements;
- (e) Solving engineering problems;
- (f) Interacting with professionals from other areas of practice;
- (g) Effectively communicating recommendations and conclusions;
- (h) Demonstrating an understanding and concern for energy/environmental considerations, and sustainability of resources.

(3) The branch of structural engineering requires specialized work experience to protect the public safety. To be eligible to take the structural license examination, an applicant must have at least two years of progressive responsibility in structural engineering experience. These two years of structural experience are in addition to the eight years of engineering experience required to be registered as a professional engineer and must be documented in the application in accordance with subsection (2) of this section. The structural engineering experience must be supervised by a licensed professional engineer in the branch of structural engineering or a licensed professional engineer with significant structural engineering work experience.

(4) Engineering teaching character may be considered satisfactory experience up to a maximum of two years.

(5) Applied research is considered satisfactory experience when it meets the following conditions:

(a) The research must be conducted under the guidance or supervision of a licensed engineer. For the purposes of this subsection, guidance or supervision means being cognizant of all applicable aspects of the work and a reviewer of all applicable reporting documentation.

(b) The principle result(s) of the research are in a published report or a recognized engineering journal article in which the applicant is the first author or the work is adequately documented and available to the board upon request.

(6) For military engineering experience to be considered acceptable, it should be similar to engineering experience that would be gained in a nonmilitary environment as defined in subsection (2) of this section, and such experience must be verified.

(7) Any work experience gained without the supervision of a professional engineer authorized to practice under chapter 18.43 RCW or an individual authorized by another statute to practice engineering, or any work experience gained in any other situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be counted toward the statutory experience requirement.

AMENDATORY SECTION (Amending WSR 02-01-071, filed 12/14/01, effective 1/30/02)

WAC 196-12-030 Examinations. (1) Except as provided in WAC 196-12-050, to become licensed as a professional engineer the candidate must pass two stages of examination. The first stage is the fundamentals-of-engineering examination. The second stage examination consists of multiple parts including the principles and practice (branch) examination and law and ethics examination. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. The fundamentals-of-engineering examination must be passed, or waived in accordance with WAC 196-12-050, before taking the second stage examination.

Examinations are given at times and places designated by the board. ~~((The schedule of future examinations and examination syllabi may be obtained from the board office.))~~ Refer to the respective Internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. Examinees will not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of Examiners for Engineering and Surveying. If one examination part is failed, only that examination part must be retaken.

(2) If a professional engineer holding a current registration in the state of Washington wants to become licensed in multiple branches of engineering, an additional principle and practice examination must be taken in each branch.

(3) The branch of structural engineering requires a series of examinations, as determined by the board, to protect the public safety. To become licensed as a professional engineer in the branch of structural engineering, the candidate must pass: The stage 1 fundamentals-of-engineering examination; the stage 2 principles and practice of engineering (PE) and the take-home law and ethics examinations; and the stage 3 examination comprised of examinations in the principles and practice of structural engineering and structural engineering issues important to Washington state.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

WAC 196-12-045 Comity registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a professional engineer by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee ~~((and charge))~~ pursuant to WAC ~~((196-26-020))~~ 196-26A-035.

(b) The applicant's qualifications must meet the requirements of chapter 18.43 RCW and this chapter.

(c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice if different from the jurisdiction of original registration.

(d) The applicant has been qualified by written examinations determined by the board to adequately test the fundamentals and principles and practice of engineering.

(2) The applicant will be required to pass the law and ethics examination and may be required to take and pass state specific examinations to demonstrate competency in issues specific to Washington.

(3) The original application for comity may be for multiple branches of engineering provided that the applicant has passed an examination in each branch equivalent to the examination given in the state of Washington. Licenses will be issued only in the branches of engineering offered by the board. Additional branches may be added at a later time; however, this will require submitting a new application and fee.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

WAC 196-12-050 Waiving the fundamentals-of-engineering examination. An applicant who has at least twelve years of experience satisfactory to the board as identified in WAC 196-12-020(2) after obtaining a baccalaureate degree in an approved engineering curriculum as defined in WAC 196-12-020 (1)(a), (e) and (h)(i) and (ii), may request that the stage 1 fundamentals-of-engineering (FE) examination be waived and that permission be granted to take the stage 2 examination (principles and practice and law and ethics) only: Provided, That the applicant has not failed the FE examination within the last ten years.

The opportunity to waive the stage 1 examination is based on the premise that the demonstration of a solid experience record is a better measure of engineering competency than the passage of the stage 1 examination at this point in the applicant's career. It is the board's discretion, based on information provided in the application, as to whether to grant a waiver.

Teaching experience is not limited to two years for the purposes of qualifying for this waiver.

The applicant should take note that a license granted based on waiving the fundamentals exam may not be accepted by other licensing jurisdictions.

NEW SECTION

WAC 196-12-055 Temporary permits—Information required of nonresidents intending to practice thirty days or less in a calendar year. Every nonresident engineer who intends to conduct professional practice under the exemption of RCW 18.43.130(2), shall furnish the board, a minimum of three months prior to the commencement of such work with the following information:

- (1) A properly completed application as prescribed by the board.
- (2) Jurisdiction where currently registered.
- (3) Imprint of professional seal.
- (4) Dates work is to be started and terminated in the state of Washington. If the time differential between the starting and terminating date is in excess of thirty days in any calendar year, applicant must specify the days (totaling no more

than thirty) on which the practice of engineering is to be performed in Washington.

(5) Name and address of client.

(6) Description and location (address) of project and regulating authority (if applicable).

(7) Application fee as determined by the director of the department of licensing.

Upon approval of the information submitted, the board shall issue a permit to the nonresident engineer for the temporary practice of engineering in Washington.

Plans, specifications, and reports prepared by the nonresident engineer shall be signed, dated, and stamped with their professional seal. A copy of the permit issued by this board shall be attached to the engineering documents submitted for approval or building permit.

The exemption contained in RCW 18.43.130(2) shall only apply to individuals. Corporations and partnerships shall not practice in Washington unless authorized to do so under RCW 18.43.130 (8) and (9).

NEW SECTION

WAC 196-12-065 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional engineer having reached at least the age of sixty-five and having discontinued active practice as an engineer may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional engineering services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional engineer (PE), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as an engineer in a volunteer capacity, provided that the retired registrant does not create an engineering document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on engineering topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of engineering, such as members of commissions, boards or committees;

(h) Serve in an engineering capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any engineering activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional engineer who has a valid/active registration in the records of the board;

(b) Act as the designated engineer or the engineer in responsible charge for a Washington engineering corporation or Washington engineering limited liability company;

(c) Apply their professional engineers seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

NEW SECTION

WAC 196-16-006 Declaration and purpose. This chapter contains rules and procedures for applications, eligi-

bility and examinations to be licensed as professional land surveyors.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-16-007 Eligibility and applications. The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals-of-land surveying examination to be eligible for the professional land surveyor examination. The eight years of experience must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee (~~and charge~~) as listed in WAC (~~(196-26-020)~~) 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to examination deadlines. Failure to have the supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee (~~and charge~~) as listed in WAC (~~(196-26-020)~~) 196-26A-025 is required to reschedule for an examination.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-16-010 Experience records. ~~((The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals-of-land surveying examination to be eligible for the professional land surveyor examination. The eight years of experience must be completed sixty days prior to the date of the examination.))~~

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for post-graduate college courses approved by the board. Postgraduate education will count toward the eight years of required experience as described in subsection (2) of this section.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating work experience, the board will be looking for eight years of broad based, progressive field and office experience in surveying work under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying, a minimum of four years of which shall be in a position of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional except as provided for in subsections (1)(d) and (3) of this section. This latter experience shall not be limited to, but must include the following:

(a) Applying state, federal and case law;

(b) Exercising sound judgment when making independent decisions regarding complex boundary, topographic, horizontal and vertical control, and mapping issues;

(c) Field identification and evaluation of boundary evidence, including monumentation, and the ability to use that evidence for boundary determination;

(d) Conducting research;

(e) Preparing and analyzing complex property descriptions; and

(f) Interacting with clients and the public in conformance with chapter ~~((196-27))~~ 196-27A WAC.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of two years.

(4) In evaluating combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(5) Any work experience gained in a situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be credited towards the experience requirement.

(6) A registered professional engineer who applies to become registered as a professional land surveyor must meet the requirements stated within this section.

~~((7) An applicant meeting the requirements for six years of experience before the effective date of the law change on July 1, 1996, may be approved by the board to take the examination based on the rules in effect on January 1, 1996. This subsection expires on July 1, 1999.))~~

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-16-020 Examinations. (1) To become licensed as a professional land surveyor the candidate must pass the fundamentals-of-land surveying examination, principles and practice examination, and law and ethics examination. A candidate must pass the fundamentals-of-land surveying examination before taking the principles and practice examination ~~((except a candidate approved under the six year requirement in accordance with WAC 196-16-010(7) may elect to take the principles and practice and fundamentals examinations on two consecutive days))~~. The fundamentals and principles and practice examinations are given at times and places designated by the board. ~~((The schedule of future examinations and an examination syllabus may be obtained from the board office.))~~ See the respective Internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. If one of these examinations is failed, only that examination must be retaken.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-16-031 Comity—Registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a land surveyor by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee pursuant to WAC 196-26A-035;

(b) The applicant's qualifications meet the requirements of chapter 18.43 RCW and this chapter;

~~((b))~~ (c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration~~((:))~~; and

~~((e))~~ (d) The applicant has been qualified by a written examination determined by the board to adequately test the fundamentals and principles and practice of land surveying and whose experience includes WAC 196-16-010 (2)(a) through (f).

(2) The applicant will be required to pass examinations to demonstrate competency in land surveying issues important to Washington, and law and ethics. Comity applicants will not be required to take the fundamentals-of-land surveying and full principles and practice examinations administered by the board.

NEW SECTION

WAC 196-16-035 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional land sur-

veyor, having reached at least the age of sixty-five and having discontinued active practice as a land surveyor, may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of a land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as a land surveyor in a volunteer capacity, provided that the retired registrant does not create a land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of land surveying, such as members of commissions, boards or committees;

(h) Serve in a land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corpo-

ration or Washington land surveying limited liability company;

(c) Apply their professional land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

NEW SECTION

WAC 196-21-005 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be enrolled as land surveyors-in-training.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-21-010 Eligibility and applications. The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals-of-land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-land surveying examination must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee (~~and charge~~) as listed in WAC (~~196-26-020~~) 196-26A-025 is four months prior to the date of examination. Late applications will be considered for a later examination.

All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college that have achieved senior standing in a baccalaureate curriculum in land surveying approved by the board will be eligible to take the fundamentals-of-land surveying examination without submitting college transcripts.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall submit a request in writing, accompanied by the applicable fee as listed in WAC 196-26A-025, to take or retake the examination, at least three months prior to the examination date. ~~((A written request accompanied by the applicable fee and charge as listed in WAC 196-26-020 shall be submitted to the board's office.))~~

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-21-020 Experience. ~~((The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals of land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals of land surveying examination must be completed sixty days prior to the date of the examination.))~~

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for post-graduate college courses approved by the board.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating four years of work experience, the board will be looking for broad based, progressive experience in the fundamental knowledge of surveying theory and practice under the direct supervision of a person authorized by

chapter 18.43 RCW or other applicable statute to practice land surveying. This experience shall not be limited to, but must include the following:

- (a) Performing complex survey calculations;
- (b) Conducting boundary and corner research;
- (c) Preparing and using property descriptions;
- (d) Understanding and applying fundamental boundary and topographic principles;
- (e) Making and/or analyzing horizontal and vertical control measurements; and
- (f) Being skilled in survey equipment care and usage.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) In evaluating the four years of combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(4) In the judgment of the board, the applicant must have demonstrated increased levels of responsibility and a continuous gain in experience and knowledge such that at the time of being approved for the fundamentals-of-land surveying examination, the applicant is capable of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

WAC 196-21-030 Examinations. (1) The fundamentals-of-land surveying examination is given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained ~~((from the board office))~~ at the Internet website of the National Council of Examiners for Engineering and Surveying (NCEES).

(2) An applicant passing the fundamentals-of-land surveying examination will be enrolled as a land surveyor-in-training pursuant to RCW 18.43.020(8).

AMENDATORY SECTION (Amending WSR 01-09-017, filed 4/6/01, effective 5/7/01)

WAC 196-23-070 Signature. The terms "signature or signed", as used in chapter 18.43 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

- (a) Original and written by hand;
- (b) Permanently affixed to the document(s) being certified;

(c) Applied to the document by the identified registrant.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification must be:

- (a) Unique to the registrant using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the registrant using it;

(d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed;

(e) ~~In conformance with the definition of "digital signature" as it appears in chapter 19.34 RCW, Washington Electronic Authentication Act).~~

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 196-24-041 Brief adjudicative proceedings—Denials based on failure to meet prerequisites for licensure, temporary permit, or examination.
- WAC 196-24-080 Fees.
- WAC 196-24-085 Temporary permits—Information required of nonresidents intending to practice thirty days or less in a calendar year.
- WAC 196-24-100 Meetings and officers.
- WAC 196-24-105 Examination review.
- WAC 196-24-110 Land surveying standards.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

WAC 196-25-001 Purpose. The purpose of this chapter is to provide clarification on how businesses are authorized to provide engineering of land surveying services in Washington and to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

WAC 196-25-002 Definitions. Board. The Washington state board of registration for professional engineers and land surveyors.

Professional engineer. A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

Professional land surveyor. A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

Resident engineer or resident land surveyor. A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.

Business. A sole proprietorship, corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited

liability company (PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.

Designee, designated engineer, designated land surveyor. A currently registered professional engineer designated by the business to be in responsible charge of engineering activities for the business in ~~((this state))~~ Washington, OR, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in ~~((this state))~~ Washington. The sole proprietor of an engineering and/or land surveying business is deemed to be the designee of that business.

Employee. A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.

Branch office. One or more alternate locations in Washington of a business, not recognized as the business's main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.

Project office. A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for providing specific engineering and/or land surveying services only in support of a project.

Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

WAC 196-25-005 Businesses that must be authorized by the board. Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all corporations, joint stock associations and limited liability companies (LLC's) that offer engineering or land surveying services must ~~((apply to))~~ obtain from the board ~~((for))~~ a certificate of authorization to practice engineering or land surveying or both in the state of Washington.

~~((Effective July 1, 1998, engineering partnerships currently registered with the board will no longer be required to pay an annual renewal fee. Also effective July 1, partnerships and limited liability partnerships offering engineering and/or land surveying services will not be required to apply for a certificate of authorization from the board. However, the))~~ A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

WAC 196-25-010 Applications. All applications must be completed on forms provided by the board and ~~((filed with the executive director at the board's address and be accompanied by the appropriate fee as listed in WAC 196-26-020))~~ submitted to the offices of the board. A complete application

PROPOSED

PROPOSED

requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; affidavit of professional engineer and/or land surveyor; and, certified copy of resolution naming the designated engineer, or land surveyor, or both.

AMENDATORY SECTION (Amending WSR 99-15-057, filed 7/15/99, effective 8/15/99)

WAC 196-25-040 Provisions pertaining to both corporations and limited liability companies. (1) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

~~((2))~~ ~~((An affidavit must be signed by the designee(s) stating that he or she knows they have been designated by the business as being responsible for the engineering and/or land surveying activities in the state of Washington.~~

~~((3))~~ The designated engineer and/or designated land surveyor must be an employee of the business.

~~((4))~~ ~~((3))~~ No person may be the designated engineer or designated land surveyor at more than one business at any one time.

~~((5))~~ ~~((4))~~ When there is a change in the designee(s), the business must notify the board in writing ~~((within thirty days))~~ of the effective date of the change and submit a new affidavit.

~~((6))~~ ~~((5))~~ If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the ~~((filing))~~ name change.

~~((7))~~ ~~((6))~~ At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

~~((8))~~ ~~((7))~~ The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

AMENDATORY SECTION (Amending WSR 99-15-053, filed 7/15/99, effective 8/15/99)

WAC 196-25-050 Branch offices ~~((and places of business))~~. (1) An engineering ~~((firm))~~ business or land surveying ~~((firm))~~ business maintaining branch offices shall have a resident ~~((professional))~~ engineer or resident ~~((professional))~~ land surveyor, as applicable, ~~((for each branch office as well as the parent location. A branch office of an engineering or land surveying firm shall be defined as an office established to solicit and/or provide engineering and/or land surveying services. A resident professional engineer or professional land surveyor shall be defined as a person who:~~

~~((a))~~ Holds a valid license in this state;

~~((b))~~ Maintains said branch office or parent location as his/her normal place of employment; and

~~((c))~~ Is in responsible charge of said engineering and/or land surveying services;

~~((2))~~ A project office shall be defined as an extension of a firm that is used:

~~((a))~~ For supervision for construction of a project designed elsewhere.

~~((b))~~ As a convenient workplace for a specific land surveying or engineering project. A project office is not allowed to offer services and shall not be required to have a resident professional engineer or resident land surveyor) in responsible charge of said engineering and/or land surveying services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 196-25-020	Corporations or joint stock associations.
WAC 196-25-030	Limited liability companies.
WAC 196-25-100	Retired status certificate of registration.

NEW SECTION

WAC 196-27A-025 Specific guidance concerning the monumentation, posting, and/or marking of a boundary line between two existing corner monuments. The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment. Further, the placement of undocumented monument-like objects along the boundary line between such existing corner monuments has the potential for creating confusion and possible public harm. Therefore:

(1) Such work constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed by or under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish such work shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) If the monumentation, posting, or marking activity involves placement of objects along the boundary line, that may be construed by the public to be monuments, the land surveyor shall file a record of survey according to chapter 58.09 RCW.

(4) If the monumentation, posting, or marking activity does not involve placement of such objects as described in subsection (3) of this section, the land surveyor shall file, according to chapter 58.09 RCW, a record of the monuments and accessories found at each corner location, unless such documentation has been previously recorded under chapter 58.09 or 58.17 RCW.

WSR 03-16-039
EXPEDITED RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed July 30, 2003, 3:17 p.m.]

Financial Management, P.O. Box 43113, Olympia, WA
 98504-3113, AND RECEIVED BY October 6, 2003.

July 30, 2003

Jennifer Strus

Director of Legal Affairs

Title of Rule: Process by which wage overpayments to state employees can be recouped.

Purpose: The rules are necessary to define the adjudicative hearing procedures that will apply if an employee appeals an agency decision regarding a wage overpayment pursuant to chapter 34.05 RCW.

Statutory Authority for Adoption: Chapter 77, Laws of 2003.

Summary: The proposed rules set forth the procedures the agencies and appellant employees are to use when appealing an agency determination regarding a wage overpayment.

Reasons Supporting Proposal: The rules are needed to set forth the specific procedures to be used when appealing an agency determination regarding a wage overpayment. The statute does not provide sufficient detail regarding these procedures. The rules will clarify each party's responsibility in this process.

Name of Agency Personnel Responsible for Drafting: Millie Lund, Point Plaza Building, 6639 Capitol Boulevard, Tumwater, WA, 664-7678; Implementation and Enforcement: Wendy Jarrett, Point Plaza Building, 6639 Capitol Boulevard, Tumwater, WA, 664-7675.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules set forth the information the agency is to provide to the Office of Administrative Hearings (OAH) when it receives a notice from an employee that he or she wishes to appeal an agency determination regarding a wage overpayment. It also sets forth the time period during which the agency must transmit the information to OAH. The rules state that OAH is responsible to issue the notice of hearing to the employee and the agency and sets forth the requirements to be followed at the hearing. The rules specify that OAH will follow the model rules of procedure set forth in chapter 10-08 WAC in the adjudicative proceedings. The rule sets forth good cause exceptions to the statutory time requirements.

Proposal does not change existing rules.

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 Jennifer Strus, Office of

NEW SECTION

WAC 82-04-010 (1) Once the appellant has notified the agency that he or she wishes to appeal the agency's review decision, the agency shall transmit the appellant's application for an adjudicative proceeding (request for hearing) to the office of administrative hearings (OAH) within ten business days after receiving it from the appellant.

(2) In any wage overpayment matter that is appealed, the agency shall provide OAH with the following information:

(a) The name of the agency contact in the matter and any contact information;

(b) The name of the appellant and any contact information, including address and telephone number;

(c) The name and address of the agency contact for billing purposes; and

(d) The name and address of the agency contact where the file should be sent after OAH closes the adjudicative proceeding.

(3) The agency shall transmit all requests for hearing to the following address: Office of Administrative Hearings, 919 Lakeridge Way SW, P.O. Box 42488, Olympia, WA 98504-2488; (360) 664-8717; fax (360) 664-8721.

NEW SECTION

WAC 82-04-020 Within ten business days of receipt of the appellant's request for hearing, the agency shall also transmit to OAH the relevant case file, including documents that the agency intends to use as exhibits in the hearing. The case file and documents may be transmitted to OAH together with the request for hearing. If the case file and documents are exceptionally voluminous, the agency should contact OAH for instructions before transmitting them.

NEW SECTION

WAC 82-04-030 (1) It shall be the responsibility of OAH to issue the notice of hearing to the appellant and the agency.

(2) Either party may request a prehearing conference.

(3) The hearing shall be held telephonically unless the rights of the parties will be prejudiced thereby or at the discretion of the administrative law judge (ALJ).

(1) The hearing shall be recorded electronically and no transcript is required, unless specified otherwise in law or rule.

(5) In any adjudicative proceedings for wage overpayments, the ALJ shall apply the model rules of procedure, set forth in chapter 10-08 WAC, which shall govern the proceedings regardless of WAC 10-08-001(4) or other agency procedural rules to the contrary.

(1) All costs of the hearing shall be borne by the agency and OAH shall bill the agency for the hearing costs incurred.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 82-04-040 The ALJ shall hear the evidence presented by both the appellant and the agency regarding the wage overpayment. The ALJ shall decide based upon that evidence whether a wage overpayment has occurred and, if so, what amount appellant owes the agency. Recoupment of an overpayment shall be conducted pursuant to chapter 77, Laws of 2003 (Substitute House Bill 1738) and the ALJ shall not have authority to decide repayment issues.

NEW SECTION

WAC 82-04-050 The decision of the ALJ in any wage overpayment adjudicative proceeding shall be considered a final order.

NEW SECTION

WAC 82-04-060 (1) If a person with a right to an adjudicative proceeding under chapter 77, Laws of 2003, files a request for hearing after the period for doing so has passed, the person must show good cause why the request for hearing should be granted.

(2)(a) If the ALJ finds good cause for filing a late hearing request, the ALJ shall conduct a hearing on the merits.

(b) If the ALJ does not find good cause for filing a late hearing request, the agency's overpayment decision is deemed final and the agency shall proceed to collect the wage overpayment as provided in chapter 77, Laws of 2003.

(3) As used in this section, "good cause" means a substantial reason or legal justification for failing to file a request for an adjudicative proceeding within the time period mandated by statute.

NEW SECTION

WAC 82-04-070 For purposes of adjudicative proceedings of state employee wage overpayments, the exclusions to the administrative procedure act found in RCW 34.05.030 do not apply.

WSR 03-16-073

EXPEDITED RULES

DEPARTMENT OF CORRECTIONS

[Filed August 4, 2003, 2:59 p.m.]

Title of Rule: Administrative updates to rules shown below.

Purpose: These amendments update statutory and other references, update addresses, titles of executive management and other similar changes which do not change the effect of the rule.

Statutory Authority for Adoption: RCW 72.01.090.

Statute Being Implemented: Various.

Summary: Administrative updates and changes to the nine WAC chapters shown below. The changes update statutory and other references, update titles of executive management, change addresses and other similar changes which do not change the effect of the rules.

Reasons Supporting Proposal: Update references, titles, addresses, etc., to reflect legislative and organizational changes within the agency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John R. Nispel, 410 West 5th, P.O. Box 41114, Olympia, WA 98504-1114, (360) 586-2160.

Name of Proponent: Eldon Vail, Deputy Secretary, Department of Corrections, 410 West 5th, P.O. Box 41118, Olympia, WA 98504-1118, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Make housekeeping updates.

Proposal Changes the Following Existing Rules: The changes update statutory and other references, update titles of executive management, change addresses and other similar changes which do not change the effect of the rules.

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 John R. Nispel, Rules Coordinator, Department of Corrections, 410 West 5th, P.O. Box 41114, Olympia, WA 98504-1114, AND RECEIVED BY October 6, 2003.

August 4, 2003

Patria Robinson-Martin

Chief of Staff

for Joseph D. Lehman

Secretary

AMENDATORY SECTION (Amending Order 85-11, filed 12/31/85)

WAC 137-10-015 Qualifications and filing. (1) Any interested person may petition the department for the promulgation of a new department rule, the amendment or repeal of an existing department rule, or for a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforced by the department.

(2) All such petitions shall be delivered or mailed to the Office of the Secretary, Department of Corrections, P.O. Box (9699) 41101, Olympia, Washington 98504-1101.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

WAC 137-12A-050 Application procedure. (1) A political subdivision must request funding under this chapter by submitting a written request to:

Department of Corrections
 ((Office of)) Contracts and ((Regulations)) Legal Affairs
 P.O. Box ((9699)) 41114
 Olympia, WA 98504-1114

(2) Requests must document the one-time cost impact for which reimbursement is requested. Such documentation may include reference to:

- (a) Criminal justice costs.
- (b) Social service or human service costs.
- (c) Transportation, roads and utility costs.
- (d) Other similar costs.

(3) Requests for reimbursement of costs related to inmate families shall be documented by the political subdivision and take into account offsetting revenues from federal, state, or charitable sources. Such documentation shall include, but not be limited to:

- (a) Social service or human service costs within the community related to inmate families.
- (b) Criminal justice costs.
- (c) The relationship of those costs to the offender population.
- (d) An affidavit that such costs are not funded or offset from other sources or subject to reimbursement by the recipient of such services.

(4) The burden of demonstrating the impact shall be on the requesting political subdivision. The department may provide technical assistance to the political subdivision and verification of impact requests.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

WAC 137-12A-060 Department review committee.

(1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) ~~((The assistant director, siting;~~
- ~~(b) Director, division of management and budget;~~
- ~~(c) Director, division of prisons;~~
- ~~(d)) Deputy secretary, office of administrative services;~~
- (b) Deputy secretary, office of correctional operations;
- (c) Contracts and regulations administrator;
- ~~((e) Chief, facilities management and administrative services;~~
- ~~(f) Director, division of community corrections;))~~ (d) Administrator, capital planning and development; and the
- ~~((g))~~ (e) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

AMENDATORY SECTION (Amending WSR 91-10-018, filed 4/23/91, effective 5/24/91)

WAC 137-12A-070 Contracts. Requests approved for funding under this chapter shall be evidenced in a written contract document processed through the ~~((office of))~~ contracts and ~~((regulations))~~ legal affairs section and approved by the secretary and submitting jurisdiction. Funding shall be limited to actual costs incurred during the term of the contract.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-010 Purpose. (1) The purpose of this chapter is to ensure department compliance with the State Environmental Policy Act, (SEPA), chapter 43.21C RCW, and the regulations promulgated thereto, chapter ~~((197-10))~~ 197-11 WAC and to set forth department procedures in regards to SEPA requirements.

(2) These rules are supplemental to chapter 43.21C RCW and chapter ~~((197-10))~~ 197-11 WAC and are not intended to provide a comprehensive description of the SEPA requirements therein listed.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-020 Definitions. The definitions set forth in chapter ~~((197-10))~~ 197-11 WAC are hereby incorporated by reference into this chapter and should be referred to if necessary.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-030 Agency responsibilities. (1) The secretary or his/her designee shall be responsible for making final decisions regarding threshold determinations, adequacy of draft EISs and adequacy of final EISs where the department is the lead agency.

(2) The department's ~~((office of capital programs, division of prisons;))~~ capital planning and development section shall be responsible for submitting the necessary data set forth in WAC 137-58-040 to the secretary for his/her decision.

AMENDATORY SECTION (Amending Order 82-005, filed 3/22/82)

WAC 137-58-040 Responsibilities, ~~((office of))~~ capital ~~((programs))~~ planning and development. The department's ~~((office of))~~ capital ~~((programs, division of prisons;))~~ planning and development section shall be responsible for complying with the threshold determination procedures of WAC ~~((197-10-300 through 197-10-390))~~ 197-11-300 through 197-11-390; and shall be responsible for the supervision, or actual preparation of draft EISs pursuant to WAC ~~((197-10-400 through 197-10-495))~~ 197-11-400 through 197-11-495, including the circulation of such statements, and the conduct of any public hearing required by chapter ~~((197-~~

EXPEDITED

40)) 197-11 WAC. The office of capital programs shall also prepare or supervise the preparation of any required final EIS pursuant to WAC ((197-10-550 through 197-10-695)) 197-11-550 through 197-11-695.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-015 Definitions. (1) "Department" is the department of corrections.

(2) "Adult correctional institution" and "institution" is a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(3) "Secretary" is the secretary of the department of corrections or the secretary's designee.

(4) (~~"Director" is the director of the division of prisons~~) "Deputy secretary" is the deputy secretary, office of correctional operations, of the Washington state department of corrections or (~~the director's~~) his/her designee.

(5) "Superintendent" is a superintendent of an adult correctional institution or the superintendent's designee.

(6) "Treaty nation" is a country which has entered into a treaty with the United States on the execution of penal sentences.

(7) "Treaty" is a treaty under which an offender, sentenced in the courts of one country, may be transferred to the country of which the offender is a citizen or national, for the purpose of serving the sentence.

(8) "Country of origin or citizenship" is the country in which the inmate was born or in which the inmate has duly recognized citizenship.

(9) "OIA" is the Office of International Affairs, Criminal Division, United States Department of Justice.

(10) "United States" is the United States of America.

(11) "Detainer" is a hold or request for notification placed by any local, state, or federal law enforcement, penal, or prosecutorial agency based on untried charges, parole or probation violation, escape, unexpired sentence, bond-jumping, or any other fugitive matter.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-025 Initial notification. At the time of admission to the Washington corrections center, or the (~~Purdy~~) Washington corrections center for women, the orientation information given to all inmates will include information on international offender transfers. An inmate who is a citizen of a treaty nation will be informed of the existing treaty and be provided with the opportunity to indicate an interest or noninterest in a transfer to the inmate's country of origin or citizenship on an application form provided by the department. Whenever possible, the form will be bilingual or translated into the inmate's native language. The application will be processed consistent with the purpose and provisions of the applicable treaty.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-030 Process for application. After the inmate's foreign country citizenship has been verified and that country has been identified as a treaty nation, the superintendent will forward the inmate's application for transfer and the verification of citizenship to the (~~director~~) deputy secretary. All applications for international transfer will be submitted by the (~~director~~) deputy secretary to the secretary for final department approval and recommended to the governor or the governor's designee pursuant to RCW 43.06.350.

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-035 Referral by the secretary to the Office of (~~International Affairs~~) Enforcement Operations, International Prisoner Transfer Program, Criminal Division, U.S. Department of Justice. After approval of an inmate's application for transfer by the governor or the governor's designee, the secretary will refer the inmate's application to (~~OIA~~) the International Prisoner Transfer Program (IPTP).

AMENDATORY SECTION (Amending Order 85-07, filed 9/3/85)

WAC 137-67-040 Verification hearing. Following (~~OIA~~) IPTP approval and approval of the treaty country, the inmate will be referred by (~~OIA~~) IPTP to a United States magistrate or a United States district court judge, or other appointed United States official to assure and document the inmate's voluntary request for transfer. Federal authorities will complete the necessary procedures to effect voluntary transfer under the applicable treaty and laws of the United States.

AMENDATORY SECTION (Amending Order 82-20, filed 12/22/82)

WAC 137-68-010 Definitions. (1) "Compact" is the interstate compact for supervision of probationers and parolees as codified in RCW 9.95.270.

(2) "Compact administrator" is the (~~director of the division of community services~~) deputy secretary, office of correctional operations, department of corrections, who is responsible for the administration of the interstate compact for the supervision of adult probationers and parolees.

(3) "Deputy compact administrator" is a person appointed by the compact administrator and delegated responsibility for the administration of the interstate compact.

(4) "Sending state" is the state in which the individual was granted probation or parole and in which the jurisdiction of the case is retained.

(5) "Receiving state" is the state providing supervision of the parolee or probationer under the interstate compact.

(6) "Probationer" is a person under jurisdiction of a state superior or circuit court who is being supervised under the compact.

(7) "Parolee" is a person under jurisdiction of a paroling authority who is being supervised under the interstate compact.

(8) "Parole officer" is a state ~~((probation and parole officer))~~ community corrections officer (CCO) employed by the department of corrections.

(9) ~~("Supervising parole officer")~~ "Supervising community corrections officer" is a ~~((parole officer))~~ CCO assigned to supervise a probationer or parolee as required by the interstate compact and to act in regard to all matters connected with hearings conducted pursuant to the interstate compact rules.

(10) "Violations specified" are charges and/or allegations made against probationer or parolee by a parole officer in regard to violation of law or failure to comply with the general conditions of probation or parole or special instructions and conditions as set forth by the court of jurisdiction or the paroling authority.

(11) "Preliminary hearing" is a hearing conducted in accordance with RCW ~~((9-95B-010 through 9-95B-900))~~ 10.88.290.

(12) "Hearing officer" is a person authorized by the compact administrator ~~((in accordance with RCW 9-95B-020))~~ to hear cases involving alleged violations of conditions of parole or probation. Neither the person making the allegations of violation or his or her direct supervisor shall act as hearing officer.

AMENDATORY SECTION (Amending Order 82-20, filed 12/22/82)

WAC 137-68-020 Detained or arrested probationer or parolee—Right to preliminary hearing. (1) A probationer or parolee being supervised for another state under the interstate compact if detained or arrested within the state of Washington shall have the right as provided in ~~((chapter 9-95B))~~ RCW 10.88.290, to a preliminary hearing to determine whether there is probable cause to believe a condition or conditions of probation or parole have been violated and whether there is reason to believe the violations alleged are of such nature that a revocation of probation or parole should be considered by the sending state.

(2) The detained or arrested probationer or parolee may waive his or her right to such hearing in writing.

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

WAC 137-70-020 Definitions. As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.

(2) "Deputy secretary" shall mean the deputy secretary of the department, or the deputy secretary's designee.

(3) "Contingency plan" shall mean a plan developed under RCW 72.02.150 by the secretary with representatives of political subdivisions for dealing with disturbances at a state penal facility.

(4) "Department" shall mean the department of corrections.

(5) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred to the custody of the department from another state or the federal government.

(6) "Institution" and "penal facility" shall mean any facility identified in RCW 72.01.050(2) and any community residential program under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(7) "Political subdivision" shall mean any city, town, or county.

(8) "Administrator" shall mean the administrator of the department's ~~((office of))~~ contracts and ~~((regulations))~~ legal affairs section, or the administrator's designee.

(9) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 85-04, filed 3/11/85)

WAC 137-70-060 Billing procedure. (1) All requests for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, showing the total reimbursement requested, accompanied by a completed request for reimbursement form issued by the department. The vouchers and form should be mailed or delivered to the Department of Corrections, ~~((Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN 61))~~ Office of Administrative Services, Contracts and Legal Affairs, P.O. Box 41114, Olympia, Washington 98504-1114.

(2) The department may require the requesting political subdivision to submit such other documentation and information the department deems necessary to further support or explain the request.

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

WAC 137-70-070 Department review. (1) All requests for reimbursement shall be reviewed by the administrator.

(2) The administrator shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the administrator shall notify the requesting political subdivision in writing, setting forth the reasons for disapproval.

(3) The administrator's decision shall be final unless appealed to the department's impact appeals panel within twenty days after a political subdivision receives notice of disapproval. The impact appeals panel shall be composed of the deputy secretary ~~((and the director of the department's division of management and budget, or the director's))~~ office of correctional operations and the deputy secretary, office of administrative services, or his/her designee.

(4) An appeal from the administrator's decision disapproving a political subdivision's request for reimbursement must be in writing and must set forth the reasons why the political subdivision believes its request should be approved. The appeal shall be addressed to the Impact Appeals Panel, Department of Corrections, P.O. Box ~~((9699, Olympia, WA 98504, attention: Office of Contracts and Regulations))~~

41114, Olympia, WA 98504-1114, attention: Contracts and Legal Affairs.

(5) The decision of the impact appeals panel shall be deemed to be the department's final administrative action with respect to the appeal.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

WAC 137-75-020 Definitions. As used in this chapter, the following words shall have the following meanings:

- (1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;
- (2) "Department" shall mean the department of corrections;
- (3) (~~("Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;)~~) "Deputy secretary" shall mean the deputy secretary, office of correctional operations or his/her designee.
- (4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;
- (5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;
- (6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);
- (7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;
- (8) All references to the singular shall include the plural, unless otherwise noted.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

WAC 137-75-040 Extraordinary emergency medical treatment. (1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall (~~(, in the case of parolees and work release inmates;)~~) be given to the (~~(director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons)~~) deputy secretary.

AMENDATORY SECTION (Amending Order 87-03, filed 6/30/87)

WAC 137-75-050 Request for reimbursement. (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, (~~(Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504))~~ Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, who will (~~(forward the request to the director. The director will)~~) confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests must be filed within thirty days after the costs for which reimbursement is requested were incurred. Provided, however, with respect to such costs incurred in the month of June in odd-numbered years, such requests must be filed no later than ten days after the close of the state fiscal biennium (June 30).

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-010 Definitions. For the purposes of this chapter the following words shall have the following meanings:

- (1) "Assault" means an intentional touching, striking, cutting, or shooting of a person or the body of another.
- (2) "Assault benefits" means reimbursement to employees of some of their costs attributable to being the victim of an offender assault.
- (3) (~~("Chief, office of employee services")~~) "Administrator, safety and risk management" means the individual who is appointed by the secretary to head the (~~(office of employee services)~~) safety and risk management section or his/her designee.

- (4) "Department" means the department of corrections.
- (5) "Employee" means any individual who is appointed by the secretary, and who serves under the supervision and authority of the department. The term "employee" shall not include an individual performing personal services under contract or offenders.

(6) "Deputy secretary" is the deputy secretary for the office of correctional operations or his/her designee.

(7) "Doctor" means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutics; podiatry; dentistry; optometry.

(~~(7)~~) (8) "Offender" means any person in the custody of or subject to the jurisdiction of the department of corrections.

(~~(8)~~) (9) "Secretary" means the secretary of the department of corrections or the secretary's designee.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-030 Application process. Employees who meet the requirements of WAC 137-78-020 and elect to apply for assault benefits shall submit a signed application for assault benefits and a properly completed report of per-

EXPEDITED

sonal injury form (DOC 3-133 ~~((*)~~)), together with the certificate of the doctor that attended him or her, to his or her ~~((supervisor))~~ locally designated representative or human resource office within ten working days of the occurrence of the assault or, if the application could not be reasonably submitted within that period, within ten working days of the time when application could reasonably have been made. Applications shall be reviewed through the ~~((appropriate division))~~ employee's chain of command. The ~~((division director))~~ deputy secretary shall forward the application, with appropriate recommendations, to the ~~((office of employee services))~~ safety and risk management section. The ~~((chief of the office of employee services))~~ administrator, safety and risk management shall grant or deny the request for assault benefits within ten working days after written notification from the employee or the department of labor and industries that the employee's application for compensation under Title 51 RCW has been approved, but may extend that time to gather additional information.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-060 Denial of application for assault benefits. If the employee's request for assault benefits is denied by the ~~((office of employee services))~~ safety and risk management administrator, the employee may, within ten working days from the date of denial, file a petition with the office of ~~((employee services))~~ administrative services (OAS) deputy secretary for reconsideration, stating the specific grounds upon which the application should be granted. ~~((The petition shall be in the format specified by the office of employee services. The petition shall be deemed to have been denied if not disposed of within twenty working days from the date the petition is filed.))~~ The OAS deputy secretary shall respond within twenty working days from the date the petition was received; provided that the time may be extended to gather additional information.

AMENDATORY SECTION (Amending Order 89-05, filed 7/19/89, effective 8/19/89)

WAC 137-78-070 Appeal from denial of assault benefits/overpayments. (1) If the employee's petition for assault benefits to the ~~((chief of the office of employee services))~~ office of administrative services deputy secretary is denied, the employee may appeal that decision to the secretary in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box ~~((9699))~~ 41101, Olympia, Washington 98504-1101, within thirty days after the denial of assault benefits ~~((or within ten days after disposition of the petition for reconsideration))~~.

(2) If a dispute exists between the employee and department concerning the amount of any overpayment to be repaid the department, the employee may request a hearing in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box ~~((9699))~~ 41101, Olympia, Washington 98504-1101, within thirty days after the dispute arises.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-010 Purpose. These rules and regulations are adopted pursuant to and in accordance with chapter ~~((34.04))~~ 34.05 RCW. The purpose is to provide standards and procedures for the operation of the division of institutional industries.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-020 Definitions. (1) "Secretary" means the secretary of the department of corrections or his/her designee.

(2) ~~(("Director"))~~ "Program administrator" means the ~~((director))~~ administrator of the institutional industries ~~((division))~~ program appointed by the secretary.

(3) "Institutional industries board of directors" means the board established by the authority of the Corrections Reform Act of 1981, RCW 72.09.070.

(4) "Free venture industries" means any industry producing goods or services for sale to both the public and private sector which is operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. Inmates shall be paid a wage by the organization of not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director, or minimum wage, whichever is greater.

(5) "Tax reduction industries" means any state-owned and operated enterprises designed to reduce the cost for services and goods for tax supported agencies and for nonprofit organizations which assist persons who are poor or infirm. Products of these enterprises may be sold to public agencies and to nonprofit organizations which assist persons who are poor or infirm. Inmates shall be paid for their work on a gratuity scale, approved by the director, which shall not exceed the federal minimum wage.

(6) "Institutional support industries" means any industry operated by the department of corrections designed and managed to provide basic work training and experience to the inmate. All able and eligible inmates who are assigned work and who are not working in other classes of industries are included in this class. Inmates shall be paid for their work in accordance with an inmate gratuity scale adopted by the secretary.

(7) "Community work industries" means any industry operated by the department of corrections designed and managed to provide services in the inmate's resident community at a reduced cost. Services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist the poor or infirm. Inmates shall receive a gratuity from a unit of local government which shall not exceed the minimum wage.

(8) "Community ~~((service))~~ restitution programs" means any program operated by the state, local unit of government, or a nonprofit agency which assists persons who are poor or infirm which is subject to supervision by the department of corrections which enables an offender, placed on probation,

to work off all or part of a community service order as ordered by the sentencing court.

(9) "Department" means the department of corrections.

(10) "Institutional industries" means the ~~((division))~~ program within the department of corrections office of correctional operations charged with developing and managing comprehensive work programs to provide work skills, work experience and exposure to the work ethic for offenders under the jurisdiction of the department.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-040 Sale of goods. (1) The ~~((director))~~ program administrator or his/her designee may sell all articles, materials, and supplies authorized by statute to be produced or manufactured in correctional institutions to any state agency, political subdivision of the state or as otherwise authorized by statute.

(2) The secretary shall require those institutions under his direction to give preference to those articles, materials, and supplies produced or manufactured by institutional industries when purchases are made for institution needs.

(3) The ~~((director))~~ program administrator may cause to be prepared annually, at such times he may determine, lists containing the descriptions of all articles and supplies manufactured and produced in state correctional institutions; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

AMENDATORY SECTION (Amending Order 82-11, filed 8/27/82)

WAC 137-80-060 Inmate job opportunities. The ~~((director))~~ program administrator shall cause to be periodically prepared and distributed to a central location in each institution a list of prison industries' job opportunities. This list shall include, but not limited to, job descriptions and the educational and skill requirements of each job and shall be made available to personnel of the institution, institutional industries and to the inmates.

WSR 03-16-084
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed August 5, 2003, 9:48 a.m.]

Title of Rule: Recreational fishing rule.

Purpose: Amend hatchery fish definition.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Amends definition for clarity and consistency.

Reasons Supporting Proposal: Distinguish traditional hatchery fish identification from selected hatchery stocks.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930;

Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2372.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Hatchery chinook and coho are generally identified by the absence of an adipose fin with a healed scar at the site. Certain hatchery stocks are additionally marked by removal of a ventral fin (for example, White River chinook). Although these are hatchery fish, they are not allowed to be harvested. By defining hatchery chinook and coho as adipose fin-clipped fish, it prevents taking of White River fish under the general provision of releasing wild fish and retaining hatchery fish.

Proposal Changes the Following Existing Rules: Amends definitions.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY October 6, 2003.

August 5, 2003

Evan Jacoby

Rules Coordinator

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

WAC 220-56-100 Definitions—Personal use fishing. The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a ((fish)) chinook or coho salmon with a missing ((an)) adipose fin or a steelhead or cutthroat trout with a missing adipose fin or a missing ventral fin ((with)), or both. There must be a healed scar at the location of the missing fin or fins.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached below or less than twelve inches above a buoyant lure, and all hooks must be attached within three inches of the bait or lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(27) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

WSR 03-16-114
EXPEDITED RULES
WALLA WALLA
COMMUNITY COLLEGE
[Filed August 6, 2003, 11:52 a.m.]

Title of Rule: WAC 132T-28-010 Designation of appointing authority and 132T-28-020 Classified employee exemptions.

Purpose: WAC 132T-28-010, delegates board of trustees authority to college president to appoint classified employees per chapter 28B.16 RCW and to implement formal disciplinary action against classified employees; and WAC 132T-28-020, names positions at Walla Walla Community College that are exempt from the provisions of chapter 28B.16 RCW, Civil service rules.

Statutory Authority for Adoption: For WAC 132T-28-010 is RCW 28B.50.140 (3), (14), 28B.10.528 [28B.10.528]; for WAC 132T-28-020 is RCW 28B.50.140 (3), (14), 41.06.070(2), 28B.10.528.

Statute Being Implemented: For WAC 132T-28-010 is RCW 28B.50.140(3); and for WAC 132T-28-020 is RCW 41.06.070(2).

Reasons Supporting Proposal: WAC 132T-28-010 is being repealed and replaced by board of trustees resolution expanding appointing authority of college president; and WAC 132T-28-020 does not identify current exempt posi-

tions. This WAC being repealed and will be replaced by a board of trustees resolution delegating exempting authority to the college president.

Name of Agency Personnel Responsible for Drafting: Director of Human Resources, Walla Walla Community College, (509) 527-4302; Implementation and Enforcement: President and Director of Human Resources, (509) 527-4274 and 527-4302.

Name of Proponent: Walla Walla Community College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal of WAC 132T-28-010, which names college president as appointing authority for classified employees, enables adoption of board of trustees resolution to expand appointing authority of the president.

Repeal of WAC 132T-28-020, which names positions that were exempt from chapter 28B.16 RCW, Civil service rules, in 1970, allows board of trustees approved resolution to name college president as exempting authority.

Proposal Changes the Following Existing Rules: Repeals WAC 132T-28-010 which delegates appointing authority for classified positions to the college president and also authorizes president to implement disciplinary actions against classified employees. WAC will be replaced by board of trustees resolution delegating appointing authority for all college employees to the college president.

Repeals WAC 132T-28-020 naming positions at Walla Walla Community College that were exempt from civil service rules in 1970. WAC will be replaced by board of trustees resolution which delegates exempting authority to the college president.

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 Nancy K. Reiff, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 99362-9267, AND RECEIVED BY October 6, 2003.

August 4, 2003

Nancy K. Reiff

Director of Human Resources

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132T-28-010	Designation of appointing authority
WAC 132T-28-020	Classified employee exemptions

WSR 03-14-052
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed June 25, 2003, 12:57 p.m., effective August 1, 2003]

Date of Adoption: June 10, 2003.

Purpose: Amend commission procedural rules for appeals of county land use decisions in the Columbia River Gorge National Scenic Area to clarify, simplify, and expedite appeal procedures.

Citation of Existing Rules Affected by this Order: Repealing 350-60-140; and amending 350-60-020, 350-60-040, 350-60-050, 350-60-060, 350-60-070, 350-60-080, 350-60-090, 350-60-100, 350-60-120, 350-60-130, 350-60-150, 350-60-160, 350-60-170, 350-60-180, 350-60-190, 350-60-200, 350-60-210, and 350-60-220.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: 16 U.S.C. 544c(b); 16 U.S.C. 544m (a)(2).

Adopted under notice filed as WSR 03-09-078 on April 17, 2003.

Changes Other than Editing from Proposed to Adopted Version: Significant changes from proposed to adopted version include: 350-60-040 (12)(b), 350-60-070(2), 350-60-075 (6)(A), 350-60-050 (3)(j), 350-60-220 (2)(a) and (b) and 350-60-240 (1), (2), (3), (4), and (7). The commission made other minor wording changes throughout.

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 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 18, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 18, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The commission voted to make the rules effective August 1, 2003, to ensure that the rules would be effective at the same time in both Oregon and Washington.

Effective Date of Rule: August 1, 2003.

June 20, 2003

Nancy A. Andring
Rules Coordinator

COLUMBIA RIVER GORGE COMMISSION

Chapter 350
Division 60

Appeals From County Ordinances

Amended August 1, 2003

350-60-000. Purpose.

The purpose of this division is to define the process and standards used by the Columbia River Gorge Commission in hearing appeals from decisions relating to the implementation of the Columbia River Gorge National Scenic Area Act ("National Scenic Act" or "Act"). The rule applies to appeals from decisions under a county ordinance consistent with the Act.

350-60-010. Authority.

The National Scenic Act authorizes appeals to the Gorge Commission by a person or entity adversely affected by a final action or order of a county.

350-60-020. Scope.

Scope of Rules: All proceedings commenced by Notice of ~~Intent to Appeal and Petition~~ shall be governed by these rules. Where this division is silent, divisions 11, 12, 14, and 16 of the Commission's rules shall be applicable provided that the specific provisions are applied in a manner that does not conflict with the provisions of this division.

~~Appeals commenced by a Notice of Appeal filed under the Final Interim Guidelines shall continue to be governed by Commission Rule 350-20 as adopted December 1, 1987, and the Final Interim Guidelines.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-030. Application.

These rules are intended to promote the efficient review of land use decisions in accordance with the National Scenic Act while affording all interested persons reasonable notice and opportunity to intervene, reasonable time to prepare and submit their cases, and a full and fair hearing. The rules shall be interpreted to carry out these objectives and to promote justice.

350-60-040. Definitions.

In these rules, unless the context or subject matter requires otherwise:

(1) "Applicant" means the person who requested that the governing body take an action which resulted in a land use decision.

(2) "Commission" means the Columbia River Gorge Commission. ~~or any member thereof.~~

(3) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon; and Clark, Skamania and Klickitat Counties, Washington.

(4) "Days" means calendar days.

(5) "File" means to deliver to Commission offices by personal delivery or by mail, ~~not by fax.~~ Unless otherwise specified, a document shall be considered filed on the date that it is personally delivered, or the date that it is mailed. ~~To be considered filed, a document must be received at Commission offices by 5:00 p.m.~~

(a) A motion filed with the consent of all parties may be filed by fax. When a motion is filed by fax, the original shall be mailed or delivered in person to the Commission offices on the same day or on the next business day. A motion filed by fax shall be considered filed on the date it is faxed if the fax is received at Commission office by 5:00 p.m.

(b) Any document filed with the Commission shall include a certification that the document was served on all parties on the same or earlier date and in the same manner that the document was filed.

(6) "Final decision": A decision is final when it is reduced to writing and bears the necessary signatures of the governing body decisionmaker(s).

(7) "Governing body" means a county governing body.

(8) "Land use decision" means a final decision by the governing body of a county in the National Scenic Area based on the National Scenic Act.

(9) "Notice" means the Notice of ~~Intent to Appeal and Petition~~ and refers to the document that which must be filed with the Commission in order to begin an appeal. ~~review proceeding.~~

(10) "Party" means the ~~petitioner appellant, the applicant if different from the petitioner, the governing body, and or any intervenor. person who intervenes.~~

(11) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the Commission. A person shall include the Executive Director of the Gorge Commission in his or her official capacity. "Transmit" means to send with the United States Postal Service by first class mail or to deliver in person.

(12) "Serve" or "Service" means to send with the United States Postal Service by first class mail or to deliver in person, a copy of the original to all parties, including intervenors and persons who have a pending motion to intervene before the Commission.

(a) Only motions that are filed by fax may be served by fax. If a motion is served by fax, then it shall also be served by mailing or delivering a copy of the original to all parties on the same or next day.

(b) All documents served on the other parties shall include a certification that the document was served on the same or earlier date that the document was filed. Service shall occur on all parties in the same manner, but need not occur in the manner which the original document was filed (Exhibit 4).

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-042. Delegation of Authority to the Chair of the Commission

(1) Where these rules refer to the Chair of the Commission, the Commission has delegated authority to the Chair or presiding officer designated by the Chair to act on those matters for the Commission, including but not limited to, procedural orders on behalf of the Commission relating to case setting, requests for intervention, preliminary motions, and other procedural matters. The Chair of the Commission may also act on other matters specified for Commission action when the context indicates action by the Chair of the Commission or when action by the full Commission would be impracticable.

(2) The Chair of the Commission shall decide matters without oral argument, unless the Chair desires an oral hearing. The decision of the Chair of the Commission or presiding officer pursuant to this authority shall be final and not reviewable by the full Commission.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-045. Time

(1) Computation: In computing any period of time prescribed or allowed by these rules, the day of the act from which the designated time period begins to run shall not be included and the last day of the time period shall be included.

(2) Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period of time after service of a notice or other paper, and the service of the notice or other paper is by mail, three (3) days shall be added to the prescribed time period. This does not apply to documents mailed when filing and service is accomplished by fax.

(3) When a deadline for accomplishing some act under these rules falls on a weekend or legal holiday, the deadline shall be the next business day, and all following deadlines shall be calculated from that deadline. A legal holiday shall be any day in which the United States Postal Service does not deliver mail, or when the Gorge Commission is closed for business.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-050. Notice of Intent to Appeal and Petition.

(1) Filing: Except as provided in 350-60-240 below, an appellant shall file a ~~The Notice of Intent to Appeal and Petition shall be filed with~~ at the Commission office on or before the 30th day after the date the decision sought to be appealed reviewed becomes final. ~~Except as provided in 350-60-240 below, a~~ A Notice filed thereafter shall not be deemed timely filed and the appeal shall be dismissed.

(2) Service of Notice of ~~Intent to Appeal and Petition~~: The appellant shall serve the Notice of ~~Intent to Appeal and Petition shall be filed with the Commission and served~~ on the governing body, the governing body's legal counsel, and all persons identified in the Notice as required by subsection

(3)(hf) of this rule on or before the date the Notice of ~~Intent to Appeal and Petition~~ is ~~required to be~~ filed.

(3) Contents of Notice of ~~Intent to Appeal and Petition~~: The Notice of ~~Intent to Appeal and Petition~~ shall be substantial in the form set forth in Exhibit 1 and shall contain:

(a) A caption which sets forth the name(s) of the person(s) filing the Notice, identifying the person(s) as ~~petitioner~~ appellant(s), and the name of the governing body, identifying the governing body as respondent;

(b) ~~Below~~ Adjacent to the caption the heading "Notice of ~~Intent to Appeal and Petition~~";

(c) The full title of the decision to be reviewed as it appears on the final decision;

(d) The date the decision to be reviewed became final;

(e) A concise description of the decision to be reviewed;

(f) A brief "ADR Statement" stating whether the appellant is willing to attempt to resolve the case through alternative dispute resolution ("ADR"), including but not limited to mediation. This statement shall not be used to argue the merits of the appeal.

(g) A statement whether the appellant is willing to consider a shortened record in accordance with 350-60-060(f).

(hf) The name, address and telephone number of each of the following:

(A) The Appellant Petitioner. If the appellant petitioner is not represented by an attorney, the appellant's petitioner's name, address and telephone number shall be included. If an attorney represents the appellant petitioner, the attorney's name, address and telephone number shall be substituted for that of the appellant petitioner. ~~If two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead petitioner.~~

(B) The governing body and the governing body's legal counsel;

(C) The applicant, if any (and if other than the appellant petitioner). If an applicant was represented by an attorney before the governing body, the applicant's address and telephone number may be omitted and the name, address and telephone number of the applicant's attorney shall be included;

(D) Any other person to whom written notice of the land use decision was mailed as shown on the governing body's records. The telephone number may be omitted for any such person.

(ig) A statement advising all persons other than the governing body, that in order to participate in the review proceeding a person must file at the Commission office and serve a motion to intervene pursuant to 350-60-160 140.

(j) A statement advising all persons other than the governing body, that in order to present oral argument at the hearing before the Commission, a person must intervene and file a brief pursuant to 350-60-120(1).

(kh) Proof of service upon all persons required to be named in the Notice. See Exhibit 1.

(4) Filing Fee and Deposit for Costs: ~~A filing fee and deposit for costs may be charged by the Columbia River Gorge Commission.~~ The Columbia River Gorge Commission may charge a filing fee and deposit. Filing fees and deposits, if any, shall be set by the Gorge Commission's

Executive Director and shall not exceed the average cost to the Commission of handling appeals under this rule.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-055. Respondent's ADR Statement

Within 10 days after filing of a Notice of Appeal, the governing body shall file at the Commission office and serve a "Respondent's ADR Statement" stating whether the respondent is willing to attempt to resolve the case through alternative dispute resolution means. This statement shall not be used to argue merits of the appeal.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-060. Record.

(1) Contents of Record: The record on appeal from a governing body shall include the following:

(a) The final decision including findings of fact and conclusions of law;

(b) ~~All transcripts~~, testimony and all exhibits, maps, documents or other written materials included as part of the record during the course of the governing body's proceeding.

(c) Photos, maps, and exhibits that were presented to the governing body in color shall be provided to the Commission in color in the original or certified copy of the record;

(de) Minutes of the meetings conducted by the governing body as required by law. A verbatim transcript of audiotape recordings shall not be required, but if a transcript has been prepared, it shall be included.

(e) The governing body may retain the audiotape recording, any large maps, or exhibits and documents which are difficult to duplicate, until the date of oral argument. The governing body shall make these items reasonably available for inspection and duplication by the parties during the pendency of the appeal, and shall specify in its filing of the record the available times and procedure for reviewing for these items.

(f) The Gorge Commission encourages parties to stipulate to a shortened record.

(A) A shortened record may eliminate duplicates of documents, letters that do not include substantive information, documents related to issues that are not being appealed, or other documents that the parties do not believe are necessary for the Gorge Commission to decide the issues raised in the appeal.

(B) Notwithstanding subsection (A) above, a shortened record shall include the documents referred to in subsections (1)(a) and (d) above, and any document submitted in a shortened record shall comply with subsection (1)(c) and (e) above.

(C) A shortened record may be submitted only as agreed upon by all parties. The record shall contain any document that one or more parties desires to include in the record.

(D) Any party that desires to refer to a document that was eliminated by agreement of the parties in a shortened record may at any time file at the Commission office and serve a motion to supplement the record with that document, and

shall include the document as part of its motion. A motion to supplement the record under this section shall comply with 350-60-130.

(E) The shortened record shall be considered the complete record before the Gorge Commission for the purpose of any judicial review of the Gorge Commission's decision.

(2) ~~Transmittal Filing of Record:~~ The governing body shall within 30 days after service of the Notice on the governing body, ~~transmit to file at the Commission office,~~ the original or a certified copy, and two copies of the record of the proceeding under review. ~~The governing body may, however, retain any large maps or documents which are difficult to duplicate, until the date of oral argument.~~

(3) Service of Record: Contemporaneously with ~~transmittal~~ filing the record at the Commission office, the governing body shall serve a copy of the record, exclusive of audio-tape recordings, large maps and other exhibits and documents which are difficult to duplicate, on the appellant petitioner or the lead petitioner, if one is designated, and all other parties, including intervenors. If intervention is granted after the record is filed and served, then the governing body shall serve a copy of record as soon as possible after intervention is granted.

(4) Specifications of Record:

(a) The record shall:

(A) ~~Be filed in a suitable folder;~~ Include a cover bearing the title of the case as it appears in the Notice, and the Commission's numerical designation for the case, and shall indicate the numerical designation given the land use decision by the governing body;

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (see Exhibit 2), and listing each audiotape recording, large map or other exhibit or document retained by the governing body ~~under subsection (2) of this rule;~~

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

(F) Indicate whether it is a shortened record. The governing body is not required to indicate documents that were excluded by stipulation of all parties to produce the shortened record.

(b) A record which does not conform to the preceding requirements shall not be accepted by the Commission.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-070. Objections to the Record.

(1) Before filing an objection to the record, a party shall attempt to resolve the matter with the governing body's legal counsel. ~~If the governing body amends the record in response to an objection, the date the amendment is received by the Commission shall be considered the date the record is received for the purpose of computing time limits as required by these rules.~~

(2) An objection to the record shall be filed with at the Commission office and served within 10 days following

~~service of the record on the party person filing the objection. The party filing the objection to the record shall certify that the objection is made in good faith, that the objection is material, that the objection was not made for the purpose of delay, and that he or she has contacted the governing body and attempted to resolve the objection.~~ Objections may be made on the following grounds:

(a) The record does not include all materials included as part of the record during the proceedings before the governing body. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included as part of the record during the proceedings before the governing body. The item(s) not included as part of the record during the proceedings before the governing body shall be specified, as well as the basis for the claim that the item(s) are not part of the record.

(c) The minutes do not accurately reflect the proceedings, or the transcripts of the meetings or hearings are incomplete.

(3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Chair of the Commission shall require the governing body to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is in an audiotape recording, a transcript of the relevant portion shall be submitted.

(4) The Chair of the Commission may conduct a telephone conference with the parties to consider any objections to the record.

(5) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Chair of the Commission shall issue a letter or order declaring the record settled and setting forth the schedule for subsequent events. Unless otherwise provided by the Chair of the Commission, the date of the Commission's Chair's letter or order shall be deemed the date of receipt of that the record is settled for purposes of computing subsequent time limits.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-075 Alternative Dispute Resolution and Settlement

The Commission recognizes that: many of the matters that come before the Commission on appeal may be resolved through alternative dispute resolution (ADR), such as mediation; ADR may be a faster and less expensive process than appeal pursuant to these rules and beyond the states' courts; agreements reached through ADR may be more lasting and acceptable to the parties than a decision on the merits by the Commission or the states' courts; and, ADR is a voluntary process.

(1) The Executive Director of the Commission shall review the parties' ADR statements as soon as practicable.

(2) If, after reviewing the parties' ADR statements, the Executive Director believes that ADR may be successful in resolving or partially resolving the matter, then the Director shall send a letter to the parties and offer assistance to the parties to obtain information about ADR or to identify possible ADR neutrals, specifically the states' and other government-funded dispute resolution programs, community mediation programs, or other qualified neutrals; however, the Commission shall not be required to pay the cost of ADR. This subsection shall not be construed: to prevent the parties from requesting the Commission's assistance to resolve the matter through settlement or ADR at any time, or to limit the Commission's authority to recommend to the parties that they attempt to resolve the matter through ADR.

(3) Upon motion, the Chair of the Commission shall place the appeal in abeyance or shall grant all necessary extensions of time to facilitate the parties' attempts to resolve the matter through settlement or ADR. Should settlement or ADR be unsuccessful, any party may file a motion to reinstate the matter and reset the applicable time periods.

(4) Any oral discussion, written documents, or other record produced exclusively for the purpose of settlement or ADR, whether or not pursuant to this section, shall be confidential and not part of the record on appeal from the governing body (to the Gorge Commission) nor part of the Gorge Commission's record to any reviewing court.

(5) The Commission shall not consider, as a basis for any decision pursuant to this division, a party's decision to not participate in settlement or ADR, or knowledge that the matter was not resolved through settlement or ADR.

(6) Settlement

(A) If a settlement changes the proposed development or any conditions of approval, the governing body shall provide notice of the changes to all persons entitled to receive notice of the original application. If the changes are substantial, then the governing body shall conduct a complete review of the changes in the same manner as if the settlement was a new land use application.

(B) When an appeal, or any issue in an appeal, is settled by the parties, the Commission shall not be required to review the settlement as a condition of the settlement. The Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

(C) Upon settlement of a case, the appellant shall dismiss the appeal in accordance with 350-60-205.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-080. Request for Review Appellant's Brief.

(1) Filing and Service of Request Brief: The Request for Review Appellant's Brief shall be filed with at the Commission office and served no later than within 30 days after the record is filed, or settled if a party files an objection to the record. The date the record is received by the Commission. The Request shall also be served on the governing body and any party who has filed a motion to intervene. Failure to file a Request for Review Appellant's Brief within the time required by this section shall result in dismissal of the appeal.

(2) Specifications of Request Brief: The Request for Review Appellant's Brief shall

(a) Begin with a table of contents;

(b) Not exceed 50 pages, exclusive of appendices, unless permission for a longer Request brief is given by the Chair of the Commission. If a Request for Review brief exceeding the 50 page limit is filed without permission, the Chair of the Commission shall notify the author, and a revised brief satisfying the 50 pages limit shall be filed and served within three (3) days of notification by the Commission.

(c) Have a blue cover page, stating the full title of the proceeding, and the names, addresses and telephone numbers of all parties unrepresented by attorney. If a party is represented by an attorney, the name, address and telephone number of the attorney shall be substituted for the party. If there is more than one petitioner, the cover page shall specify the petitioner(s) filing the Request. An intervenor shall be designated as either petitioner appellant or respondent.

(d) If there is more than one appellant, the cover page shall specify the appellant(s) filing the brief.

(ed) Be typewritten, in 12-point pica type, and double spaced;

(fe) Be signed on the last page by the author.

(3) Contents of Request Brief: The Request for Review Appellant's Brief shall

(a) State the facts that establish petitioner's appellant's standing;

(b) Present a clear and concise statement of the case, in the following order, with separate section headings:

(A) The nature of the land use decision and the relief sought by petitioner the appellant;

(B) A summary of the arguments appearing under the assignments of error in the body of the Request brief;

(C) A summary of the material facts. The summary shall be in narrative form with citations to the pages of the record where the facts alleged can be found.

(c) State why the challenged decision is a land use decision subject to the Commission's jurisdiction;

(d) Set forth each assignment of error under a separate heading. Where several assignments of error present essentially the same legal questions, the argument in support of those assignments of error shall be combined;

(e) Contain a copy of the challenged decision, including any adopted findings of fact and conclusions of law;

(f) Contain a copy of any management plan provisions, comprehensive plan provision, ordinance or other provision of local law cited in the Request brief, unless the provision is quoted verbatim in the Request brief.

(4) Copies of example Appellant's briefs are available at the Commission office for parties to review for form.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-090. Special Request Review Process.

(1) Where the petitioner appellant contends the land use decision eliminates all economic or beneficial use of the property, the petitioner appellant must meet the requirements for request for review the Appellant's Brief in Rule 350-60-

080 and the requirements for Special Request for Review as follows:

(a) Set out the pertinent portions of the ordinance that apply;

(b) Describe how the ordinance impacts the use of the property;

(c) Attach copies of any documents (maps, deeds, easements, etc.) that are relevant; and

(d) Explain why the requested use must be allowed to provide economic or beneficial use of the property.

(2) All other parties shall have the opportunity to specifically respond to the ~~petitioner's request~~ appellant's submittal under this section in their briefs and the ~~development review officer designated by the Executive Director or his or her designee~~ shall also respond.

(3) The Commission, in its "Final Opinion and Order", shall

(a) Address the subject of economic or beneficial use in its findings of fact and conclusions.

(b) Specify the factual and/or legal principles relied on in support of the decision.

(c) Where appropriate, propose options for use for the property owner, or other options available to the ~~petitioner~~ appellant consistent with the ordinance.

(d) Where the Commission finds that enforcement of the land use ordinance will deprive the landowner of all economic or beneficial use of the property, the Commission shall remand the matter to the county for the county to allow a use as provided for by the order of the Commission. The economic or beneficial use allowed shall be the use that on balance best protects the affected resources. This section applies:

(A) if the Forest Service or the federal government does not provide just compensation for a Special Management Area designation it made; or

(B) for a General Management Area designation made by the Gorge Commission.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-100. Respondent's Brief.

(1) Filing and Service of Brief: ~~The Respondent shall file at the Commission office and serve a Respondent's brief shall be filed no later than 20 days after the date the Appellant's Brief is filed. within 50 days after the date the record is received by the Commission. A copy of the respondent's brief shall be served on the petitioner or lead petitioner and all intervenors.~~

(2) Specifications of Brief: ~~The Respondent's brief shall conform to the specifications of the Request for Review Appellant's Brief, except that the brief shall have a red cover. If there is more than one respondent, the cover page shall specify which respondent is filing the brief.~~

(3) Contents of Brief:

(a) The respondent's brief shall follow the form prescribed for the ~~Request for Review Appellant's Brief~~. The respondent shall specifically accept the ~~petitioner's appellant's~~ statement of the case or shall cite any alleged omissions or inaccuracies therein, and may state additional relevant

facts or other matters. The statement shall be in narrative form with citations to the pages of the record where support for the facts alleged can be found.

(b) ~~The Respondent shall accept or challenge petitioner's the appellant's statement of the Commission's jurisdiction and petitioner's the appellant's statement of standing. The basis for any challenge shall be stated. If the respondent contends that the facts alleged by petitioner the appellant in support of standing are not true, the respondent shall specify which allegations are contested.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-120. Oral Argument.

(1) The hearing before the Commission shall be on the record submitted by the county, as long as the county has based its decision upon a record made at an adjudicative hearing open to participation by persons adversely affected or aggrieved. Only parties who have submitted briefs shall be allowed to present oral argument to the Commission.

(2) If the county did not base its decision upon a record made in an adjudicated hearing open to participation by persons adversely affected or aggrieved, then anyone adversely affected or aggrieved may participate in a hearing before the Commission.

~~(3) Only parties who have submitted briefs shall be allowed to present oral argument to the Commission.~~

(4) If a party waives the right to present oral argument, the Commission shall consider the case based on that party's brief and the brief and oral arguments presented by other parties. The parties may, with consent of the Commission, stipulate to submit a case to the Commission on briefs without oral argument.

(5) The Commission shall inform the parties of the time and place of oral argument. Unless the Commission otherwise orders, the procedure for oral argument shall be as follows:

(a) Members of the Commission shall have an opportunity to ask questions that they wish the parties to address in their oral arguments.

(b) ~~petitioner~~ The appellant(s) shall be allowed 30 20 minutes for oral argument, which may be divided between the initial presentation and rebuttal, and which shall be uninterrupted by questions asked by members of the Commission. Multiple petitioners appellants shall share the thirty twenty minutes for argument.

(c) The respondent(s) shall be allowed 30 20 minutes to respond, which shall be uninterrupted by questions asked by members of the Commission. Multiple respondents shall share the twenty minutes for argument.

(d) After the parties uninterrupted arguments, members of the Commission may ask brief questions of the parties concerning the facts of the case, the arguments made, and applicable law. Appellant(s) and respondent(s) shall each have 2 minutes to answer each question, except that the Chair may allow a longer time provided that both sides are afforded the same time to answer the question. Multiple petitioners or respondents shall share the allotted time to answer a question.

(5) The Commission shall tape record all arguments, but any party may also arrange at its own expense to record the argument in the same or other manner.

(6) The governing body shall ensure that all audiotape recordings, large maps, or exhibits and documents, which were not included in the duplicated record pursuant to 350-60-060 (1)(d), are present at the oral argument, even if the governing body chooses not to participate in oral argument. All other parties are encouraged to remind the governing body of this requirement. The governing body shall transmit such items to the Commission at the beginning of the hearing. The Commission shall have broad authority to redress a governing body's failure to transmit such items, including but not limited to, postponing the hearing, exclusion of the item from the record before the Commission, or judicial notice of the contents of the record.

(7) The Commission may consult with its staff and counsel regarding facts, legal analysis, issues and matters in the appeal. The Commission may allow, but shall not be required to allow the parties to respond to the staff and counsel's statements to the Commission.

(8) The Commission's rules concerning ex parte contact and appearance of fairness, Commission Rules 350-16-016 and 350-16-017 shall apply.

(9) The Commission shall send a Notice of Hearing in accordance with Commission Rule 350-16, which shall also include a summary of the requirements and procedures for oral argument in this section.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-130. Motions, Generally and Procedural Orders.

The chair of the Commission or presiding officer designated by the chair shall issue procedural orders on behalf of the Commission relating to case setting, requests for intervention, preliminary motions, and other procedural matters.

(1) Any party may submit a motion for action by the Chair of the Commission. For matters not otherwise specified by this division, the Chair of the Commission and all parties shall observe the following procedures for submittal and disposition of motions.

(2) A motion shall be filed at the Commission office by mail or personal delivery, except that motions to which all parties consent may be filed by fax as provided in 350-60-040.

(3) All contested motions shall be filed not less than 21 days prior to the date of the hearing before the Commission, except for good cause. A party seeking to file a motion less than 21 days prior to the hearing shall consult with all parties about the motion and present with the motion, an agreed schedule for responsive briefs. The schedule shall leave no less than 7 days prior to the hearing for the Chair of the Commission to issue an order, unless the Chair of the Commission consents to a shorter period.

(4) The movant shall serve a copy of the motion on all of the parties at the same time that the motion is filed and in the same manner as the motion was filed.

(5) Unless otherwise ordered by the Chair of the Commission, any party has 10 days to file a response to a motion,

except that no response shall be filed for uncontested motions. The responding party shall serve a copy of the response on all of the parties at the same time that the response is filed and in the same manner that the response was filed. No party may file a reply to the response(s).

(6) Any motion or response to a motion that does not conform to this subsection shall be rejected.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-140. Appearance of Fairness; Ex Parte Contacts

(1) Members of the Commission shall comply with the appearance of fairness in appeals and proceedings under these rules.

(2) Members of the Commission shall not have ex parte contact with applicants or interested parties seeking land use permit, or opponents to the permit, while the application or appeal thereto is pending under a land use ordinance for the Scenic Area.

(3) Members of the Commission shall place on the record of the appeal or proceedings under these rules any ex parte contact set forth in subsection (2). The Chair or presiding officer shall notify all parties to the appeal or proceeding. The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a recommendation to the Commission to ensure the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may, in the alternative, request the member of the Commission step down from hearing the matter.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-150. Evidentiary Hearings.

(1) Grounds for Hearing: The Commission may, upon written motion, conduct an evidentiary hearing in the case of disputed allegations in the parties' briefs concerning standing, ex parte contacts or other procedural irregularities not shown in the record and which, if proved, would warrant reversal or remand of the decision. An evidentiary hearing may also be held upon motion or at the direction of the Commission to consider disputes regarding the content of the record or requests for stays.

(2) Motions for Hearings: A motion for an evidentiary hearing shall be filed with at the Commission office and served on all parties at least 60 days in advance of oral argument, or less upon a demonstration of good cause. The motion shall contain a statement explaining with particularity what facts the moving party will present at the hearing and how those facts will affect the outcome of the review proceeding. Whenever possible such facts shall be presented by affidavit with the motion.

(3) Conduct of hearing:

(a) Insofar as the Commission finds it practical, the hearing shall be conducted in the following order:

(A) The moving party shall present its evidence including that of any witnesses;

(B) The other party(ies) shall have the opportunity to present evidence disputing that of the moving party;

(C) The moving party shall present rebuttal evidence;

(b) Any witness is subject to cross examination by opposing parties;

(c) Any member of the Commission may question any witness;

(d) The burden of presenting evidence in support of a fact or proposition rests on the proponent of the fact or proposition;

(e) The Commission may continue a hearing, and may set time limits for any hearing;

(f) Exhibits shall be marked to identify the party offering the exhibits. The exhibits shall be preserved by the Commission as part of the record.

(4) Evidentiary Rules:

(a) Evidence of a type commonly relied upon reasonably prudent person in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All evidence not objected to, shall be received by the Commission, subject to the Commission's power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the Commission. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

(5) Prehearing Conference: The Commission, on its own motion or at the request of any party, may call a prehearing conference to consider:

(a) Simplification of the issues;

(b) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;

(c) Limitation of the number of witnesses;

(d) The form and substance of any prehearing order;

(e) Such other matters as may aid in the disposition of the appeal.

(6) Proposed Prehearing Order: The Commission with or without a prehearing conference, may require that the parties prepare and sign a proposed prehearing order to be filed with the Commission on or before a date specified by the Commission. The order shall contain:

(a) A statement of contentions of law of each party;

(b) A concise statement of all contentions of fact to be proved by each party;

(c) A statement of all agreed facts;

(d) A list of witnesses and a summary of their testimony;

(e) A list of exhibits and a statement of the contents of each;

(f) Such other matters as the Commission may require in order to expedite the hearing and appeal.

(7) Effect on Time Limits: The filing of a motion for evidentiary hearing shall suspend the time limits for all other events in the review proceedings, including the issuance of the Commission's final order. If the Commission grants an evidentiary hearing, the time limits for other events shall remain suspended until the close of the hearing. Unless the

parties agree otherwise, the Commission shall schedule any evidentiary hearing after the order granting the motion for evidentiary hearing is issued. If the Commission denies a motion for an evidentiary hearing, the time for all other events will begin to run on the date the Commission issues its order denying the motion, or on such other date as is specified in that order.

(8) Depositions: On petition of any party at least 14 days before an evidentiary hearing, the Commission may order testimony of any witness to be taken by deposition in the same manner prescribed for depositions in civil actions. Depositions may also be taken by the use of audio or audio visual recordings. The petition for deposition shall set forth:

(a) The name and address of the witness whose testimony is desired;

(b) A showing of relevance and materiality of the testimony;

(c) A request for an order that the testimony of the witness be taken.

(9) Subpoenas: If the Commission orders an evidentiary hearing, the Commission shall issue subpoenas to any party to the appeal upon written request and upon a showing that the witness or the documents to be subpoenaed will provide relevant evidence. Subpoenas may also be issued under the signature of the attorney of record of a party. Witnesses appearing pursuant to subpoena, other than parties or employees of the Commission, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-160. Intervention.

(1) Standing to Intervene: The applicant and any person who appeared before the county may intervene in a review proceeding before the Commission. ~~Status as an intervenor shall be recognized when a motion to intervene is filed.~~ An intervenor shall be entitled to receipt of all matters requiring service upon the parties beginning on the date the motion to intervene is filed, regardless of whether an objection is filed.

(2) If the county review process is not open to persons adversely affected or aggrieved, any person adversely affected or aggrieved may intervene in a review proceeding before the Commission.

(3) Motion to Intervene: In the interests of promoting timely resolution of appeals, a motion to intervene shall be filed at the Commission office and served within 14 days as soon as is practicable after the Notice of Intent to Appeal and Petition is filed pursuant to 350-60-050. The motion to intervene (exhibit 3) shall:

(a) State whether the party is intervening on the side of the ~~petitioner~~ appellant or the respondent;

(b) State the facts which show the party is entitled to intervene, supporting the statement with affidavits, citations to the record or other proof;

(c) Include a brief "Intervenor's ADR Statement" stating whether the proposed intervenor is willing to attempt to

resolve the case through alternative dispute resolution means. This statement shall not be used to argue merits of the appeal; Be served upon the Commission and all parties.

(d) Include a brief statement about whether the proposed intervenor is willing to consider a shortened record in accordance with 350-60-060(f); and

(4) Objections to a motion to intervene shall be filed and served within 7 days of the motion.

(5) The intervenor shall be entitled to participate in developing the record, including shortening the record and filing objections to the record.

(6) The Chair of the Commission may conduct a telephone conference with the parties to consider an objection to a motion to intervene.

(7) The Chair of the Commission shall issue a written decision on the motion to intervene, which shall be served on all the parties. The Chair of the Commission shall not consider the ADR statement for the purpose of deciding whether to grant the motion to intervene.

(84) Intervenor's Brief:

(a) If intervention is sought as an ~~petitioner~~ appellant, the brief shall be filed and served within the time limit for filing the Request for Review Appellant's Brief, and shall satisfy the requirements for the a-Request for Review Appellant's Brief in 350-60-080.

(b) If intervention is sought as a respondent, the brief shall be filed and served within the time for filing a respondent's brief and shall satisfy the requirements for a respondent's brief in 350-60-100.

~~(5) Objections to a motion to intervene shall be filed within 7 days of the motion.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-170. Amicus Participation.

(1) A person or organization may appear as amicus only by permission of the Commission on written motion. The motion shall set forth the specific interest of the movant and state reasons why a review of relevant issues would be significantly aided by participation of the amicus. A copy of the motion shall be served on all parties to the proceeding.

(2) Appearance as amicus shall be by brief only, unless the Commission specifically requests oral argument. An amicus brief shall be subject to the same rules as those governing briefs of parties to the appeal and shall be filed and served within the time required for filing respondent's brief. An amicus brief shall be submitted at the time the respondent's brief is due unless a later date is authorized by the Chair of the Commission. No filing fee is required. An amicus brief shall have a green cover.

350-60-180. Consolidation.

The Chair of the Commission, at the request of any party or on its own motion, may consolidate two or more proceedings, provided the proceedings seek review of the same or closely related land use decision(s).

350-60-190. Extensions of Time.

(1) In no event shall the time limit for the filing of the Notice of Intent to Appeal and Petition be extended.

~~(2) In no event shall the time limit for the filing of the Request for Review be extended without the written consent of all parties.~~

~~(23) All other time limits may be extended upon written consent of all parties, the Commission's motion or motion of a party.~~

~~(34) A motion for extension of time shall state the reasons for granting the extension and must be filed with the Commission and served within the time required for performance of the act for which an extension of time is requested.~~

(4) A first motion for extension of time for any act, which requests an extension for no greater than 30 days and is stipulated to by all parties, shall be presumed granted on the date that the motion is filed. The Chair of the Commission shall confirm the extension to the parties.

(5) Any other motion for extension of time that is stipulated to by all parties shall be presumed granted for a period of 14 days. The Chair of the Commission shall issue an order granting or denying the extension, and may modify the request. Any agreement by the parties for an extension of time shall automatically extend the time for issuance of the Commission's final order by an amount of time equal to the extension agreed to by the parties.

(6) Any motion for extension of time that is stipulated to by all parties may be filed and served by fax. In the event the Commission extends the deadline for issuance of its final order without consent of the parties, it shall enter the specific findings to explain such action.

(7) Any motion for extension of time that is not stipulated to by all parties shall be treated as a contested motion pursuant to 350-60-130 above.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-200. Stays.

(1) A motion for a stay of a land use decision shall include:

(a) A statement setting forth movant's right to standing to appeal the decision;

(b) A statement explaining why the challenged decision is subject to the Commission's jurisdiction;

(c) A statement of facts and reasons for issuing a stay, demonstrating a claim of error in the decision and specifying how the movant will suffer irreparable harm if a stay is not granted;

(d) A suggested expedited briefing schedule;

(e) A copy of the decision under review and copies of all ordinances, resolutions, plans or other documents necessary to show the standards applicable to the decision under review.

(2) A copy of a motion for stay shall be served on the governing body and the applicant for the land use decision, ~~if any~~; on the same day the motion is filed with the Commission.

(3) Unless otherwise ordered by the Chair of the Commission, a response to a motion for a stay of a land use decision shall be filed within 10 days after the motion is filed and shall set forth all matters in opposition to the motion and any facts showing any adverse effect, including an estimate of any monetary damages that will accrue if a stay is granted.

(4) The Chair of the Commission shall base its a decision on the stay, including the right to a stay, or conditions of any stay order, upon evidence presented. Evidence may be attached to the motion in the form of affidavits, documents or other materials, or presented at an evidentiary hearing which may be convened at the discretion of the Chair of the Commission and follow the process in 350-60-150 ~~130~~.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-205. Dismissal by the Commission

(1) Voluntary dismissal: The Chair of the Commission shall dismiss an appeal upon motion by the Appellant. The dismissal shall be considered with prejudice and shall be effective on the date it is filed.

(2) Involuntary Dismissal: The Chair of the Commission may dismiss an appeal upon or without motion by any other party when it appears to the Chair that the Appellant and all intervenors on the side of the Appellant have failed to prosecute the appeal diligently; when the appeal is moot, or any other situation in which continuing the case would be manifestly unjust to the responding parties. The Chair of the Commission shall send a Notice of Intent to Dismiss stating the facts and reason for dismissal. The parties shall have 10 days to respond to the notice, unless the Notice of Intent to Dismiss specifies a longer time.

(3) The Chair of the Commission shall issue and serve on the parties an order of dismissal, which shall be an appealable action by the Commission.

(4) When an appeal is dismissed, the Commission shall make no decision on the merits of the appeal. In the event that the parties have entered into any settlement agreement concerning the issues raised in the appeal, the Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-60-210. Final Order of Commission.

(1) An Order of the Commission shall: ~~is final when the cover page of the order containing the caption of the appeal:~~

(a) Have a cover page that contains the caption of the appeal and sStates "Final Opinion and Order";

(b) Specify of the the items of the record that were present before the Commission, and Contains findings of fact and conclusions of law and/or an incorporation of findings and conclusions incorporates them from the record below.

(c) Addresses the Special Request for Review Process under Rule 350-60-090, where applicable.

(d) Indicates whether the decision being reviewed is dismissed, affirmed, reversed or remanded;

(e) Contains the date of the final order; and

~~(f) Is date stamped by the Commission.~~ Contain a statement of the right to appeal the Commission's Order in the following or substantially similar form, "NOTICE: You are entitled to judicial review of this order within 60 days of the date of this order, pursuant to section 15 (b)(4) of the Scenic Area Act, P.L. 99-663."; and

(g) Be signed by the Chair of the Commission, or his/her delegate.

(2) The final order shall be served on mailed to all parties. The parties are not afforded an opportunity to comment on the order before it is made final by the Commission.

(3) When an order of the Commission becomes final it shall be made available to interested members of the public. The Commission may charge a reasonable fee for copies of its final orders or other orders furnished to members of the public.

(4) No dissenting opinions by members of the Commission are allowed. Notwithstanding subsections (1)(a) and (b) of this section, an order granting a motion to dismiss an appeal is a final order.

(5) For the purpose of calculating the time for judicial review of the Commission's order, the date of the order shall be the date the order is served on the parties even if that date is later than the date that the order is signed.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-220. Reversal or Remand of Land Use Decisions.

(1) The Commission shall reverse or remand a land use decision for further proceedings when:

(a) The governing body exceeded its jurisdiction;

(b) The decision is unconstitutional;

(c) The decision violates a provision of applicable law and is prohibited as a matter of law; or

(d) The decision was clearly erroneous or arbitrary and capricious.

(e) The findings are insufficient to support the decision;

(f) The decision is not supported by substantial evidence in the whole record;

(g) The decision is flawed by procedural errors that prejudice the substantial rights of the ~~petitioner(s)~~ appellant(s);

(h) The decision improperly construes the applicable law; or

(i) A remand is required pursuant to 350-60-090 (3)(d) ~~360-60-090 (2)(d)~~.

(2) The Chair of the Commission may grant a stipulated motion for a voluntary remand of a land use decision, or may order a remand upon motion by the governing body upon finding that all of the following criteria are met. When the Chair orders a remand pursuant to this section, it shall remand back to the last local decision maker that issued the appealed decision.

(a) The governing body shall either rescind the land use decision that is the subject of the appeal or provide that any new or modified land use decision shall supercede the remanded decision;

(b) The governing body shall not be required to issue a subsequent land use decision, but if it does, then it shall agree

to address all of the issues raised in the appeal in that subsequent land use decision.

(c) The governing body shall follow all applicable notice and review procedures in modifying the remanded decision or issuing a new land use decision.

(d) An oral decision of the Commission has not been rendered in the matter.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-60-230. Reconsideration.

(1) Reconsideration is only permitted as follows:

(a) Within ten days of the service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested and serving it on the Gorge Commission and all parties to the appeal.

(A) No petition for reconsideration may stay the effectiveness of an order.

(B) If a petition for reconsideration is timely filed, the time for filing a petition for judicial review does not commence until the agency disposes of the petition for reconsideration. The agency is deemed to have denied the petition for reconsideration if, within thirty days from the date the petition is filed, the agency does not either:

(i) Dispose of the petition; or

(ii) serve the parties with a written notice specifying the date by which it will act on the petition.

(b) Any party to the appeal may file a response within ten days of service of the petition.

(c) The following factors must be present for reconsideration:

(A) An error has been made in the decision; and,

(B) New information is now available concerning the error which through due diligence could not have been acquired earlier.

(d) Unless the petition for reconsideration is deemed denied under subsection (a) above, the petition shall be disposed of by the Commissioners who entered the order, if reasonably available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further consideration without oral argument. Granting the petition for reconsideration shall require approval of two-thirds of the Commissioners who made the original decision. Once granted, subsequent dissolution or modification of the original decision/order requires a majority of the Commissioners who made the original decision.

(e) The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. An order denying reconsideration, or a notice provided for in subsection (b) of this section is not subject to judicial review.

350-60-240 Special Rules for Filing of Appeal After Expiration of Appeal Period

(1) This section is intended to prevent manifest injustice that would result by a local government's failure to comply with all procedural requirements such that an interested per-

son was unable to meaningfully participate in a land use decision process. This section shall not be used to redress problems that may be redressed through a county or Gorge Commission enforcement action, whether or not any enforcement action is actually undertaken.

(2) If the local government approves a development that is materially different from the proposal described in the notice of development to such a degree that a reasonable person could not have understood the notice of development to describe the local government's final actions, then an adversely affected person may file an appeal of the decision within 30 days of actual notice of the decision.

(3) If the development constructed is materially different from the development allowed in the local government's decision to such a degree that a reasonable person could not have understood the decision to allow the actual development constructed, then an adversely affected person may file an appeal within 30 days after actual notice of the material difference, or within 30 days after the person reasonably should have known about the material difference, whichever is sooner.

(4) If the local government fails to provide notice of the proposed development or a copy of the final decision to a person who is legally entitled to the notice or decision, or has requested to receive the notice or decision, then that person may file an appeal within 30 days after actual notice of the approved development.

(5) In no event shall the time for appeal exceed the time period that the local government's decision is valid.

(6) A person intending to file an appeal pursuant to this section shall first attempt to resolve that person's concern with the local government. The local government shall give due consideration to the concerns raised and shall not rely solely on whether the concerns were timely raised. The local government may choose to allow the person to file an appeal with the local government.

(7) If the local government does not allow the appeal to be filed with the local government within 25 days, then the person may file the appeal directly with the Commission. In addition to the requirements for the Notice of Appeal specified in 350-60-050, the appellant shall file a motion for an evidentiary hearing pursuant to 350-60-150 to establish standing to maintain the appeal.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

EXHIBIT 1

(350-60-050)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

Jane Clark,)

Petitioner Appellant,)

vs.)

CRGC No.)

PERMANENT

Tahoma County,)
)
 Respondent.)

BODY'S RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND USE DECISION. THE TELEPHONE NUMBERS OF SUCH PERSONS MAY BE OMITTED].

NOTICE:

Anyone designated in paragraph III of this Notice who desires to participate as a party in this case before the Columbia River Gorge Commission must file with the Commission a Motion to Intervene in this proceeding within 14 days of the date of this Notice, as required by CR 350-60-140 160. Anyone that desires to present oral argument to the Commission must intervene and file a brief as required by CR 350-60-120(1).

NOTICE OF INTENT TO APPEAL AND PETITION

I.

Notice is hereby given that [NAME OF APPELLANT(S)] ~~petitioner intends to appeals~~ that land use decision of respondent entitled [INDICATE TITLE OF LAND USE DECISION], which became final on [INDICATE DATE] and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE OF THE DECISION]

ADR STATEMENT: [INDICATE WHETHER YOU ARE WILLING TO ATTEMPT TO SETTLE THE CASE THROUGH MEDIATION OR OTHER MEANS].

SHORTENED RECORD: [STATE WHETHER YOU ARE WILLING TO CONSIDER A SHORTENED RECORD AS ALLOWED BY 350-60-060(8)].

 Petitioner Appellant (each petitioner appellant must sign)

or

 Attorney for Petitioner(s) Appellant(s)

II.

Petitioner [If applicable] Appellant, Jane Clark, is represented by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Respondent, Tahoma County, has as its mailing address and telephone number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER] and has, as its legal counsel: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER].

[Add Certificate of Service. See form in Exhibit 4.]

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal and Petition on all persons listed in paragraphs II and III of this Notice pursuant to CR 350-60-050(2) by (a) first class mail or (b) personal delivery. [INDICATE WHICH]

Dated: _____

 Signature

III.

Applicant, John Developer, was represented in the proceeding below by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Other persons mailed written notice of the land use decision by Tahoma County, as indicated by its records in this matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE NUMBER OF ALL PERSONS WHOM THE GOVERNING

EXHIBIT 2
 (350-60-060)

TABLE OF CONTENTS OF RECORD

ITEM		PAGE
1.	Certified cover sheet for County record of PC file Nos. 7517 PA: Application of QFC Inc. for a permit for a subdivision	1
2.	Record of County action on appeal of QFC Inc. from Hearings Officer's decision denying QFC Inc. proposal.	2
3.	Record of County action on proposed findings to grant appeal of QFC Inc. and approved QFC proposal	3
4.	Letter from a County to QFC Inc. transmitting a form letter mailed to parties of interest concerning the QFC Inc. application and transmitting a copy of a notice published in the Oregonian on Sunday, June 7 and Wednesday, June 11, 1986.	4
5.	Notice of final decision on QFC Inc. appeal and notice published in the Oregonian on Sunday, June 7, 1986 and Wednesday, June 11, 1986.	5

PERMANENT

ITEM	PAGE
6. Form letter from County to interested parties, dated June 6, 1986, transmitting a copy of permit No. 158347, and a list of persons to whom form letter was mailed.	6
7. Letter from County to Oregon Department of Transportation dated June 5, 1986, transmitting a copy of Permit No. 158573	13
8. Letter from County to QFC Inc., dated June 5, 1986, transmitting a copy of Permit No. 158573	14
9. Letter from County to QFC Inc. dated June 5, 1986, transmitting a copy of Permit No. 158573	15
10. Permit No. 158573, adopted on June 4, 1986.	16

EXHIBIT 3
(350-60-160)

[Add Certificates of Filing and Service on separate page. See forms in Exhibits 4 and 5.]

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

BEFORE THE COLUMBIA RIVER GORGE COMMISSIONER

Jane Clark,)
)
Petitioner Appellant,)
)
vs.) CRGC No.
)
Tahoma County,)
)
Respondent.)

EXHIBIT 4

CERTIFICATE OF FILING
[For Document Other Than
Notice of Intent to Appeal]

MOTION TO INTERVENE

I.

John Smith moves to intervene on the side of (a) Petitioner Appellant or (b) Respondent [INDICATE WHICH] in the above-captioned appeal.

Mr. Smith's (or his attorney's) address and phone number are as follows: [INDICATE ADDRESS AND PHONE NUMBER].

ADR STATEMENT: [INDICATE WHETHER YOU ARE WILLING TO ATTEMPT TO SETTLE THE CASE THROUGH MEDIATION OR OTHER MEANS.]

SHORTENED RECORD: [STATE WHETHER YOU ARE WILLING TO CONSIDER A SHORTENED RECORD AS ALLOWED BY 350-60-060(f)].

II.

The facts establishing movant's right to intervene are as follows: [SET FORTH STATEMENT OF FACTS].

III. [OPTIONAL]

In support of this motion, John Smith relies on the attached affidavit, Memorandum of Law or both.

Date John Smith
or

Barbara Neil, Attorney for
John Smith

I hereby certify that on [INDICATE DATE], I filed the original of this [IDENTIFY DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Columbia River Gorge Commission, 288 E. Jewett Blvd., P.O. Box 730, White Salmon, WA 98672, by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated: _____

Signature _____

EXHIBIT 45

CERTIFICATE OF SERVICE
[For Document Other Than
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this [IDENTIFY DOCUMENT] by (a) first class mail, or (b) personal delivery, or (c) facsimile [INDICATE WHICH] on the following persons: [LIST NAME AND ADDRESS OF EACH PARTY OR THE PARTY'S ATTORNEY].

Dated: _____

Signature _____

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.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

PERMANENT

WSR 03-14-053
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed June 25, 2003, 12:57 p.m., effective August 1, 2003]

Date of Adoption: June 10, 2003.

Purpose: Amend commission procedural rules for appeals of land use decisions by the executive director of the gorge commission to clarify, simplify, and expedite appeal procedures.

Citation of Existing Rules Affected by this Order: Repealing 350-70-100 and 350-70-180; and amending 350-70-000, 350-70-020, 350-70-040, 350-70-050, 350-70-060, 350-70-070, 350-70-080, 350-70-090, 350-70-110, 350-70-120, 350-70-130, 350-70-140, 350-70-150, 350-70-160, 350-70-170, 350-70-190, 350-70-200, 350-70-210, 350-70-220, and 350-70-230.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: 16 U.S.C. 544c(b); 16 U.S.C. 544m (a)(2).

Adopted under notice filed as WSR 03-09-079 on April 17, 2003.

Changes Other than Editing from Proposed to Adopted Version: Significant changes from proposed to adopted version include: 350-70-040 (11)(b), 350-70-070(2), 350-70-075 (6)(A), 350-70-050 (3)(j), 350-70-220 (2)(a) and (b) and 350-70-240 (1), (2), (3), (4), and (7). The commission made other minor wording changes throughout.

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 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 20, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 20, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The commission voted to make the rules effective August 1, 2003, to ensure that the rules would be effective at the same time in both Oregon and Washington.

Effective Date of Rule: August 1, 2003.

June 20, 2003
 Nancy A. Andring
 Rules Coordinator

COLUMBIA RIVER GORGE COMMISSION

Chapter 350
Division 70

**Appeals From Decisions Under
 Gorge Commission Ordinances**

Amended December 13, 1994
 Amended August 1, 2003

350-70-000. Purpose.

The purpose of this division is to define the process and standards used by the Columbia River Gorge Commission in hearing appeals from decisions relating to the implementation of the Columbia River Gorge National Scenic Area Act ("National Scenic Act" or "Act"). The rule applies to appeals from decisions by the Executive Director under ordinances adopted by the Gorge Commission. This rule is intended to permit the appellant to build a more complete record than was before the Executive Director through briefing, and oral presentation of evidence and argument, and to allow interested persons to participate in that process.

350-70-010. Authority.

The National Scenic Act authorizes appeals to the Gorge Commission by a person or entity adversely affected by a final action or order, and this includes decisions by the Executive Director under a land use ordinance for a county adopted by the Gorge Commission.

350-70-020. Scope.

Scope of Rules: All proceedings commenced by Notice of ~~Intent to Appeal and Petition~~ shall be governed by these rules. Where this division is silent, divisions 11, 12, 14 and 16 of the Commission's rules shall be applicable provided that the specific provisions are applied in a manner that does not conflict with the provisions of this division.

~~Appeals commenced by a Notice of Appeal filed under the Final Interim Guidelines shall continue to be governed by Commission Rule 350-20 as adopted December 1, 1987, and the Final Interim Guidelines.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-030. Application.

These rules are intended to promote the efficient review of land use decisions in accordance with the National Scenic Act while affording all interested persons reasonable notice and opportunity to intervene, reasonable time to prepare and submit their cases, and a full and fair hearing. The rules shall be interpreted to carry out these objectives and to promote justice.

PERMANENT

350-70-040. Definitions.

In these rules, unless the context or subject matter requires otherwise:

(1) "Applicant" means the person who requested that the Executive Director of the Gorge Commission take an action which resulted in a land use decision.

(2) "Commission" means the Columbia River Gorge Commission, ~~or any member thereof.~~

(3) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon, and Clark, Skamania, and Klickitat Counties, Washington.

(4) "Days" means calendar days.

(5) "Executive Director" or "Director" means the director of the Gorge Commission.

(6) "File" means to deliver to Commission offices by personal delivery or by mail, ~~not by fax.~~ Unless otherwise specified, a document shall be considered filed on the date that it is personally delivered, or the date that it is mailed. To be considered filed, a document must be received at Commission offices by 5:00 p.m.

(a) A motion filed with the consent of all parties may be filed by fax. When a motion is filed by fax, the original shall be mailed or delivered in person to the Commission offices on the same day or on the next business day. A motion filed by fax shall be considered filed on the date it is faxed if the fax is received at Commission office by 5:00 p.m.

(b) Any document filed with the Commission shall include a certification that the document was served on all parties on the same or earlier date and in the same manner that the document was filed.

(7) "Final decision": A decision is final when it is reduced to writing and bears the signature of the Executive Director of the Gorge Commission.

(8) "Land use decision" means a final decision by the Executive Director based on the National Scenic Act.

(9) "Notice" means the Notice of ~~Intent to Appeal and Petition~~ and refers to the document which must be filed with the Commission in order to begin a review proceeding.

(10) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the Commission. A person shall include the Executive Director of the Gorge Commission in his or her official capacity. "Party" means the petitioner, the applicant if different from the petitioner, the Executive Director, and any person who intervenes.

(11) ~~"Transmit" means to send with the United States Postal Service by first class mail or to deliver in person. "Serve" or "Service" means to send with the United States Postal Service by first class mail or to deliver in person, a copy of the original to all parties, including intervenors.~~

(a) Only motions that are filed by fax may be served by fax. If a motion is served by fax, then it shall also be served by mailing or delivering a copy of the original to the appellant and intervenors on the same or next day.

(b) All documents served on the other parties shall include a certification that the document was served on the same or earlier date that the document was filed. Service shall occur on all parties in the same manner, but need not

occur in the manner which the original document was filed (Exhibit 3).

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-042. Delegation of Authority to the Chair of the Commission

(1) Where these rules refer to the Chair of the Commission, the Commission has delegated authority to the Chair or presiding officer designated by the Chair to act on those matters for the Commission, including but not limited to, procedural orders on behalf of the Commission relating to case setting, preliminary motions, and other procedural matters. The Chair of the Commission may also act on other matters specified for Commission action when the context indicates action by the Chair of the Commission or when action by the full Commission would be impracticable.

(2) The Chair of the Commission shall decide matters without oral argument, unless the Chair desires an oral hearing. The decision of the Chair of the Commission or presiding officer pursuant to this authority shall be final and not reviewable by the full Commission.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-045. Time

(1) Computation: In computing any period of time prescribed or allowed by these rules, the day of the act from which the designated time period begins to run shall not be included and the last day of the time period shall be included.

(2) Whenever a person has the right or is required to do some act or take some proceedings within a prescribed period of time after service or a notice or other paper, and the service of the notice or other paper is by mail, three (3) days shall be added to the prescribed time period. This does not apply to documents mailed when filing and service is accomplished by fax.

(3) When a deadline for accomplishing some act under these rules falls on a weekend or legal holiday, the deadline shall be the next business day, and all following deadlines shall be calculated from that deadline. A legal holiday shall be any day in which the United States Postal Service does not deliver mail, or when the Gorge Commission is closed for business.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-047. Who May Appeal.

(1) The applicant, any person who submitted a timely written comment on a land use application, or any person entitled under 350-70-240 may appeal the final decision of an application.

(2) Notwithstanding subsection (1) above, any person may participate in the appeal as provided in this division.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-050. Notice of Intent to Appeal and Petition.

(1) Filing: A person wishing to appeal a decision by the Director shall file a The Notice of Intent to Appeal and Petition from a decision by the Director shall be filed with at the Commission office on or before the 30th day after the date the decision sought to be appealed reviewed becomes final. A Notice filed thereafter shall not be deemed timely filed and the appeal shall be dismissed.

(2) Service of Notice of ~~Intent to Appeal and Petition~~: The Appellant shall serve a copy of the Notice of Intent to Appeal and Petition shall be filed with the Commission and served on all persons identified in the Notice as required by subsection (3)(fg) of this rule on or before the date the Notice of Intent to Appeal and Petition is required to be filed.

(3) Contents of Notice of ~~Intent to Appeal and Petition~~: The Notice of Intent to Appeal and Petition shall be substantially in the form set forth in Exhibit 1 and shall contain:

(a) A caption, which specifies the title of the appeal as "In the matter of an appeal of Development Review Decision No. [FILE NUMBER] by [APPELLANT'S NAME]." sets forth the name(s) of the person(s) filing the Notice, identifying the person(s) as petitioner(s), and Executive Director, identifying the Executive Director as respondent;

(b) Below Adjacent to the caption, the heading "Notice of Intent to Appeal and Petition";

(c) The full title of the decision to be reviewed as it appears on the final decision;

(d) The date the decision to be reviewed became final;

(e) A concise description of the appellant's reasons for appealing the decision including citations to the findings of fact, conclusions of law and conditions of approval in the decision and to provisions of the land use ordinance, sufficient to permit a person to understand the issues the appellant is raising to the Commission; to be reviewed:

(f) A brief "ADR Statement" stating whether the appellant is willing to attempt to settle the case through negotiation with the Executive Director and other interested persons, or through alternative dispute resolution (including but not limited to mediation), and specifying the potentially interested persons (if applicable). This statement shall not be used to argue the merits of the appeal.

(gf) The name, address and telephone number of each of the following:

(A) The Appellant, Petitioner. If the petitioner is not represented by an attorney, the petitioner's name, address and telephone number shall be included. If except that if an attorney represents the petitioner appellant, then the attorney's name, address and telephone number shall be substituted for that of the appellant petitioner. If two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead appellant petitioner.

(B) The Executive Director and the Director's legal counsel;

(BC) The applicant, if any (and if other than the appellant petitioner). If an the applicant is was represented by an attorney before the Executive Director, then the applicant's

address and telephone number may be omitted and the name, address and telephone number of the applicant's attorney shall be included;

(CD) Any other person to whom written notice of the land use decision was mailed as shown on the Executive Director's records. The telephone number may be omitted for any such person.

(hg) A statement advising that all persons may give testimony at the hearing on the appeal; however, if a person wishes to receive a copy of the record an/or participate in the proceedings prior to the hearing, then, other than the Executive Director, that in order to participate in the review proceeding a that person must file and serve a motion to intervene Notice of Intervention pursuant to 350-70-170.

(i) A statement that the Commission will set the date, time, and place for a hearing on the appeal and provide notice of the hearing approximately 20 days prior to the date of the hearing.

(j) A statement that written comments on the appeal will be accepted by the Commission until the close of the public hearing, but that persons are encouraged to submit written comments within 60 days from the date of the Notice of Appeal.

(kh) Proof of service upon all persons required to be named in the Notice. See Exhibit 1.

(4) Filing Fee and Deposit for Costs: A filing fee and deposit for costs may be charged by the Columbia River Gorge Commission. The Columbia River Gorge Commission may charge a filing fee and deposit. Filing fees and deposits, if any, shall be set by the Gorge Commission's Executive Director and shall not exceed the true cost to the Commission of handling the appeal.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

350-70-060. Special Review Process.

(1) In any development review decision by the Executive Director under ~~any~~ a rule adopting ordinances, where the applicant contends the result eliminates all beneficial use of the property, the applicant must request special review as follows:

(a) Make the request in writing.

(b) Set out the pertinent portions of the ordinance that apply;

(c) Describe how the ordinance impacts the use of the property;

(d) Attach copies of any documents (maps, deeds, easements, etc.) that are relevant; and

(e) Explain why the requested use must be allowed to provide economic or beneficial use of the property.

(f) The request for special review shall be served, concurrently with the Notice of Appeal, on the Executive Director and all persons entitled to service of the Notice of Appeal parties, within 10 working days of receipt of the decision. If a person who was not served with a copy of the request for special review intervenes, then the applicant shall, as soon as

possible, serve a copy of the request for special review on the intervenor.

(g) ~~An intervenor~~ All other parties shall have the opportunity to specifically respond to the applicant's petitioner's request and any response shall submission must be filed and served and within 14 days after the applicant serves the request for special review on the intervenor field within 10 working days of receipt of the request.

(2) The Director, on receipt of a request for special review and intervenors' responses (if any), reconsideration, shall take the following steps:

(a) Evaluate the request for special review and intervenors' responses.

(b) Take one of the following steps:

(1) Where appropriate, recommend options for use of the property that are consistent with the ordinance, or

(2) Where the Director finds that enforcement of the land use ordinance will deprive the landowner of all economic or beneficial use of the property, the Director shall recommend the Commission allow a use for the property. The economic or beneficial use recommended shall be the use that on balance best protects the affected resources. This section applies:

(A) if the Forest Service or the federal government does not provide just compensation for a Special Management Area designation it made; or

(B) for a General Management Area designation made by the Gorge Commission.

(c) Include proposed findings of fact in the recommendation ~~proposed findings of fact.~~ This shall be completed within 30 days after the last due date for the filing of an intervenor's response; of receipt of the request for special review; and

(d) Specify the factual and/or legal principles relied on in support of the recommendations.

(3) ~~The Executive Director shall serve the recommendation on the request for special review on the applicant and all intervenors. The time period for submission of the Request for Review to the Gorge Commission shall not begin to run until the day after the Executive Director completes the recommendation.~~

(4) ~~The applicant and anyone who intervened may continue the appeal process below once the special review process is completed. The filing of a request for special review shall toll all subsequent time periods specified in these rules, except for intervention specified in 350-70-170. The time periods, beginning with the filing of the record pursuant to 350-70-070 shall begin to run on the date that the Executive Director serves the recommendation on the request for special review.~~

(5) The recommendation on a request for special review shall not be construed as an approval or denial of any land use. The applicant may continue the appeal or may submit a new land use application for the recommended land use(s).

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

350-70-070. Record.

(1) Contents of Record: The record shall include the following:

(a) The final decision including findings of fact and conclusions of law ~~of the Director's decision;~~

(b) All evidence, exhibits, maps, documents or other written materials included ~~as part of the record during the course of in~~ the Executive Director's land use application file; proceeding; photos, maps, and exhibits that were prepared by or presented to the Executive Director in color shall be provided to the Commission in color in the original or certified copy of the record and all duplicate copies of the record;

(c) Minutes of any meetings conducted by the Executive Director as required by law.

(d) All documents relating to an applicant's request for special review, including the applicant's request, the Executive Director's recommendation, and all documents relied on by the Executive Director in making the recommendation.

(e) The Executive Director may retain any audiotape recording, large maps, or exhibits and documents which are difficult to duplicate, until the date of oral argument. The Executive Director shall make these items reasonably available for inspection and duplication by any person during the pendency of the appeal, and shall specify in its filing of the record the procedure for reviewing for these items.

(2) ~~Transmittal of Record: The Executive Director shall within 30 days after service of the Notice transmit to the Commission the original or a certified copy, and two copies of the record of the proceeding under review. The Executive Director may, however, retain any large maps or documents which are difficult to duplicate, until the date of the hearing.~~

(23) Preparation and Service of Record: Contemporaneously with transmittal, Within 30 days after the Notice of Appeal is filed, the Executive Director shall prepare and serve a copy of the record, exclusive of audiotape recordings, large maps and other exhibits and documents which are difficult to duplicate, on the appellant petitioner or the lead petitioner, if one is designated, and intervenors all other parties.

(34) Specifications of Record:

(a) The record shall:

(A) ~~Be filed in a suitable folder; the Include a cover shall bear bearing the title of the case as it appears in the Notice; and the Commission's numerical designation for the case, and shall indicate the numerical designation given the land use decision by the Executive Director;~~

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (~~see Exhibit 2~~), and listing each audiotape recording, large map or other exhibit or document retained by the Executive Director governing body under subsection (2) of this rule;

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

(b) ~~A record which does not conform to the preceding requirements shall not be accepted by the Commission.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-080. Objections to the Record.

(1) Before filing an objection to the record, a person party shall attempt to resolve the matter with the Executive Director, ~~his legal counsel and the other parties.~~ If the Executive Director amends the record in response to an objection, ~~the date the amendment is received by the Commission shall be considered the date the record is received for the purpose of computing time limits as required by these rules.~~

(2) An objection to the record shall be filed with at the Commission office and served within 10 days following service of the record on the person filing the objection. The person filing the objection to the record shall certify that the objection is made in good faith, that the objection is material, that the objection was not made for the purpose of delay, and that he or she has contacted the Executive Director and attempted to resolve the objection. Objections may be made on the following grounds:

(a) The record does not include all materials ~~included as part of the record during the proceedings before in~~ the Executive Director's land use application file. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included ~~as part of the record during the proceedings before in~~ the Executive Director's land use application file. The item(s) not included ~~as part of the record during the proceedings before the Executive Director~~ shall be specified, as well as the basis for the claim that the item(s) are not part of the record. A document that is excluded from the record under this subsection may still be submitted to the Commission as otherwise provided in this division.

(c) The minutes or transcripts of meetings or hearings are incomplete or do not accurately reflect the proceedings. (3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Chair of the Commission shall require the Executive Director to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is an audiotape recording, a transcript of the relevant portion shall be submitted.

(34) The Chair of the Commission may conduct a telephone conference ~~with the parties~~ to consider and resolve any objections to the record.

(45) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Chair of the Commission shall issue a letter or order ~~declaring settling~~ the record complete and setting forth the schedule for subsequent events. Unless otherwise provided by the Chair of the Commission, the date of the ~~Commission's~~ letter or order shall be deemed the date of receipt of that the record is settled for purposes of computing subsequent time limits.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-085 Alternative Dispute Resolution

The Commission recognizes: that many of the matters that come before the Commission on appeal may be resolved through alternative dispute resolution (ADR), such as mediation; that ADR may be a faster and less expensive process than appeal pursuant to these rules and beyond to the states' courts; that agreements reached through ADR may be more lasting and acceptable than a decision on the merits by the Commission or the states' courts; and, that ADR is a voluntary process.

(1) If, after reviewing the ADR statements and evaluating the matter itself, the Executive Director believes that ADR may be successful in resolving or partially resolving the matter, then it shall initiate ADR. This subsection shall not be construed to mean that participation in settlement or ADR is mandatory.

(2) Upon motion by any person or her own motion the Chair of the Commission shall place the appeal in abeyance or shall grant all necessary extensions of time to facilitate resolution through settlement or ADR. Should settlement or ADR be unsuccessful, the Chair of the Commission shall reinstate the matter or reset the applicable time periods.

(3) Any oral discussion, written documents, or other record produced exclusively for the purpose of settlement or ADR, whether or not pursuant to this section, shall be confidential and not part of the record on appeal to the Gorge Commission, nor part of the Gorge Commission's record to any reviewing court.

(4) The Commission shall not consider, as a basis for any decision pursuant to this division, a person's decision to not participate in settlement or ADR, or knowledge that the matter was not resolved through settlement or ADR.

(5) Settlement

(A) If a settlement changes the proposed development or any conditions of approval, the Executive Director shall provide notice of the changes to all persons entitled to receive notice of the original application. If the changes are substantial, then the Executive Director shall conduct a complete review of the changes in the same manner as if the settlement was a new land use application.

(B) When an appeal, or any issue in an appeal, is settled, the Commission shall not be required to review the settlement as a condition of the settlement. The Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

(C) Upon settlement of a case, the appellant shall dismiss the appeal in accordance with 350-70-225.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-090. Request for Review Appellant's Brief

(1) Filing and Service of Brief Request: The appellant shall file Request for Review shall be filed with at the Commission office and serve an Appellant's Brief within 30 days

after the date the record is filed under subsection .070 above, or settled under section .080 above, received by the Commission. The Brief Request shall also be served on intervenors, the Executive Director and any party who has filed a motion to intervene. Failure by the Appellant to file an Appellant's Brief Request for Review within the time required by this section shall result in dismissal of the appeal and forfeiture of the filing fee and deposit for costs to the Gorge Commission.

(2) Specifications of Brief Request: The Brief Request for Review shall

(a) Begin with a table of contents;

(b) Not exceed 50 pages, exclusive of appendices, unless permission for a longer brief petition is given by the Chair of the Commission. If an Appellant's Brief Request for Review exceeding the 50 page limit is filed without permission, the Chair of the Commission shall notify the author, and a revised brief satisfying the 50 pages limit shall be filed and served within three (3) days of notification by the Commission.

(c) Have a blue cover page, stating the full title of the proceeding, and the names, addresses and telephone numbers of the appellant and all intervenors ~~all parties unrepresented by attorney~~. If any of the above ~~are a party~~ is represented by an attorney, the name, address and telephone number of the attorney shall be substituted ~~for the party~~. If there is more than one petitioner, the cover page shall specify the petitioner(s) are filing the Request. An intervenor shall be designated as either petitioner or respondent.

(d) If there is more than one appellant, the cover page shall specify the appellant(s) that are filing the Brief.

(e) Be typewritten, in pica type, and double spaced;

(f) Be signed on the last page by the author.

(3) Contents of Brief Request: The Appellant's Brief Request for Review shall:

(a) State the facts that establish petitioner's standing;

(b) Present a clear and concise statement of the case, in the following order, with separate section headings:

(A) The nature of the land use decision and the relief sought by the appellant petitioner;

(B) A summary of the arguments ~~appearing under the assignments of error in the body of the Request~~;

(C) A summary of the material facts. The summary shall be in narrative form with citations to the pages of the record where the facts alleged can be found, or other documents that the appellant intends to introduce at the hearing.

(c) State why the challenged decision is a land use decision subject to the Commission's jurisdiction;

(d) Set forth each issue assignment of error under a separate heading. Where several issues assignments of error present essentially the same legal questions, the argument in support of those issues assignments of error shall be combined;

(e) Contain a copy of the challenged decision, including any adopted findings of fact and conclusions of law;

(f) Contain, each as separate appendices, a copy of any copies of all management plan provisions, comprehensive plan provisions, and all local state, regional, and federal laws ordinance or other provision of local law cited in the Brief Request, unless the provision is quoted verbatim in the Brief Request.

(d) Contain, each as separate appendices, copies of any documents and evidence, not contained in the record, that are referred to in the Brief.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-100. Respondent's Submission.

(1) Filing and Service of Submission: Respondent's submission and/or brief shall be filed within 30 days after the Request for Review is received by the Commission. A copy of the respondent's submission shall be served on the petitioner or lead petitioner and all intervenors.

(2) Specifications of Submission: Respondent's submission shall conform to the specifications of the petition for review, except that it shall have a red cover. If there is more than one respondent, the cover page shall specify which respondent is filing the brief.

(3) Contents of Submission:

(a) The respondent's submission shall follow the form prescribed for the Request for Review. The respondent shall specifically accept the petitioner's statement of the case or shall cite any alleged omissions or inaccuracies therein and may state additional relevant facts or other matters. The statement shall be in narrative form with citations to the pages of the record where support for the facts alleged are found.

(b) Respondent shall accept or challenge petitioner's statement of the Commission's jurisdiction and petitioner's statement of standing. The basis for any challenge shall be stated. If respondent contends that the facts alleged by petitioner in support of standing are not true, respondent shall specify which allegations are contested.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-110. Response and Reply Briefs.

A Response and reply briefs shall not be filed.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-120. Prehearing Conference, Motions, Generally and Procedural Orders.

For the purpose of this section only, the term "party" shall refer to the appellant and any intervenor.

(1) Any party may submit a motion for action by the Chair of the Commission. For matters not otherwise specified by this division, the Chair of the Commission and all parties shall observe the following procedures for submittal and disposition of motions.

(2) A motion shall be filed at the Commission office by mail or personal delivery, except that motions to which all parties consent may be filed by fax as provided in 350-70-040.

(3) All contested motions shall be filed not less than 21 days prior to the date of the hearing before the Commission, except for good cause. A party seeking to file a motion less

than 21 days prior to the hearing shall consult with all parties about the motion and present with the motion, an agreed schedule for responsive briefs. The schedule shall leave no less than 7 days prior to the hearing for the Chair of the Commission to issue an order, unless the Chair of the Commission consents to a shorter period.

(4) The movant shall serve a copy of the motion on all of the parties at the same time that the motion is filed and in the same manner as the motion was filed.

(5) Unless otherwise ordered by the Chair of the Commission, any party has 10 days to file a response to a motion, except that no response shall be filed for uncontested motions. The responding party shall serve a copy of the response on all of the parties at the same time that the response is filed and in the same manner that the response was filed. No party may file a reply to the response(s).

(6) Any motion or response to a motion that does not conform to this subsection shall be rejected.

The Commission, on its own motion or at the request of the appellant or any intervenor party, may call a prehearing conference to consider:

- (1) Simplification of the issues;
- (2) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (3) Limitation of the number of witnesses;
- (4) The form and substance of any prehearing order;
- (5) Such other matters as may aid in the disposition of the appeal.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-130. Proposed Prehearing Order. Notice of Hearing

(1) The Commission shall send a notice of hearing in accordance with Commission Rule 350-16-009, and shall also include in the Notice of Hearing the due date and procedure for submitting written comments on the appeal, and the procedure that will be used for the hearing.

(2) The Commission shall provide the Notice of Hearing by first class mail to the appellant, all intervenors, and the applicant (if different from the appellant) at least 20 days prior to the hearing. The Commission shall publish notice of the hearing on or before the date the Notice of Hearing is mailed.

The Commission with or without a prehearing conference, may require that the parties prepare and sign a proposed prehearing order to be filed with the Commission on or before a date specified by the Commission. The order shall contain:

- (1) A statement of contentions of law of each party;
- (2) A concise statement of all contentions of fact to be proved by each party;
- (3) A statement of all agreed facts;
- (4) A list of witnesses and a summary of their testimony;
- (5) A list of exhibits and a statement of the contents of each;
- (6) Such other matters as the Commission may require in order to expedite the hearing and appeal.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-140. Hearing.

(1) The hearing before the Commission shall be "de novo" but shall include the record submitted by the Executive Director.

(2) Conduct of hearing:

(a) The hearing shall be conducted in the following order:

(A) The Executive Director shall briefly summarize the decision on appeal and any recommendation if different from the decision on appeal;

(BA) The appellant petitioner shall present its evidence including that of any witnesses;

(CB) Any person supporting the appellant shall present his or her testimony and evidence in support of the appellant; The other party(ies) shall have the opportunity to present evidence disputing that of the petitioner;

(D) Any person opposing the appellant shall present his or her testimony and evidence opposing the appellant;

(E) Any person who wishes to offer evidence or testify but neither supports nor opposes the appellant shall present his or her testimony.

(F) The Executive Director may respond to the testimony and evidence presented raised by the testimony and evidence presented by the written and oral testimony, including exhibits.

(GC) The appellant petitioner shall be allowed to present rebuttal evidence as permitted by the Commission, limited to the specific issues raised by the testimony and evidence presented by the written and oral testimony, including exhibits, and the Executive Director;

(H) The applicant, if different than the appellant and if an intervenor, shall be allowed to present rebuttal evidence limited to the specific issues raised by the testimony and evidence presented by the written and oral testimony, including exhibits, and the Executive Director.

(b) The appellant and members of the Gorge Commission may ask questions orally of the persons testifying. Any other person who desires to ask a question shall submit that question in writing to the Chair of the Commission, who shall ask the question on behalf of the person. The Chair of the Commission may choose not to ask any question that is repetitious, unduly prejudicial, or unrelated to the testimony and issues raised in the appeal. The Chair of the Commission may also limit the number of questions, including from members of the Commission and the appellant to ensure hearings proceed on schedule with the Commission's agenda. Any witness is subject to cross examination by opposing parties;

(c) Any member of the Commission may question any person testifying, including witnesses;

(d) The burden of presenting evidence in support of a fact or proposition rests on the proponent of the fact or proposition;

(e) The Commission may continue a hearing, may leave open the record for submission of additional evidence necessary to address issues raised at the hearing, and may set time

limits for any hearing, including time limits for oral presentations;

(f) Exhibits shall be marked to identify the person party offering the exhibits. The Appellant shall mark his or her exhibits as "Appellant's Exhibit [n]." All other participants shall mark their exhibits as "[PARTICIPANT'S NAME'S] Exhibit [n]." The exhibits shall be preserved by the Commission as part of the record.

(3) Evidentiary Rules:

(a) Evidence of a type commonly relied upon by a reasonably prudent person in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All evidence not objected to, shall be received by the Commission, subject to the Commission's power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the Commission. The Chair of the Commission shall rule on all offers of evidence, including objections to testimony. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

350-70-150. Depositions.

On petition of any person party, the Chair of the Commission may order testimony of any witness to be taken by deposition in the same manner prescribed for depositions in civil actions. Depositions may also be taken by the use of audio or audio visual recordings. The petition for deposition shall set forth:

(1) The name and address of the witness whose testimony is desired;

(2) A showing of relevance and materiality of the testimony;

(3) A request for an order that the testimony of the witness be taken.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-160. Subpoenas.

The Chair of the Commission shall issue subpoenas to any person party to the appeal upon written request and upon a showing that the witness or the documents to be subpoenaed will provide relevant evidence generally not available without subpoena. Subpoenas may also be issued under the signature of the attorney of record for a person of a party. Witnesses appearing pursuant to subpoena, other than the appellant, any person providing written or oral testimony, parties or employees of the Commission, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The person party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-170. Intervention.

(1) ~~Standing to Intervene:~~ The applicant and any person who appeared before the Executive Director may intervene in an appeal review proceeding before the Commission. Status as an intervenor shall be recognized upon filing a Notice of Intervention. ~~by letter or order of the Commission when a motion to intervene is filed.~~

(2) ~~Motion to Intervene~~ Notice of Intervention: In the interests of promoting timely resolution of appeals, a ~~motion to intervene~~ Notice of Intervention shall be filed at the Commission office within ~~14~~ 40 days after the Notice of Intent to Appeal and Petition is filed pursuant to 350-70-050. The ~~motion to intervene~~ Notice of Intervention (exhibit ~~23~~) shall:

(a) State whether the person supports or opposes the appellant, or whether the person neither supports nor opposes the appellant; ~~the party is intervening on the side of the petitioner or the respondent;~~

(b) Include a brief statement of the reasons for filing the motion for intervention, including citations to the decision and land use ordinance, if different than the reasons set forth in the Notice of Appeal. State the facts which show the party is entitled to intervene, supporting the statement with affidavits, citations to the record or other proof;

(c) Include a brief "Intervenor's ADR Statement" stating whether the intervenor is willing to attempt to participate in resolving the case through negotiation or alternative dispute resolution, such as mediation. This statement shall not be used to argue merits of the appeal.

(ed) ~~Be served upon the Commission and on the appellant and all other persons who have filed a Notice of Intervention parties.~~

(3) A person who files a Notice of Intervention shall be entitled to receive a copy of all matters that are filed with the Commission.

(43) Intervenor's Brief: Submission:

(a) ~~If intervention is sought as a petitioner, the submission (or brief) shall be filed within the time limit for filing the Request for Review, and shall satisfy the requirements for a Request for Review.~~ An intervenor who supports the Appellant may file a brief, due at the same time as the appellant's brief, that satisfies the requirements in 350-70-090, except that the Brief shall be entitled, "Intervenor [NAME]'s Brief in Support of Appellant".

(b) ~~If intervention is sought as a respondent, the submission (or brief) shall be filed within the time for filing a respondent's brief and shall satisfy the requirements for a respondent's brief in 350-70-100.~~ An intervenor who opposes the Appellant may file a brief, due at the same time as the appellant's brief, that satisfies the requirements in 350-70-090, except that the Brief shall be entitled, "Intervenor [NAME]'s Brief Opposing Appellant", and shall have a red cover.

(4) ~~Objections to a motion to intervene shall be filed within 7 days of the filing of the motion.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

350-70-180. Amicus Participation.

(1) ~~A person or organization may appear as amicus only by permission of the Commission on written motion. The motion shall set forth the specific interest of the movant and state reasons why a review of relevant issues would be significantly aided by participation of the amicus. A copy of the motion shall be served on all parties to the proceeding.~~

(2) ~~Appearance as amicus shall be by submission and/or brief only. An amicus brief shall be subject to the same rules as those governing briefs of parties to the appeal and shall be filed within the time required for filing respondent's brief. No filing fee is required. An amicus brief shall have a green cover.~~

(3) ~~An amicus brief shall be submitted at the time the respondent's brief is due.~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-190. Consolidation.

The Commission, at the request of any ~~party~~ person or on its own motion, may consolidate two or more proceedings, provided the proceedings seek review of the same or closely related land use decision(s).

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-200. Extensions of Time.

(1) In no event shall the time limit for the filing of the Notice of ~~Intent to Appeal and Petition~~ be extended.

(2) ~~All other time limits may be extended upon written consent of the appellant and participants, the Commission's motion, or the motion of the appellant or a participant. In no event shall the time limit for the filing of the Request for Review be extended without good cause shown, written consent by all parties and approval of the Gorge Commission.~~

(3) A motion for extension of time shall state the reasons for granting the extension and must be filed and served within the time required for performance of the act for which an extension of time is requested. In the event the Commission extends the deadline for issuance of its final order without consent of the parties, it shall enter the specific findings to explain such action.

(4) A first motion for extension of time for any act, which requests an extension for no greater than 30 days and is stipulated to by all the appellant and all intervenors, shall be presumed granted on the date that the motion is filed. The Chair of the Commission shall confirm the extension to the appellant and all intervenors.

(5) Any other motion for extension of time that is stipulated to by all the appellant and all intervenors shall be pre-

sumed granted for a period of 14 days. The Chair of the Commission shall issue an order granting or denying the extension, and may modify the request.

(6) Any motion for extension of time that is not stipulated to by the appellant and all intervenors shall be treated as a contested motion pursuant to 350-70-130 above.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-210. Stays.

(1) Only an appellant or intervenor who would have standing to appeal a land use decision may file a motion for a stay. The movant may file a Notice of Intervention concurrently with the motion for a stay. A motion for a stay of a land use decision shall include:

(a) A statement setting forth the movant's right to standing to appeal the decision;

(b) A statement explaining why the challenged decision is subject to the Commission's jurisdiction;

(c) A statement of facts and reasons for issuing a stay, demonstrating a colorable claim of error in the decision and specifying how the movant will suffer irreparable harm if a stay is not granted;

(d) A suggested expedited briefing schedule;

(e) A copy of the decision under review and copies of all ordinances, resolutions, plans or other documents necessary to show the standards applicable to the decision under review.

(2) ~~A copy of a motion for stay shall be served on the Executive Director and the applicant for the land use decision, as well as any other parties, if any, on the same day the motion is filed with the Commission.~~

(3) Unless otherwise ordered by the Chair of the Commission, a response to a motion for a stay of a land use decision shall be filed within 10 days after the motion is filed and shall set forth all matters in opposition to the motion and any facts showing any adverse effect, including an estimate of any monetary damages that will accrue if a stay is granted.

(4) The Chair of the Commission shall base a its decision on the stay, including the right to a stay, or conditions of any stay order, upon the motion presented. Documents may be attached to the motion in the form of affidavits, maps or other materials, or presented at a hearing which may be convened at the discretion of the Chair of the Commission and follow the process in 350-70-140.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-220. Final Order of Commission.

(1) ~~An Final Order of the Commission shall: is final when the cover page of the order containing the caption of the appeal:~~

(a) Contain the caption of the appeal and state States "Final Opinion and Order";

(b) Contains findings of fact and conclusions of law or incorporates them from the record below.

(c) ~~Indicates whether the Commission's decision being reviewed is dismissed, affirmed, reversed or remanded;~~

(d) Contains the date of the final order; and

(e) ~~Be signed by the Chair of the Commission. Is date stamped by the Commission.~~

(2) The order shall be ~~mailed to~~ served on all parties.

(3) When an order of the Commission becomes final it shall be made available to interested members of the public. The Commission may charge a reasonable fee for copies of its final orders or other orders furnished to members of the public.

(4) ~~Notwithstanding subsections (1)(a) and (b) of this section, an order granting a motion to dismiss an appeal is a final order.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

350-70-225. Dismissal by the Commission

(1) Voluntary dismissal: The Chair of the Commission shall dismiss an appeal upon motion by the Appellant. The dismissal shall be considered with prejudice and shall be effective on the date it is filed.

(2) Involuntary Dismissal: The Chair of the Commission may dismiss an appeal when it appears to the Chair that the Appellant has failed to prosecute the appeal diligently; when the appeal is moot, or any other situation in which continuing the case would be manifestly unjust. The Chair of the Commission shall send a Notice of Intent to Dismiss stating the facts and reason for dismissal. The Appellant and intervenors shall have 10 days to respond to the notice, unless the Notice of Intent to Dismiss specifies a longer time.

(3) The Chair of the Commission shall issue and serve on the Appellant and intervenors an order of dismissal, which shall be an appealable action by the Commission.

(4) When an appeal is dismissed, the Commission shall make no decision on the merits of the appeal. In the event that the Appellant and intervenors have entered into any settlement agreement concerning the issues raised in the appeal, the Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-230. Reversal or Remand of Land Use Decisions.

(1) The Chair of the Commission may grant a stipulated motion for a voluntary remand of a land use decision, or may order a remand upon motion by the Executive Director upon finding that all of the following criteria are met.

(a) The Executive Director shall either rescind the land use decision that is the subject of the appeal or provide that any new or modified land use decision shall supercede the remanded decision;

(b) The Executive Director shall not be required to issue a subsequent land use decision, but if he or she does, then he or she shall agree to address all of the issues raised in the appeal in that subsequent land use decision.

(c) The Executive Director shall follow all applicable notice and review procedures in modifying the remanded decision or issuing a new land use decision.

(d) An oral decision of the Commission has not been rendered in the matter.

(1) ~~The Commission shall reverse a land use decision when:~~

(a) ~~The Executive Director exceeded his/her jurisdiction;~~

(b) ~~The decision is unconstitutional;~~

(c) ~~The decision violates a provision of applicable law and is prohibited as a matter of law; or~~

(d) ~~The decision was clearly erroneous or arbitrary and capricious.~~

(2) ~~The Commission shall remand a land use decision for further proceedings when:~~

(a) ~~The findings are insufficient to support the decision;~~

(b) ~~The decision is not supported by substantial evidence in the whole record;~~

(c) ~~The decision is flawed by errors that prejudice the substantial rights of the petitioner(s); or~~

(d) ~~The decision improperly construes the applicable law.~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-70-240 Special Rules for Filing of Appeal After Expiration of Appeal Period

(1) This section is intended to prevent manifest injustice that would result by the Executive Director's failure to comply with all procedural requirements such that an interested person was unable to meaningfully participate in a land use decision process. This section shall not be used to redress problems that may be redressed through an enforcement action, whether or not any enforcement action is actually undertaken.

(2) If the Executive Director approves a development that is materially different from the proposal described in the notice of development to such a degree that a reasonable person could not have understood the notice of development to describe the Executive Director's final actions, then an adversely affected person may file an appeal of the decision within 30 days of actual notice of the decision.

(3) If the development constructed is materially different from the development allowed in the Executive Director's decision to such a degree that a reasonable person could not have understood the decision to allow the actual development constructed, then an adversely affected person may file an appeal within 30 days after actual notice of the material difference, or within 30 days after the person reasonably should have known about the material difference, whichever is sooner.

(4) If the Executive Director fails to provide notice of the proposed development or a copy of the final decision to a person who is legally entitled to the notice or decision, or has requested to receive the notice or decision, then that person may file an appeal within 30 days after actual notice of the approved development.

(5) In no event shall the time for appeal exceed the time period that the Executive Director's decision is valid.

(6) A person intending to file an appeal pursuant to this section shall first attempt to resolve that person's concern with the Executive Director. The Executive Director shall give due consideration to the concerns raised and shall not rely solely on whether the concerns were timely raised. The Executive Director may choose to address that person's concerns administratively.

(7) If the Executive Director does not agree to address the person's concerns administratively within 25 days, then the person may file the appeal directly with the Commission. In addition to the requirements for the Notice of Appeal specified in 350-70-050, the appellant shall state the relevant facts and argument to establish standing to maintain the appeal.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

EXHIBIT 1
(350-70-050)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

<u>In the matter of an appeal of Development</u>)	
<u>ment</u>)	
<u>Review Decision No. [FILE NUMBER]</u>)	<u>NOTICE OF APPEAL</u>
<u>By Jane Clark</u>)	
)	
<u>Jane Clark,</u>)	
<u>Petitioner,</u>)	
)	
<u>vs.</u>)	<u>CRGC No.</u>
)	
<u>Executive Director,</u>)	
<u>Respondent.</u>)	

NOTICE OF INTENT TO APPEAL AND PETITION

I.

Notice is hereby given that Jane Clark petitioner intends to appeal Development Review Decision No. [INDICATE TITLE NUMBER OF LAND USE DECISION], which became final on [INDICATE DATE] and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE OF THE DECISION]

The reasons for this appeal are: [SET FORTH THE REASONS FOR FILING THE APPEAL, INCLUDING CITATIONS TO THE DECISION AND LAND USE ORDINANCE].

ADR STATEMENT: [SET FORTH A BRIEF STATEMENT INDICATING WHETHER YOU ARE WILLING TO ATTEMPT TO RESOLVE THE APPEAL THROUGH MEDIATION OR OTHER ALTERNATIVE DISPUTE RESOLUTION].

II.

Petitioner Appellant, Jane Clark, is represented by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY, IF ANY].

Respondent, Executive Director, has as its mailing address and telephone number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER] and has, as its legal counsel: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER].

III.

Applicant, John Developer, was represented in the proceeding below by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Other persons mailed written notice of the land use decision by Executive Director, as indicated by its records in this matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE NUMBER OF ALL PERSONS WHOM THE EXECUTIVE DIRECTOR'S RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND USE DECISION. THE TELEPHONE NUMBERS OF SUCH PERSONS MAY BE OMITTED].

NOTICES:

Anyone designated in paragraph III of this Notice who desires to receive a copy of the record and participate in all matters prior to the hearing, as a party in this case before the Columbia River Gorge Commission must file with the Commission a Motion to Intervene in this proceeding as required by CR Commission Rule 350-70-170 +30. Filing a motion to intervene is not a prerequisite to giving written or oral testimony in this appeal.

The Commission will set the date for hearing and provide notice of the hearing approximately 20 days prior to the date of the hearing.

Written comments on the appeal will be accepted by the Commission until the close of the public hearing, but that persons are encouraged to submit written comments within 60 days from the date of the Notice of Appeal.

Dated: _____

Petitioner (each petitioner must sign)

or

Attorney for Petitioner(s)

[Add Certificate of Service. See form in Exhibit 3.]

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal and Petition on all persons listed in paragraphs II and III of this Notice pursuant to CR 350-70-050(2) by (a) first class mail or (b) personal delivery. [INDICATE WHICH]

Dated: _____

Signature

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

PERMANENT

EXHIBIT 2
(350-70-070)

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Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

EXHIBIT 23
(350-70-1730)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

In the matter of an appeal of Development)
Review Decision No. [FILE NUMBER])
By Jane Clark) JOHN SMITH'S
) NOTICE OF INTERVENTION
))
Jane Clark,))
))
Petitioner,))
))
vs.) CRGC No.
))
Executive Director,))
))
Respondent.))

MOTION TO INTERVENE

I.

John Smith gives notice that he moves to intervene in favor of the appellant or in opposition to the appellant on the side of (a) Petitioner or (b) Respondent [INDICATE WHICH] in the above-captioned appeal. Mr. Smith's (or his attorney's) address and phone number are as follows: [INDICATE ADDRESS AND PHONE NUMBER].

[IF THE REASONS FOR INTERVENING DIFFER FROM THE REASONS FOR THE APPEAL AS SET FORTH IN THE NOTICE OF

APPEAL, THEN STATE THE REASONS, INCLUDING CITATIONS TO THE DECISION AND LAND USE ORDINANCE.]

ADR STATEMENT: [SET FORTH A BRIEF STATEMENT INDICATING WHETHER YOU ARE WILLING TO ATTEMPT TO RESOLVE THE APPEAL THROUGH MEDIATION OR OTHER ALTERNATIVE DISPUTE RESOLUTION].

II.

~~The facts establishing movant's right to intervene are as follows: [SET FORTH STATEMENT OF FACTS].~~

III. [OPTIONAL]

~~In support of this motion, John Smith relies on the attached affidavit, Memorandum of Law or both.~~

_____	_____
Date	John Smith
	or

	Barbara Neil, Attorney for John Smith

[Add Certificates of Filing and Service on separate page. See forms in Exhibits 3 4 and 5.]

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

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.

EXHIBIT 4

CERTIFICATE OF FILING
[For Document Other Than
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I filed the original of this [IDENTIFY DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Columbia River Gorge Commission, 288 E. Jewett Blvd., P.O. Box 730, White Salmon, WA 98672, by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated: _____

Signature _____

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

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.

EXHIBIT 35

CERTIFICATE OF SERVICE
[For Document Other Than
Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this [IDENTIFY DOCUMENT] by (a) first

PERMANENT

class mail or (b) personal delivery, or facsimile [INDICATE WHICH] on the following persons: [LIST NAME AND ADDRESS OF THE APPELLANT (OR THE APPELLANT'S ATTORNEY) AND EACH INTERVENOR PARTY OR THE INTERVENOR'S PARTY'S ATTORNEY].

John Appellant (or Attorney)
123 Main Street
City, State, Zip

John Intervenor (or Attorney)
124 Main Street
City, State, Zip

Dated: _____

 Signature

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-14-110
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 30, 2003, 4:02 p.m., effective August 1, 2003]

Date of Adoption: June 27, 2003.

Purpose: The Department of Social and Health Services, Economic Services Administration (ESA) is repealing all sections of chapter 388-150 WAC, Minimum licensing requirements for child day care centers, and replacing those WAC with new chapter 388-295 WAC, Minimum licensing requirements for child care centers.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-150-005 Authority, 388-150-010 Definitions, 388-150-020 Scope of licensing, 388-150-040 Local ordinances and codes, 388-150-050 Waivers, 388-150-060 Dual licensing, 388-150-070 Application and reapplication for licensing—Investigation, 388-150-080 Licensed capacity, 388-150-085 Initial license, 388-150-090 When can my license application be denied and when can my license be suspended or revoked?, 388-150-092 Civil penalties, 388-150-093 Civil penalties—Amount of penalty, 388-150-094 Civil penalties—Posting of notice of penalty, 388-150-095 Civil penalties—Unlicensed programs, 388-150-096 Civil penalties—Separate violations, 388-150-097 Civil penalties—Penalty for nonpayment, 388-150-098 Probationary license, 388-150-100 Activity program, 388-150-110 Learning and play materials, 388-150-120 Staff-child interactions, 388-150-130 Behavior management and discipline, 388-150-140 Rest periods, 388-150-150 Evening and nighttime care, 388-150-160 Off-site trips, 388-150-165 Transportation, 388-150-170 Parent communication, 388-150-180 Staff pattern and qualifications, 388-150-190 Group size and staff-child ratios, 388-150-200 Staff development and training,

388-150-210 Health care plan, 388-150-220 Health supervision and infectious disease prevention, 388-150-230 Medication management, 388-150-240 Nutrition, 388-150-250 Kitchen and food service, 388-150-260 Drinking and eating equipment, 388-150-270 Care of young children, 388-150-280 General safety, maintenance and site, 388-150-290 Water safety, 388-150-295 Water supply, sewage and liquid wastes, 388-150-310 First aid supplies, 388-150-320 Outdoor play area, 388-150-330 Indoor play area, 388-150-340 Toilets, handwashing sinks, and bathing facilities, 388-150-350 Laundry, 388-150-360 Nap and sleep equipment, 388-150-370 Storage, 388-150-380 Program atmosphere, 388-150-390 Discrimination prohibited, 388-150-400 Religious activities, 388-150-410 Special requirements regarding Native American children, 388-150-420 Child abuse, neglect and exploitation, 388-150-430 Prohibited substances, 388-150-440 Limitations on person on premises, 388-150-450 Child records and information, 388-150-460 Program records, 388-150-470 Personnel policies and records, 388-150-480 Reporting of death, injury, illness, epidemic or child abuse, 388-150-490 Reporting of circumstantial changes, 388-150-500 Posting requirements, 388-150-990 Purpose and authority, 388-150-991 Waiver of fees, 388-150-992 Fee payment and refunds, and 388-150-993 Denial, revocation, suspension and reinstatement.

Statutory Authority for Adoption: Chapters 74.12 and 74.15 RCW.

Adopted under notice filed as WSR 03-09-005 on April 2, 2003.

Changes Other than Editing from Proposed to Adopted Version:

SUMMARY OF CHANGES MADE FROM PROPOSED TO ADOPTED VERSION (other than editing)	LANGUAGE CHANGED OR DELETED FROM THE PROPOSED OR ADOPTED VERSION
An addition to WAC 388-295-0001 What gives the authority to the department of social and health services (DSHS) to license child care and charge licensing fees?, was made to make "technical changes." Establishing licensing fees under authority of RCW 43.20.110 had been in the previous WAC but was inadvertently omitted during the revision process. The two changes were: (1) The subsection title question was changed to include "and charge licensing fees." (2) Additional language was added stating the authority to establish licensing fees are adopted under RCW 43.20B.110.	WAC 388-295-0001 title questions now reads as follows: What gives the authority to the department of social and health services (DSHS) to license child care <u>"and charge licensing fees."</u> The language in WAC 388-295-0001(2) has been changed to state: <u>"The rules establishing licensing fees are adopted under authority of RCW 43.20B.110."</u>
Two definitions were added to WAC 388-295-0010 What definitions under this chapter apply to licensed child care providers? Definitions were added for "Supervised Access" and	The following language has been added to WAC 388-295-0010: <u>"Supervised access" refers to those individuals at a child care center who have no responsibility for the operation of a center and do not have unsu-</u>

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<p>"Unsupervised Access" to provide more clarity in interpretation of the rules with regards to who must have a criminal history and background inquiry clearance.</p>	<p><u>pervised access to children. These individuals are not required to submit a criminal history form. This included those persons on the premises for "time limited" activities whose presence is supervised by a center employee and does not affect provider/child ratios or the normal activities or routine of the center. Examples include: (1) A person hired to present an activity to the children in care such as a puppet show, cooking activity, and story telling; (2) Parent participation as part of a special theme; or (3) A relative visiting a child on the premises. "Unsupervised access" refers to those individuals at a child care center who can be left alone with children in the child care center. These individuals must have received a full criminal history and background authorization clearance."</u></p>	<p>number (EIN) verification. WAC 388-296-0055(4) was deleted and added to WAC 388-295-0070 (2)(a), (b), (c), (d), for clarification purposes.</p>	<p>tions; (c) Psychiatric evaluations; and medical evaluations."</p>
<p>An addition was made to WAC 388-295-0050 Can I get a waiver (exception) to the minimum licensing requirements?, licensing fee information from the previous WAC was omitted during the revision process. Changes were made to correct the error providing additional information necessary to clarify what a provider must do to obtain a waiver for licensing fees. In addition, sentence rearrangement was made moving subsection (5) to subsection (7) You have no appeal rights to the denial of a waiver request under chapter 34.05 RCW."</p>	<p>The language in WAC 388-295-0050 now includes the following changes: (1) The title has been changed to state: "Can I get a waiver (exception) to the minimum licensing requirements <u>or to licensing fees?</u>" The additional information was also added "(5) <u>Any person or agency can submit a request for a waiver of licensing fees. We may waive fees when collection of the fee would (a) Not be in the best interest of public health and safety; (b) Be to the financial disadvantage of the state. (6) To request a waiver to the requirement to pay a licensing fee, you must: (a) Submit a sworn, notarized petition requesting a waiver of fees; (b) Mail or deliver the petition to your local child care licensing office; and (c) Submit any additional documentation that we may consider relevant to your request for a waiver.</u>" Subsection (5) was rearranged to subsection (7) for clarity purposes.</p>	<p>Changes were made to WAC 388-295-0070 deleting and then rewriting wording as a result of a comment made with regard to submission of additional reports submitted to licensing. Additional background information may be requested when the licensor has substantial information indicating the applicant or provider may have a behavioral or personality problem that could constitute a risk to the health, safety and well-being of children in care. This investigation could include, but is not limited to, accessing criminal histories and law enforcement files and records. Additional background information may be requested when the licensor has substantial information indicating the applicant or provider may have a behavioral or personality problem that could constitute a risk to the health, safety and well-being of children. The licensor must thoroughly discuss with the applicant/licensee the need to obtain additional background information such as a psychiatric, psychological, chemical dependency or other evaluations. Due process dictates that the request for additional information must be logically related to the assumption there is a potential problem constituting a risk to children. Such required information or evaluation must be directly related to the applicant's ability to care for children and a problem that could constitute a risk to children in care.</p>	<p>The language has been reworded and rewritten in WAC 388-295-0070 (1)(b), (2)(a) through (d), what personal characteristics do my volunteers, all staff and I need to provide care to children? and reads as follows: (1) You must have the following personable characteristics in order to operate or work in a child care facility: (b) Be qualified by our background inquiry check (chapter 388-06 WAC) prior to having unsupervised access to children; <u>"This includes your not having committed or been convicted of child abuse or any crime involving harm to another person;"</u> The language has been reworded and rewritten in WAC 388-295-0070 (2)(a) through (d), what personal characteristics do my volunteers, all staff and I need to provide care to children? <u>"If we decide it is necessary, you must provide to us any additional reports or information regarding you, any assistants, volunteers, members of your household or any other person having access to the child in care if any of those individuals may be unable to meet the requirements in Chapter 388-295 WAC. This could include: (a) Sexual deviancy evaluations; (b) Substance abuse evaluations; (c) Psychiatric evaluations; and (d) Medical evaluations."</u></p>
<p>Changes were made to WAC 388-295-0055 Can I get a dual license?, as a result of comments made about requesting social security cards for persons other than employees, changes were made to this subsection. The purpose of the Social Security card or verification of employer identification number is to allow us to file correctly with the Internal Revenue Services (IRS). IRS requires us to report monies paid to providers accurately. We can only do so if we have the Social Security card or the employer identification</p>	<p>WAC 388-295-0055 has been changed to read: <u>"(2) The application packet must include the following attachments: (ii) "Social security card that is valid for employment or verification of your employer identification number."</u> The following language was deleted from WAC 388-295-0055 "(4) You must provide us any additional reports or information regarding you, any assistant, volunteers, or any other person having access to the child in care. This includes but is not limited to: (a) Sexual deviancy evaluations; (b) Substance abuse evalua-</p>	<p>An addition to WAC 388-295-0090 When will the department issue me an initial license?, was made to make "technical changes" to include information on when licensing fees are due. This information was in the previous WAC but was inadvertently omitted during the revision process. These changes were necessary to inform licensees when and how to pay their licensing fees.</p>	<p>The following language was added to WAC 388-296-0090: <u>"(8) You must pay licensing fees at the time you apply for an initial license and when your license is being renewed. (9) We do not process your application until you have paid the required fee. (10) You can pay licensing fees for: (a) A minimum one year; or (b) The entire length of your license. (11) You pay your fee by mailing a check or money order for the required amount to the department of social and health services according to instructions on the licensing appli-</u></p>

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	<p><u>ation. (12) If you pay your fee one time per year, you pay the annual rate each time. The annual fee is due thirty days before each anniversary date of the license. (13) If you pay for more than one year, the total fee you pay is based on the annual fee rate. For example, if you are licensed for three years and want to pay the licensing fee for the entire period at once, you multiply the annual fee by three years, and pay that amount at the time of your license application or renewal. (14) If there is a change in your facility that places your facility in a higher fee category, we prorate the additional fee amount over the remainder of the license period. (15) If you withdraw your application before we deny or issue a license, we refund one-half of the fee. (16) If there is a change that requires a new license, we refund any fee that remains after the next licensing date. A new license requires a new application and date. (17) If we deny, revoke, or suspend your license, we do not refund your licensing fee. (18) If you reapply for a license after we revoke or suspend your license, you must pay a new license fee. (19) If you do not pay licensing fees when they are due, we suspend or deny your license."</u></p>	<p>ment was inadvertently omitted during the revision process. This change was as the result of a response to comments made about the WAC revision. (2) Language was also added clarifying how many clock hours of training must be obtained from training offered in the community and how many clock hours approved agencies or organizations can offer their staff.</p>	<p><u>"(3) Agencies or organizations that have been approved by the Washington State Training And Registry System (STARS) may offer up to six clock hours of continuing education each year to their employees. The remaining four hours must be obtained from other training offered in the community."</u></p>
<p>A subsection was deleted from WAC 388-295-0110 When can I be fined for not following the minimum licensing requirements?, because the information was duplicated in WAC 388-295-0120.</p>	<p>The following language was deleted in WAC 388-295-0110: "(8) Civil fines are set at two hundred fifty dollars per violation per day. We can assess and collect the fine with interest for each day that you fail to come into compliance."</p>	<p>As a result of a response to a comment language limiting time in swings, exercisers, and other confining equipment was deleted from WAC 388-295-2120 Are there special program requirements for infants and toddlers?</p>	<p>The following language was deleted from WAC 388-295-2120: <u>"You must not place them in swings, exercisers and other confining equipment for more than fifteen minutes every four hours; and"</u></p>
<p>A change was made to WAC 388-295-1020 What if the director does not meet the minimum qualifications?, was made as a result of a response to a comment. The change was necessary to provide documentation of the program supervisor twenty hour on-site requirement if the director does not meet the minimum qualifications.</p>	<p>The following language was added to WAC 388-295-1020 (1)(c) <u>"If we request it, you must provide documentation of the twenty hours or more a week on site supervisory duties for the program supervisor."</u></p>	<p>A change was made in WAC 388-295-4020 (2)(a)-(d) How do we meet the nutritional needs of infants in our care?, to further clarify nutritional requirements around infant feeding.</p>	<p>The following language was added to the chart in WAC 388-295-4020 (2)(a) through (d) under type of feeding: <u>"Serve only formula or breast milk unless you have a written order from the child's health care provider."</u></p>
<p>Changes were made to WAC 388-295-1070 What continuing state training and registry system (STARS) training is required for child care center staff?, the two changes were as follows: (1) The previous WAC require the director and the program supervisor to have required STARS training and the program supervisor require-</p>	<p>The following language was added to WAC 388-295-1070: (2) The director and <u>"program supervisor"</u> must have five of the ten hours in program management and administration for the first two years in the director position. Each additional year, three of the ten hours required must be in program management and administration.</p>	<p>As a result of a response to a comment a deletion was made to WAC 388-295-4120 What must I do to be sure that diaper changing is safe and does not spread infection?, and language was added to ensure that diaper changing does not spread infection.</p>	<p>The following language was deleted from WAC 388-295-4120 (6)(a) <u>"Individually bagged and placed into a cleanable, covered container equipped with a water proof liner;"</u> and the following language was added: <u>"Placed into a covered, plastic-lined, hands free covered container."</u></p>
		<p>As a result of a response to a comment language was added to WAC 388-295-5170 Can we have animals at the center?, limiting the age children are able to handle reptiles. Amphibians were also added to this category for additional clarity to ensure health and safety of children and disease control.</p>	<p>The following language was added to WAC 388-295-5170(3): Reptiles <u>"and amphibians"</u> must be in an aquarium and other totally self-contained area except during educational activities involving the reptile <u>"and amphibian. Children five years of age or less must not physically handle reptiles and amphibians."</u></p>
		<p>A change was made to WAC 388-295-7030 What type of attendance records do I have to keep?, to further explain daily attendance records and expectations around signing-in upon arrival and out upon departure from the center. This change was necessary to ensure accuracy in attendance record keeping.</p>	<p>The following language change was made to WAC 388-295-7030(1) The parent or other person authorized by the parent to take the child to and from the center must sign in the child on arrival and sign out the child at departure, using <u>"their"</u> full legal signature <u>"and writing the time of arrival and departure."</u></p>

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 109, Amended 0, Repealed 63.

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 109, Amended 0, Repealed 63.

Effective Date of Rule: August 1, 2003.

June 27, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-295 WAC

MINIMUM LICENSING REQUIREMENTS FOR CHILD CARE CENTERS

LICENSING

NEW SECTION

WAC 388-295-0001 What gives the authority to the department of social and health services (DSHS) to license child care and charge licensing fees? (1) The rules for child care centers are governed under chapters 74.12 and 74.15 RCW.

(2) The rules establishing licensing fees are adopted under authority of RCW 43.20B.110.

NEW SECTION

WAC 388-295-0010 What definitions under this chapter apply to licensed child care providers? "**American Indian child**" means any unmarried person under the age of eighteen who is:

(1) A member or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut, or other Alaska Native and a member of an Alaskan native regional corporation or Alaska Native Village;

(2) Determined or eligible to be found Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian Tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"**Anti-bias**" is an approach that works against biases and recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, gender, sexual orientation, class, religion, creed, disability, or age.

"**Capacity that you are licensed for**" means the maximum number of children that you are authorized to have on the premises of the child care at any one time.

"**Center**" means the same as "**child care center**."

"**Certification**" means department approval of a person, home, or facility that does not legally need to be licensed, but

wants evidence that they meet the minimum licensing requirements (also see "**Tribal certification**").

"**Child abuse or neglect**" means the physical abuse, sexual abuse, sexual exploitation, abandonment or negligent treatment or maltreatment of a child by any person indicating the child's health, welfare, and safety is harmed.

"**Child-accessible**" means areas where children regularly have access such as: entrances and exits to and from the center, classrooms or child care areas, playground area including equipment and fencing, parking areas, walkways, decks, platforms, stairs and any items available for children to use in these areas.

"**Child care center**" means the same as a "**child day care center**" or 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.

"**Clean**" means to remove dirt and debris from a surface by scrubbing and washing with a detergent solution and rinsing with water. This process must be accomplished before sanitizing a surface.

"**CACFP**" means child and adult care food program established by congress and funded by the United States Department of Agriculture (USDA).

"**Commercial kitchen equipment**" means equipment designed for business purposes such as restaurants.

"**Communicable disease**" means a disease caused by a microorganism (bacterium, virus, fungus, or parasite) that can be transmitted from person to person via an infected body fluid or respiratory spray, with or without an intermediary agent (such as a louse, or mosquito) or environmental object (such as a table surface).

"**Cultural relevancy**" creates an environment that reflects home cultures, communities and lives of children enrolled in the program.

"**Department**," "**we**," "**us**," or "**our**" refers to and means the state department of social and health services (DSHS), including but not limited to the division of child care and early learning (DCCEL) licensors and health specialists.

"**Developmentally appropriate practice**":

(1) Means that the provider should interact with each child in a way that recognizes and respects the child's chronological and developmental age;

(2) Is based on knowledge about how children grow and learn; and

(3) Reflects the developmental level of the individual child, and interactions and activities must be planned with the needs of the individual child in mind.

"**Director**" means the person responsible for the overall management of the center's facility and operation.

"**Disinfect**" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents.

"**Domestic kitchen**" means a kitchen equipped with residential appliances.

"**External medication**" means a medication that is not intended to be swallowed or injected but is to be applied to the external parts of the body, such as medicated ointments, lotions, or liquids applied to the skin or hair.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"**Inaccessible to children**" means stored or maintained in a manner preventing children from reaching, entering, or using potentially hazardous items or areas. Examples include but are not limited to: quantities of water, sharp objects, medications, chemicals, electricity, fire, mechanical equipment, entrapment or fall areas.

"**Individual plan of care**" means that the center's health policies and procedures do not cover the needs of the individual child so an individual plan is needed. Examples may include children with allergies, asthma, Down syndrome, tube feeding, diabetes care such as blood glucose monitoring, or nebulizer treatments.

"**Infant**" means a child one-month through eleven months of age.

"**Lead teacher**" means the person who is the lead child care staff person in charge of a child or group of children and implementing the activity program.

"**License**" means a permit issued by the department authorizing you by law to operate a child care center and certifying that you meet the minimum requirements under licensure.

"**Licensee**" or "**you**" means the person, organization, or legal entity responsible for operating the center.

"**Maximum potential capacity based on square footage**" is the maximum number of children you can be licensed for based on the amount of useable space (square footage) in your center. You may be licensed for less than the maximum potential capacity. You may not be licensed for more than the maximum potential capacity.

"**Moisture impervious**" or "**moisture resistant**" means a surface incapable of being penetrated by water or liquids.

"**Parent**" means birth parent, custodial parent, foster parent, legal guardian, those authorized by the parent or other entity legally responsible for the welfare of the child.

"**Pesticides**" means chemicals that are used to kill weeds, pests, particularly insects.

"**Potentially hazardous food**" means any food or ingredient that requires temperature control because it supports rapid growth of infectious or toxin forming microorganisms.

"**Potable water**" means water suitable for drinking by the public as determined by the state department of health or local health jurisdiction.

"**Premises**" means the building where the center is located and the adjoining grounds over which you have control.

"**Preschool age child**" means a child thirty months through five years of age not attending kindergarten or elementary school.

"**Program supervisor**" means the person responsible for planning and supervising the center's learning and activity program.

"**Sanitize**" means a surface must be clean and the number of germs reduced to a level that disease transmissions by that surface are unlikely. This procedure is less vigorous than disinfection.

"**Satellite kitchen**" means a food service establishment approved by a local health jurisdiction where food is stored, prepared, portioned or packaged for service elsewhere.

"**School-age child**" means a child not less than five years through twelve years of age who has begun attending kindergarten or elementary school.

"**Supervised access**" refers to those individuals at a child care center who have no responsibility for the operation of the center and do not have unsupervised access to children. These individuals are not required to submit a criminal history authorization form. This includes those persons on the premises for "time limited" activities whose presence is supervised by a center employee and does not affect provider/child ratios or the normal activities or routine of the center. Examples include:

(1) A person hired to present an activity to the children in care such as a puppet show, cooking activity, and story telling;

(2) Parent participation as part of a special theme; or

(3) A relative visiting a child on the premises.

"**Staff**" means a child care giver or group of child care givers employed by the licensee to supervise children served at the center.

"**The Washington state training and registry system (STARS)**" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirement.

"**Toddler**" means a child twelve months through twenty-nine months of age.

"**Terminal room cleaning**" means thorough cleaning of walls, ceiling, floor and all equipment, and disinfecting as necessary, in a room which has been used by a person having a communicable disease before it is occupied by another person.

"**Tribal certification**" means that the department has certified the tribe to receive state payment for children eligible to receive child care subsidies.

"**Unsupervised access**" refers to those individuals at a child care center who can be left alone with children in the child care center. These individuals must have received a full criminal history and background authorization clearance.

"**Useable space**" means the areas that are available at all times for use by the children that do not cause a health or safety hazard.

NEW SECTION

WAC 388-295-0020 Who needs to become licensed?

(1) The person or organization operating a child care center is subject to licensing by authority under chapter 74.15 RCW, unless specifically exempted by RCW 74.15.020(2). Exemptions include:

(a) Blood relatives;

(b) Adoptive parents;

(c) Stepparents or stepsiblings;

(d) "Extended family members" as defined by law or custom of the Indian child's tribe;

(e) Legal guardians;

(f) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in

which no child is enrolled on a regular basis for more than four hours a day;

(g) Seasonal day camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Private schools or kindergartens;

(i) An agency located on a military reservation;

(j) An agency operated by a unit of local, state, or federal government;

(k) An agency licensed by an Indian tribe, located within the boundaries of a federally recognized Indian reservation; and

(1) A facility where the parent remains on the premises for reasons other than employment.

(2) The person or organization operating a child care center and qualifying for an exemption to licensing under RCW 74.15.020(2) is not subject to licensure. The person or organization claiming an exemption must provide us with proof of right to the exemption if we request it.

(3) RCW 74.15.020 (2)(d) exempts facilities from licensing where parents on a mutually cooperative basis exchange care of one another's children. To qualify for this cooperative exemption:

(a) At least one parent or guardian of each child attending the facility regularly must be involved in the direct care of children at the facility;

(b) Parents or guardians must be involved in the direct care of children on a relatively equal basis; and

(c) A person other than a parent or guardian of a child at the facility must not be involved in the care of children or the operation of the facility.

(4) We do not license a center that is legally exempt from licensing per RCW 74.15.020(2). However, if the applicant requests it, we follow all licensing regulations to investigate and may certify the center as meeting licensing and other pertinent requirements. In such a case, all our licensing requirements and procedures apply equally to certification.

(5) We may certify a child care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office.

(6) The center listed in subsection (5)(a), (b), or (c) of this section must be licensed, certified, or approved in accordance with national or state standards, or standards approved by us. It must be operated on the premises where the entity operating the center has jurisdiction.

(7) We must not license a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center;

or

(c) Authorization of payment for the child in care.

(8) We may license a center located in a private family residence when the portion of the residence accessible to the child is:

(a) Used exclusively for the child during the center's operating hours or while the child is in care; or

(b) Separate from the family living quarters.

NEW SECTION

WAC 388-295-0030 What must I do to be eligible to receive state child care subsidies? To be eligible to receive state child care subsidies for children in your care you must:

(1) Be licensed or certified;

(2) Be a seasonal camp that has a contract with us and is certified by the American Camping Association;

(3) Follow billing policies and procedure in *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers, DSHS 22-877(X)*;

(4) Bill us at your customary rate or the DSHS rate, whichever is less; and

(5) Keep the attendance records as described in WAC 388-295-7030 and the invoices for state-paid children on-site for at least five years.

NEW SECTION

WAC 388-295-0040 Do I have to follow any other regulations or have any other inspections? (1) Prior to becoming licensed by us to operate a child care center, you must:

(a) Have a certificate of occupancy issued by your local building department; and

(b) Be inspected by the state fire marshal.

(2) In addition to the requirements of this chapter, you are also responsible for complying with any local building ordinances. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations. You must contact your local building jurisdiction to determine if local ordinances are different than our standards. If you encounter conflicts or differing interpretations, contact us immediately.

(3) We must notify the local planning office of your intention to operate a child care center within the local jurisdiction.

(4) Other state agencies such as labor and industries, the Fire Marshal and the department of health have regulations that apply to child care centers. You are responsible to contact those agencies to obtain their regulations. The other agencies are responsible to monitor and enforce their regulations.

NEW SECTION

WAC 388-295-0050 Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees?

(1) In an individual case we can, if we decide you have a good reason, waive a specific requirement and can approve an alternate method for you to achieve the specific requirement if you:

(a) Submit the request in writing to us;

(b) Explain in detail the reason you need the waiver; and

(c) Can demonstrate that you have an alternative method of meeting the intent of the requirement.

(2) If the waiver is approved, you must retain a copy of the written waiver approval on the child care premises.

(3) We approve a waiver request if:

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- (a) You have a good reason;
 - (b) We determine that approval of the waiver request will not endanger the safety or welfare of the child or take away from the quality of your service;
 - (c) The request and approval is for a specific purpose or child; and
 - (d) The waiver request is for a specific period of time, which must not go beyond the date the license expires.
- (4) We can limit or restrict a license issued to you in combination with a waiver.
- (5) Any person or agency can submit a request for a waiver of licensing fees. We may waive fees when collection of the fee would:
- (a) Not be in the best interest of public health and safety;
 - (b) Be to the financial disadvantage of the state.
- (6) To request a waiver to the requirements to pay a licensing fees, you must:
- (a) Submit a sworn, notarized petition requesting a waiver of fees;
 - (b) Mail or deliver the petition to your local child care licensing office; and
 - (c) Submit any additional documentation that we may consider relevant to your request for a waiver.
- (7) You have no appeal rights to the denial of a waiver request under chapter 34.05 RCW.

NEW SECTION

WAC 388-295-0055 Can I get a dual license? We may either:

- (1) Issue a child care center license to you having a license involving full-time care; or
- (2) Permit simultaneous care for the child and adolescent or adult on the same premises if you:
 - (a) Demonstrate evidence that care of one client category will not interfere with the quality of services provided to another category of clients;
 - (b) Maintain the most stringent maximum capacity limitation for the clients categories concerned;
 - (c) Request and obtain a waiver permitting dual licensure; and
 - (d) Request and obtain a waiver to subsection (2)(b) of this section, if applicable.

NEW SECTION

WAC 388-295-0060 What are the requirements for applying for a license to operate a child care center? (1) To apply or re-apply for a license to operate a child care center you must:

- (a) Be twenty-one years of age or older;
 - (b) The applicant and director must attend the orientation programs the we provide, arrange or approve;
 - (c) Submit to us a completed and signed application for a child care center license or certification using our forms (with required attachments).
- (2) The application package must include the following attachments:
- (a) The annual licensing fee. The fee is based on your licensed capacity, and is forty-eight dollars for the first twelve children plus four dollars for each additional child;

(b) A completed criminal history and background inquiry form for yourself and for each staff person or volunteer who has regular or unsupervised access to the children in care; and

- (c) A copy of your:
 - (i) Photo identification issued by a government entity; and
 - (ii) Social Security card that is valid for employment or verification of your employer identification number.
 - (d) An employment and education resume for:
 - (i) The person responsible for the active management of the center; and
 - (ii) The program supervisor.
 - (e) Diploma or education transcript copies of the program supervisor;
 - (f) Three professional references each, for yourself, the director, and the program supervisor;
 - (g) Articles of incorporation if you choose to be incorporated;
 - (h) List of staff (form is provided in the application);
 - (i) Written parent communication (child care handbook);
 - (j) Copy of transportation insurance policy (liability and medical);
 - (k) In-service training program (for agencies employing more than five persons);
 - (l) A floor plan of the facility drawn to scale;
 - (m) A copy of your health care plan reviewed and signed by an advisory physician, physician's assistant, or registered nurse;
 - (n) A copy of your policies and procedures that you give to parents; and
 - (o) A copy of your occupancy permit.
- (3) You must submit your application and reapplication ninety or more calendar days before:
- (a) The date you expect to open your new center;
 - (b) The expiration date of your current license;
 - (c) The date you expect to relocate your center;
 - (d) The date you expect to change licensee; or
 - (e) The date you expect a change in your license category.

NEW SECTION

WAC 388-295-0070 What personal characteristics do my volunteers, all staff and I need to provide care to children? (1) You must have the following personal characteristics in order to operate or work in a child care facility:

- (a) The understanding, ability, physical health, emotional stability, good judgment and personality suited to meet the physical, intellectual, mental, emotional, and social needs of the children under your care;
- (b) Be qualified by our background inquiry check (chapter 388-06 WAC) prior to having unsupervised access to children. This includes your not having committed or been convicted of child abuse or any crime involving harm to another person; and
- (c) Be able to furnish the child in your care with a healthy, safe, nurturing, respectful, supportive, and responsive environment.

(2) If we decide it is necessary, you must provide to us any additional reports or information regarding you, any assistants, volunteers, members of your household or any other person having access to the child in care if any of those individuals may be unable to meet the requirements in chapter 388-295 WAC. This could include:

- (a) Sexual deviancy evaluations;
- (b) Substance abuse evaluations;
- (c) Psychiatric evaluations; and
- (d) Medical evaluations.

(3) Any evaluation requested under WAC 388-295-0070 (2)(a) through (d) will be at the expense of the person being evaluated.

(4) You must give us permission to speak with the evaluator in WAC 388-295-0070 (2)(a) through (d) prior to and after the evaluation.

(5) We investigate staff and volunteers, including accessing criminal histories and law enforcement files.

(6) We can also investigate members of your household and members of your staffs and volunteers households. This includes accessing criminal histories and law enforcement files.

(7) We can investigate any other person who has access to a child in care, including accessing criminal history and law enforcement files.

NEW SECTION

WAC 388-295-0080 How is my licensed capacity determined? (1) Maximum allowable capacity of your center is determined based on useable square footage and available toilets and sinks. The licensed capacity (the number of children you are allowed to have in your center at any one time) may be less than the maximum capacity, but not exceed it. The licensed capacity is based on our evaluation of the program, the ages and characteristics of the children, the experience of the staff, and usable floor space. You must have:

(a) Fifty square feet of useable floor space per infant (includes crib, playpen, infant bed and bassinets);

(b) Thirty-five square feet of useable floor space for each toddler or older child that is dedicated to the children during child care hours; and

(c) Fifteen additional square feet must be provided for each toddler using a crib or playpen when cribs are located in the sleeping and play area.

(2) The areas included in your square footage must be available at all times for the children. The following areas will not be included in determining the useable square footage for each child:

- (a) Food preparation areas of the kitchen;
- (b) Laundry areas;
- (c) All bath, toilet rooms and hand washing areas;

(d) Hallways, diaper changing areas (includes the changing table, sink and twenty-four inches of floor space around the changing table and sink), stairways, closets, offices, staff rooms, lockers and custodial areas;

(e) Furnace rooms, hot water heater rooms, storage rooms, or mop sink rooms; and

(f) Cabinets, storage, and fixed shelving spaces unless accessible to and used by children (for example, cubbies, shelves for storing toys and puzzles, bookshelves, etc.). If the children do not have access to their cubbies or toy storage areas, it is not included in the square footage.

(3) You can use a multipurpose room and gymnasium for multiple purposes such as playing, dining, napping, and learning activities, and before and after school programs when the room:

(a) Meets the square footage requirements for the purpose and number of children to be served; and

(b) Is being used for one purpose and does not interfere with usage of the room for another purpose.

(4) You may use and consider the napping area as child care space if staff remove mats and cots when they are not in use and the children then have free access to the area.

(5) We will not issue you a license to care for more children than the rules in this chapter permit.

(6) We may issue you a license to care for fewer children than the center's maximum capacity.

NEW SECTION

WAC 388-295-0090 When will the department issue me an initial license and when are licensing fees due? We may issue an initial license to centers that have not yet begun providing care, but are accepting application for potential clients.

(1) We may issue an initial license when you can show that you are following the rules regarding the child's health and safety.

(2) We may issue an initial license if you have not yet opened for business, and so are not yet able to show that you are complying with the rules pertaining to:

- (a) Staff to child interactions;
- (b) Group size and staff to child ratios;
- (c) Behavior management and discipline;
- (d) Activity programs;
- (e) Child records and information; and

(f) Other rules that require us to observe your facility's ability to comply with rules.

(3) You must provide us with a plan to comply with the rules listed in subsection (2)(a) through (f) of this section. We must approve of that plan.

(4) We may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(5) We evaluate your ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(6) We may issue a full license to you when you have demonstrated compliance with chapter 388-295 WAC at any time during the period of initial licensure.

(7) We do not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in chapter 388-295 WAC during the initial licensure.

(8) You must pay licensing fees at the time you apply for an initial license and when your license is being renewed.

(9) We do not process your application until you have paid the required fee.

(10) You can pay licensing fees for:

- (a) A minimum of one year; or
- (b) The entire length of your license.

(11) You pay your fee by mailing a check or money order for the required amount to the department of social and health services, according to instructions on the licensing application.

(12) If you pay your fee one time per year, you pay the annual rate each time. The annual fee is due thirty days before each annual anniversary date of the license.

(13) If you pay for more than one year, the total fee you pay is based on the annual fee rate. For example, if you are licensed for three years and want to pay the licensing fee for the entire period at once, you multiply the annual fee by three years, and pay that amount at the time of your license application or renewal.

(14) If there is a change in your facility that places your facility in a higher fee category, we prorate the additional fee amount over the remainder of the license period.

(15) If you withdraw your application before we deny or issue a license, we refund one-half of the fee.

(16) If there is a change that requires a new license, we refund any fee that remains after your next licensing date. A new license requires a new application and fee.

(17) If we deny, revoke, or suspend your license, we do not refund your licensing fee.

(18) If you reapply for a license after we revoke or suspend your license, you must pay a new license fee.

(19) If you do not pay licensing fees when they are due, we suspend or deny your license.

NEW SECTION

WAC 388-295-0100 When can my license application be denied and when can my license be suspended or revoked? (1) If you do not meet the requirements in chapter 388-295 WAC we will deny your license application or suspend or revoke your license.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility:

(a) We consider qualifications separately and together.

(b) We deny the license application, or suspend or revoke the license if one person fails to meet the minimum licensing requirements.

(3) We deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, sexually exploited, abandoned a child or allowed such persons on the premises as defined in chapter 26.44 RCW;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. However, if you demonstrate by clear and convincing evidence that you have taken enough corrective action and rehabilitation to justify the public trust to operate the center according to the rules of this chapter, we will consider issuing you a license;

(d) Commit or allow an illegal act to be committed on the licensed premises;

(e) Allow children in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs;

(g) Use alcohol to the extent that it interferes with your ability to provide care for the children as required by this chapter;

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office with official identification to:

(i) Inspect the premises;

(ii) Access your records related to the centers operation;

or

(iii) Interview staff or children in care.

(i) Refuse to provide us a copy of your:

(i) Photo identification issued by a government entity; and

(ii) Social Security card that is valid for employment or verification of your employer identification number.

(4) We deny, suspend, or revoke your license if you:

(a) Try to get or keep a license by making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with children in care;

(d) Fail to provide adequate supervision to children in care;

(e) Do not exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises that has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information requested by us;

(h) Fail to pay fees when due;

(i) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW; or

(j) Provide care on the premises for children of an age different from the ages for which the center is licensed.

NEW SECTION

WAC 388-295-0110 When can I be fined for not following the minimum licensing requirements? (1) We notify you in writing of our intention to impose a civil fine. We may use personal service, including by our licensor, or certified mail. The letter will include:

(a) A description of the violation and a quote of the law or rule that you have failed to meet;

(b) A statement of what you must do to come into compliance;

(c) The date by which we require compliance;

(d) Information about the maximum allowable penalty we can impose if you do not come into compliance by the given date;

(e) How you can get technical assistance services provided by us or by others; and

(f) Information about how you can request an extension to the date you must be in compliance, if we decide you have a good reason.

(2) The length of time we establish for you to come into compliance depends on:

(a) The seriousness of the violation;

(b) The potential threat to the health, safety and welfare of children in your care; or

(c) If you have had previous opportunities to correct the deficiency and have not done so.

(3) We use the following criteria to determine if we impose a civil fine based on, but not limited to, these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation for the same statute or rule; or

(b) The child care center has previously been given notice of the same or similar type of violation of the same law or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) We can impose a civil fine in addition to or at the same time as other disciplinary actions against a child care center. These include probation, suspension, or other action.

(5) You must pay any civil fines no more than twenty-eight days after you receive the notice that you have a fine. We may specify a later date.

(6) We can waive the fine if your center comes into compliance during the notification period.

(7) You must post the final notice of a civil fine in a noticeable place in your center. The notice must remain posted until we notify you that we have received your payment.

(8) Each violation of a law or rule is a separate violation. We can penalize each violation. We can impose a penalty for each day the violation continues or as a flat amount of the maximum allowable penalty.

(9) If you fail to pay your fine within ten days after the assessment becomes final, we can suspend, revoke, or not renew your license.

(10) You have the right to a hearing when we assess a civil fine under RCW 43.20A.215.

NEW SECTION

WAC 388-295-0120 How much can I be fined? We can impose a civil fine for the following:

(1) If we determine that an agency or child care center is operating without a license we may assess a fine of two hundred fifty dollars per day for each day you provide unlicensed child care. A fine is effective and payable within thirty days of receipt of the notification.

(2) We may impose a civil monetary fine of two hundred fifty dollars per violation per day for violation of any rules in chapter 388-295 WAC. We can assess and collect the fine with interest for each day that you fail to come into compliance.

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.

NEW SECTION

WAC 388-295-0130 When can I be fined for operating an unlicensed program? (1) If we receive information that you are operating a child care center without a license, we investigate the allegation.

(2) We contact you, send you a letter, or make an on-site visit to your center to determine whether you are operating without a license.

(3) If we determine that you personally or on behalf of another person are operating a child care center without a license, we send written notification by certified mail or other method showing proof of service to the owner of the unlicensed center. This notification must contain the following:

(a) Notice to the center owner of our basis for determination that the owner is providing child care without a license and the need for us to license the center;

(b) Citation of the applicable law;

(c) The fine is effective and payable within thirty days of the agency's receipt of the notification;

(d) Information about how to contact the division of child care and early learning;

(e) The requirement that the unlicensed center owner submit an application for a license to the division of child care and early learning within thirty days of receipt of our notification;

(f) That we can forgive the fine if the center submits an application within thirty days of the notification; and

(g) The unlicensed center owner's right to an adjudicative proceeding (fair hearing) as a result of the assessment of a monetary fine and how to request an adjudicative proceeding.

NEW SECTION

WAC 388-295-0140 When can the department issue a probationary license to a child care center operator? (1) We can issue a probationary license to you based on the following factors:

(a) Your willful or negligent failure to comply with the regulations;

(b) Your history of noncompliance with the regulations;

(c) How far you deviate from the regulations;

(d) Evidence of your good faith effort to comply with the regulations; and

(e) Any other factors relevant to your unique situation.

(2) We can issue a probationary license to you when the willful or negligent violation of the licensing requirements does not present an immediate threat to the health and well being of the children, but would be likely to do so if allowed to continue. We can also issue civil fines or other sanctions in this case. Such situations can include:

(a) Substantiation that a child was abused or neglected while in the care of the center;

(b) A fire safety inspection or health/sanitation inspection report that has been disapproved;

(c) Use of unauthorized space for child care;

(d) Inadequate supervision of children;

(e) Under staffing for the number of children in care; and

(f) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation and personal hygiene practices.

(3) You are required to notify parents when a probationary license is issued. You must:

(a) Notify in writing the parents or guardians of all children in care that the center is in probationary status. This notification must be within five working days of your receiving notification of being placed on probationary status or being issued a probationary license. We must approve the notification before you send it; and

(b) Provide documentation to us that parents or guardians of all children in care have been notified. You must provide this documentation within ten working days of being notified that you have been issued a probationary license.

(4) A probationary license can be issued for up to six months and can be extended at our discretion for an additional six months.

NEW SECTION

WAC 388-295-0150 Where can I locate my child care center or facility? (1) You must locate your child care center:

- (a) On an environmentally safe site;
 - (b) In a neighborhood free of a condition detrimental to the child's welfare; and
 - (c) In a location accessible to other services to carry out the program.
- (2) Your child care must be located in an area that is served by emergency fire, medical and police during the hours the children are in care.
- (3) The location of your site must be approved by the local planning department, your state fire marshal, and us.

STAFFING

NEW SECTION

WAC 388-295-1010 Who can be the director of a child care center? If you apply for a license to operate a child care center, you may be the director yourself, or you can hire a director. The director is responsible for the overall management of the center's facility and operation and ensures that the center follows the minimum licensing requirements. The director must:

- (1) Be at least twenty-one years of age or older;
- (2) Have knowledge of child development as evidenced by professional reference, education, experience, and on-the-job performance;
- (3) Have written proof of education including:
 - (a) A current child development associate certificate (CDA); or
 - (b) The following minimum number of college quarter*credits or combination of college quarter credits and department-approved clock hours (ten clock hours equals one college credit) in early childhood education or child development:

If your center is licensed for this number of children:	Then the director must have completed at least this number of college quarter credits in early childhood education:	Of the total credits required, the minimum number that must be college quarter credits is:	And of the total credits required, the maximum number that can be department-approved clock hours is:
(i) Twelve or less	10	7	30 (replacing 3 college quarter hours)
(ii) Thirteen through 24	25	17	80 (replacing 8 college quarter hours)
(iii) Twenty-five or more	45	30	150 (replacing 15 college quarter hours)

*Note: One college semester credit equals one and one half (1.5) college quarter hours

- (4) Have at least two years experience working with children the same age level as the center serves;
- (5) Not let the provision of child care interfere with management or supervisory responsibilities;
- (6) Be on the premises for the majority of the hours that care is provided and designate a person to be in charge that meets the qualifications of a lead teacher when not present; and
- (7) Meet the STARS requirement and be listed in the state training and registry system (STARS).

NEW SECTION

WAC 388-295-1020 What if the director does not meet the minimum qualifications? (1) If the director does not meet the requirements in WAC 388-295-1010, you must have a program supervisor who:

- (a) Meets all the qualifications of WAC 388-295-1010;
 - (b) Oversees the planning and supervising of the center's learning and activity program to ensure that practices meet the WAC, are varied and developmentally appropriate; and
 - (c) Performs on-site program supervisory duties twenty hours or more a week and is not included in the staff to child ratio. If we request it, you must provide documentation of the twenty hours or more a week on site supervisory duties for the program supervisor.
- (2) If the director does not meet the minimum requirements in WAC 388-295-1010 the director must have had at least one three credit college class in early childhood education or development.
- (3) One person may be both the director and the program supervisor when qualified for both positions. The director or program supervisor must be on the premises for the majority of the hours that care is provided. If temporarily absent from the center, the director or program supervisor must leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.
- (4) The director or program supervisor may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.

PERMANENT

NEW SECTION

WAC 388-295-1030 Who can be a lead teacher in a child care center? The lead teacher is a child care staff person who is in charge of a child or group of children and implements the activity program. The lead teacher must:

- (1) Be at least eighteen years of age or older;
- (2) Have completed a high school education or the equivalent; and
- (3) Have documented child development education or work experience; or
- (4) Complete STARS training within six months of becoming a lead teacher.

NEW SECTION

WAC 388-295-1040 Who can be an assistant or aide in a child care center? You may assign a child care assistant or aide to support the lead child care staff.

- (1) The assistant or aide must be:
 - (a) At least sixteen years of age; and
 - (b) Under the direct supervision of a lead child care staff person.
- (2) You may assign an assistant who is age eighteen or older to care for a child or a group of children under direct supervision of a lead staff person. This person may have sole responsibility for a group of children without direct supervision by a superior for a brief period of time.
- (3) You must not assign a person under the age of eighteen years sole responsibility for a group of children.

NEW SECTION

WAC 388-295-1050 Who can be a volunteer in a child care center? (1) You may arrange for a volunteer to support lead child care staff. The volunteer must:

- (a) Be at least sixteen years of age or older; and
 - (b) Care for children under the direct supervision of a lead child care staff person at all times.
- (2) You may count the volunteer in the staff-child ratio when the volunteer meets staff qualification requirements and is sixteen years of age or older.

NEW SECTION

WAC 388-295-1060 What initial and ongoing state training and registry system (STARS) training is required for child care center staff? The director, program supervisor and lead teachers must register with the STARS registry and complete one of the following trainings within the first six months of employment or of being granted an initial license:

- (1) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training registry system (STARS);
- (2) Current child development associate certificate (CDA) or equivalent credential, or twelve or more college credits in early childhood education or child development; or
- (3) Associate of Arts (AA), Associate of Arts and Sciences or higher college degree in early childhood education or child development.

NEW SECTION

WAC 388-295-1070 What continuing state training and registry system (STARS) training is required for child care center staff? (1) The director, program supervisor and lead teachers must complete ten clock hours or one college credit of continuing education yearly after completing the initial training required in WAC 388-295-1010.

(2) The director and program supervisor must have five of the ten hours in program management and administration for the first two years in the director position. Each additional year, three of the ten hours required must be in program management and administration.

(3) Agencies or organizations that have been approved by the Washington State Training and Registry System (STARS) may offer up to six clock hours of continuing education each year to their employees. The remaining four hours must be obtained from other training offered in the community.

NEW SECTION

WAC 388-295-1080 What topics must my new staff orientation include? You must have an orientation system in place to train each new employee and volunteer about program policies, practices, philosophies and goals. This training must include, but is not limited to, the program policies and practices listed in this chapter such as:

- (1) Minimum licensing requirements;
- (2) Planned daily activities and routines;
- (3) Child guidance and behavior management methods;
- (4) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (5) Health policies and procedures;
- (6) Communicable disease recognition and prevention;
- (7) Bloodborne pathogens;
- (8) Fire prevention, disaster plan and safety procedures;
- (9) Special health and developmental needs of the individual child;
- (10) Personnel policies, when applicable;
- (11) Limited restraint techniques;
- (12) Cultural relevancy; and
- (13) Age and developmentally appropriate practices and expectations for the age group the staff will work with.

NEW SECTION

WAC 388-295-1090 What kind of meetings or on-going training must I provide my staff? (1) You must provide or arrange for staff meetings and training opportunities for the child care staff at least quarterly; and

- (2) At a minimum, your staff and volunteers must have on-going training when there are changes:
- (a) In your policies and procedures;
 - (b) In the equipment that you use;
 - (c) In the types of services you provide; or
 - (d) To health care plans for specific children.

NEW SECTION

WAC 388-295-1100 What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training? (1) You must ensure that at least one person of your staff with a current basic standard first aid and age appropriate CPR certificate is present with each group of children in your center at all times. For example, if you have six different classrooms with different groups of children, you must have a staff person in each room trained in first aid and CPR.

(2) The person providing the first aid and CPR training must be knowledgeable about current national first aid and CPR standards. The trainer must:

- (a) Be in the medical field;
- (b) Be in the emergency field such as an emergency medical technician or firefighter;
- (c) Complete a "train the trainer" course from a reputable program such as the American Red Cross, American Heart Association, National Safety Council or labor and industries; or
- (d) Work for a company that specializes in first aid and CPR training.

(3) First aid and CPR training must be updated as required on the card or certificate received by you or your staff person. The first aid and CPR cards or certificates must have a date of expiration.

NEW SECTION

WAC 388-295-1110 Who must have Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS) and Bloodborne Pathogen training?

(1) Every employee must have written proof of HIV/AIDS and Bloodborne Pathogen training that includes prevention, transmission, treatment and confidentiality issues.

(2) You must comply with applicable Washington Industrial Safety and Health Act (WISHA)/labor and industries safety and health regulations under chapter 296-823 WAC that apply to you.

NEW SECTION

WAC 388-295-1120 What are the Tuberculosis (TB) testing requirements for the staff? (1) Each employee and volunteer must have the results of a one step Mantoux TB skin test prior to starting work.

(2) New employees and volunteers do not need a TB skin test if they have written proof of:

- (a) A negative Mantoux TB test in the twelve months prior to you hiring them;
- (b) A previously positive Mantoux TB test with documented proof of treatment or a negative chest x-ray; or
- (c) Medication therapy to treat TB.

(3) Your staff and volunteers must be re-tested for TB when you are notified that any of the staff or volunteers have been exposed to TB. They must comply with the direction of the local health jurisdictions.

PROGRAMNEW SECTION

WAC 388-295-2010 What types of play materials, equipment and activities must I provide for the children? You must:

(1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care.

(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be:

- (a) Specific for each age group of children; and
- (b) Include at least one activity daily for each of the following (you can combine several of the following for one activity):
 - (i) Child initiated activity (free play);
 - (ii) Staff initiated activity (organized play);
 - (iii) Individual choices for play;
 - (iv) Creative expression;
 - (v) Group activity;
 - (vi) Quiet activity;
 - (vii) Active activity;
 - (viii) Large and small muscle activities; and
 - (ix) Indoor and outdoor play.

(3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to:

- (a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;
- (b) Develop socially, emotionally, intellectually, and physically;
- (c) Learn about nutrition, health, and personal safety; and
- (d) Experiment, create, and explore.

(4) Post the daily schedule and lesson in each room for easy reference by parents and by caregivers;

(5) Keep the daily schedule of events and lesson plans for the past six months on site for inspection;

(6) Maintain staff-to-child ratios and group size during transitions from one activity to another during the day;

(7) Plan for smooth transitions by:

- (a) Establishing familiar routines; and
- (b) Using transitions as a learning experience.

(8) Ensure the center's program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books; and

(9) Afford staff classroom planning time.

NEW SECTION

WAC 388-295-2020 How long can a child be at the center? The child may remain in care a maximum of ten hours or less each day. If needed, you may extend the time based upon the parent's typical work schedule and travel from and to the center.

NEW SECTION

WAC 388-295-2030 How should staff interact with children? To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must:

- (1) Ensure staff interact with children using positive communication (for example, giving children options of what to do rather than being told what not to do);
- (2) Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;
- (3) Provide age-appropriate opportunities for the child to grow and develop intellectually. Examples include:
 - (a) Reading readiness skills;
 - (b) Language skills development;
 - (c) Encouraging the child to ask questions;
 - (d) Counting;
 - (e) Matching objects;
 - (f) Differentiating between large and small; and
 - (g) Sorting.
- (4) Help each child solve problems with intervention as necessary;
- (5) Encourage children to be creative in their projects;
- (6) Allow independence in selecting routine activities and projects;
- (7) Show tolerance for mistakes;
- (8) Encourage children to try new activities; and
- (9) Honor all children's race, religion, culture, gender, physical ability and family structure.

NEW SECTION

WAC 388-295-2040 What behavior management and guidance practices must I have in place? You must:

- (1) Develop and implement written behavior management and guidance practices for the center;
- (2) Guide the child's behavior based on an understanding of the individual child's needs and stage of development;
- (3) Promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others;
- (4) Ensure behavior management and guidance practices that are fair, reasonable, consistent, and related to the child's behavior;
- (5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:
 - (a) Corporal punishment including biting, jerking, shaking, spanking, slapping, hitting, striking, kicking, pinching, flicking or any other means of inflicting physical pain or causing bodily harm to the child;
 - (b) Verbal abuse such as yelling, shouting, name calling, shaming, making derogatory remarks about a child or the child's family, or using language that threatens, humiliates or frightens a child;
 - (c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and
 - (d) The using or withholding of food or liquids as punishment.

(6) In emergency situations, a staff person may use limited physical restraint when:

- (a) Protecting a person on the premises from serious injury;
 - (b) Obtaining possession of a weapon or other dangerous object; or
 - (c) Protecting property from serious damage.
- (7) Staff who use limited restraint must complete an incident report. A copy of the incident report must be:
- (a) Placed in the child's individual record; and
 - (b) Given to the parent.

NEW SECTION

WAC 388-295-2050 Must we provide rest periods?

You must:

- (1) Offer a supervised rest period to the child who is:
 - (a) Five years of age or younger and in care for more than six hours; or
 - (b) Showing a need for rest.
- (2) Allow a child twenty-nine months of age or younger to follow an individual sleep schedule, and plan alternative quiet activities for the child who does not need rest.

NEW SECTION

WAC 388-295-2060 What are the requirements for evening and nighttime care? In addition to meeting the other requirements of chapter 388-295 WAC, if you offer child care during evening and nighttime hours, you must:

- (1) Adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night such as:
 - (a) In centers operating past midnight, you must provide for each child a crib, mat or cot, or mattress pad, that is easily sanitized;
 - (b) Make arrangements for bathing as needed;
 - (c) Make arrangements for personal hygiene including tooth brushing;
 - (d) Have individual bedding appropriate for overnight sleeping; and
 - (e) Have separate dressing and sleeping areas for boys and girls ages six years and older or younger children demonstrating a need for privacy.
- (2) Maintain the same staff-to-child ratio that is in effect during daytime care;
- (3) Keep the child within continuous visual and auditory range at all times;
- (4) Ensure that the staff in charge during evening and nighttime hours meets the requirements of a lead teacher; and
- (5) Ensure all staff attending to children in care are awake.

NEW SECTION

WAC 388-295-2070 What do I need to transport the children on off-site trips? (1) You may transport a child or permit the child to travel off-site only with written parental consent. The purpose may be to attend school, participate in supervised field trips, or engage in other supervised off-site activities.

PERMANENT

(2) The parent's consent may be:

(a) For a specific date or trip; or

(b) A blanket authorization describing the full range of trips the child may take. If you use a blanket authorization, you must notify the parent in writing at least twenty-four hours in advance about any specific trip.

(3) When transportation is provided by the center for children in care:

(a) The driver must have a valid Washington state driver's license to operate the type of vehicle being driven;

(b) The number of passengers cannot exceed the seating capacity of the vehicle;

(c) Either the center owner or the driver must have liability and medical insurance; and

(d) The driver, parent volunteer, or staff supervising the children being transported in each vehicle must have written documentation on file of current CPR and first-aid training.

(4) When you transport children, the vehicle used must:

(a) Have a current license and registration according to Washington state transportation laws;

(b) Be maintained in good repair and safe operating condition; and

(c) Be equipped with:

(i) At least one first-aid kit that meets the requirements of WAC 388-295-5010;

(ii) Vehicle emergency reflective triangles or other devices to alert other drivers of an emergency;

(iii) The health history and emergency information for each child in the vehicle; and

(iv) A method to call for emergency help.

(5) You must meet the child passenger restraint system requirements in RCW 46.61.687 when transporting children. Contact your local state patrol office for more information.

(6) When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and

(7) Staff or driver must not leave the children unattended in the motor vehicle.

NEW SECTION

WAC 388-295-2080 What must I communicate to parents? (1) You must have written documentation signed by the parent in each child's file that you have:

(a) Explained to the parent the centers policies and procedures;

(b) Discussed the centers philosophy, program and facilities;

(c) Advised the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encouraged parent participation in center activities.

(2) You must also give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all center areas used by the child;

(f) Signing in and signing out requirements;

(g) Child abuse reporting law requirements;

(h) Behavior management and discipline;

(i) Nondiscrimination statement;

(j) Religious and cultural activities, if any;

(k) Transportation and field trip arrangements;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies;

(o) Disaster preparedness plans; and

(p) If licensed for the care of an infant or toddler:

(i) Diapering;

(ii) Toilet training; and

(iii) Feeding.

NEW SECTION

WAC 388-295-2090 What are the required staff to child ratios and maximum group sizes for my center? (1) You must ensure the required staff to child ratios are met at all times when children are in your care. In centers licensed for thirteen or more children, the licensee must conduct group activities within the group size and staff to child ratio requirements, according to the age of the children:

If the age of the children is:	Then the staff to child ratio is:	And the maximum group size is:
(a) One month, through 11 months (infant)	1:4	8
(b) Twelve months through 29 months (toddler)	1:7	14
(c) Thirty months through 5 years (preschooler)	1:10	20
(d) Five years and 12 years (school-age child)	1:15	30

(2) In centers licensed for twelve or fewer children, you may combine children of different age groups, provided you:

(a) Maintain the staff-to-child ratio designated for the youngest child in the mixed group; and

(b) Provide a separate care area when four or more infants are in care. In such case the maximum group size shall be eight infants.

(3) You must conduct activities for each group in a specific room or other defined space within a larger area.

(4) You must ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.

(5) We may approve reasonable variations to group size limitations if you maintain required staff-to-child ratios, dependent on:

(a) Staff qualifications;

(b) Program structure; and

(c) Useable square footage.

(6) After consulting with the child's parent, you may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:

(a) Developmental level; and

(b) Individual needs.

PERMANENT

(7) You may combine children of different age groups for no more than one hour, provided you maintain the staff-to-child ratio and group size designated for the youngest child in the mixed group.

(8) In centers licensed for thirteen or more children, you may group ambulatory children between one year and two years of age with older children, provided:

(a) The total number of children in the group does not exceed twelve; and

(b) Two staff are assigned to the group.

(9) You must ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

(10) You must maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if:

(a) Staff remain on the premises; and

(b) Each child is within continuous visual and auditory range of a staff person.

(11) You must ensure staff:

(a) Attend to the group of children at all times; and

(b) Keep each child (including school age children) within continuous visual and auditory range of center staff. Toilet trained children using the toilet must be within auditory range of a center staff member.

(12) When only one staff person is present, you must ensure a second staff person is readily available in case of emergency.

(13) When only one caregiver is required to meet the staff to child ratio, you must be sure there is coverage for emergencies to meet both ratios and worker qualifications by either:

(a) Posting the name, address, and telephone number of a person who meets the qualifications of at least a lead teacher, who has agreed in writing to be available to provide emergency relief and who can respond immediately; or

(b) Having a second person that meets the qualifications of at least a lead teacher on the premises who is not needed for the staff to child ratio, but is available to provide emergency relief.

(14) Service staff, such as cooks, janitors, or bus drivers, must not be counted in the required staff to child ratio unless they:

(a) Meet child care worker qualifications; and

(b) Are acting as a child care provider and are giving full attention to the children.

NEW SECTION

WAC 388-295-2100 What are the exceptions to group sizes and staff to child ratios? (1) If the center is licensed for twelve or fewer children, you may combine children (excluding infants) of different age groups if you:

(a) Maintain the staff to child ratio for the youngest child in the mixed group; and

(b) Provide a separate area when infants are in care.

(2) You must conduct activities for each group in a specific room or other specifically defined space within a larger area;

(3) Excluding infants, you may place an individual child in a different age group and serve the child within the different age group's required staff to child ratio, based on the child's individual needs and developmental level. You must consult with the child's parent prior to making the change;

(4) You may combine children of different age groups for periods of no more than one hours at the beginning and end of the day provided you maintain the staff to child ratio and group size designated for the youngest child in the mixed group;

(5) You may have nine infants in a classroom with appropriate square footage if you maintain a ratio of one staff to three infants; and

(6) You can request a waiver to group size limitations. If we approve variations to group size limitations, you must maintain the required staff-to-child ratios. Our approval will depend on but is not limited to:

(a) Staff qualifications;

(b) Program structure;

(c) Square footage; and

(d) Lower staff to child ratios.

NEW SECTION

WAC 388-295-2110 Are children allowed in the kitchen when they are doing supervised activities? (1) You must be sure that children are not in the kitchen except during supervised activities.

(2) When children are in the kitchen, you must:

(a) Supervise food preparation activities involving children; and

(b) Make the kitchen environmentally safe for children to participate in planned kitchen activities.

NEW SECTION

WAC 388-295-2120 Are there special program requirements for infants and toddlers? (1) When you care for infants and toddlers you must:

(a) Encourage them to handle and manipulate a variety of objects;

(b) Provide a safe environment for climbing, moving and exploring;

(c) Provide materials and opportunities for large and small muscle development;

(d) Read and talk to them daily;

(e) Provide daily indoor opportunities for freedom of movement outside their cribs, in an open, uncluttered space;

(f) Place them in a prone (lying on the tummy) position part of the time when they are awake and staff are observing them;

(g) Not leave them in car seats once they arrive at the center even if they are asleep; and

(h) Not be left in playpens for extended periods of time excluding sleep time.

(i) Talk to and interact with each infant and toddler often and encourage them to respond. Naming objects and describing care encourages language development;

(j) Hold and cuddle infants and toddlers to encourage strong relationships; and

(k) Respond to and investigate cries or other signs of distress immediately.

(2) You must provide toys, objects and other play materials that:

- (a) Are cleanable;
 - (b) Are nontoxic; and
 - (c) Cannot cause a choking hazard for infants or toddlers.
- (3) You must not use baby walkers.

NEW SECTION

WAC 388-295-2130 Do I need an outdoor play area?

(1) You must provide an outdoor program that promotes the child's coordination, active play, and physical, mental, emotional, and social development based on their age. The play area must:

(a) Adjoin the indoor premises directly or be reachable by a safe route or method;

(b) Have adequate drainage and be free from health and safety hazards;

(c) Contain a minimum of seventy-five usable square feet per child using the play area at any one time. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, you may reduce correspondingly the child's play area size.

(2) If you provide full-time care, the activity schedule must provide the child daily morning and afternoon outdoor play;

(3) If you provide drop-in care only, at our discretion we may approve equivalent, separate, indoor space for the child's large muscle play;

(4) You must ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and maintain group size;

(5) Staff must be outdoors with the children in continuous visual and auditory range;

(6) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding and balancing activities; and

(7) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

HEALTH AND NUTRITION

NEW SECTION

WAC 388-295-3010 What kind of health policies and procedures must I have? (1) You must have written health policies and procedures that are:

- (a) Written in a clear and easily understood manner;
- (b) Shared with all new staff during orientation;
- (c) Posted for staff and families to review; and

(d) Reviewed and signed by a physician, a physician's assistant or registered nurse when you change your policies and procedures or type of care that you provide, or at least every three years when you are due for re-licensor. (For example, if you go from caring for children from twelve months and older to caring for infants, you must update your health policies and procedures and have them reviewed and signed.)

(2) Your health policies and procedures must have information on how you plan to:

(a) Provide general cleaning of areas including but not limited to bathrooms, floors, walls, and doorknobs;

(b) Clean and sanitize areas including but not limited to food contact surfaces, kitchen equipment, diapering areas, toys, toileting equipment and areas, equipment that might be shared with several children such as sleep mats, cribs or high chairs;

(c) Prevent, manage and report communicable diseases;

(d) Handle minor injuries such as nosebleeds, scrapes and bruises;

(e) Provide first aid;

(f) Screen children daily for illnesses;

(g) Notify parents that children have been exposed to infectious diseases and parasites;

(h) Handle minor illnesses;

(i) Handle major injuries and medical emergencies that require emergency medical treatment or hospitalization;

(j) Manage medication;

(k) Assist with handwashing and general hygiene including diapering and toileting;

(l) Handle food;

(m) Provide nutritious meals and snacks;

(n) Respond during any disasters;

(o) Care for children that may have special needs;

(p) Care for infants and obtain infant nurse consultation (if licensed for four or more infants); and

(q) Place infants to sleep on their backs to reduce the risk of Sudden Infant Death Syndrome (SIDS).

(3) Your health policies and procedures must have information on when you plan to:

(a) Require ill children to stay home and for how long;

(b) Allow the ill child to return; and

(c) Call a parent to pick up their child and how you will care for the child until the parent arrives.

NEW SECTION

WAC 388-295-3020 How often must staff wash their hands? Staff and volunteers must wash their hands with soap and warm water:

(1) When arriving at work;

(2) After toileting a child;

(3) Before, during (may use wet wipe) and after diapering a child;

(4) After personal toileting;

(5) After attending to an ill child;

(6) Before and after preparing, serving, or eating food;

(7) Before and after giving medication;

(8) After handling, feeding or cleaning up after animals;

(9) After handling bodily fluids;

(10) After smoking;

(11) After being outdoors or involved in outdoor play; and

(12) As needed.

NEW SECTION

WAC 388-295-3030 When is a child or staff member too ill to be at child care? (1) Your staff must check all chil-

dren for signs of illness when they arrive at the center and throughout the day.

(2) You must exclude children and staff with the following symptoms from care:

(a) Diarrhea (three or more watery stools or one bloody stool within twenty-four hours);

(b) Vomiting (two or more times within twenty-four hours);

(c) Open or oozing sores, unless properly covered with cloths or with bandages;

(d) For suspected communicable skin infection such as impetigo, pinkeye, and scabies: The child may return twenty-four hours after starting antibiotic treatment;

(e) Lice or nits; and

(f) Fever of 100 degrees Fahrenheit or higher and who also have one or more of the following:

(i) Earache;

(ii) Headache;

(iii) Sore throat;

(iv) Rash; or

(v) Fatigue that prevents participation in regular activities.

(3) Children and staff who have a reportable disease may not be in attendance at the child care center unless approved by the local health authority.

(4) You must not take ear or rectal temperatures. Oral temperatures can be taken for preschool through school age if single use disposable covers are used over the thermometer.

(5) When a child becomes ill or injured while in your care, you must:

(a) Keep a confidential, individualized, written record in the child's file that includes the:

(i) Date of an illness or injury;

(ii) Treatment provided while in care; and

(iii) Names of the staff providing the treatment.

(b) Provide a copy of the illness or injury report to the parent; and

(c) Keep a current, written incident log listing date of illness or injury, the child's name, names of staff involved, and a brief description of the incident for tracking and analysis.

(6) You must notify parents in writing when their children have been exposed to infectious diseases or parasites. The notification may consist of either a letter to parents or posting a notification for parents in a visible location.

(7) You are a mandated disease reporter to the health department per WAC 246-101-415. You can obtain a list of reportable diseases, timeframes for reporting and reporting phone numbers from your local health department.

NEW SECTION

WAC 388-295-3040 How often must children wash their hands? Children must wash their hands with soap and warm water:

(1) On arrival at the center;

(2) After using the toilet;

(3) After the child is diapered;

(4) After outdoor play;

(5) After playing with animals;

(6) After touching body fluids (such as blood or after nose blowing or sneezing); and

(7) Before and after the child eats or participates in food activities.

NEW SECTION

WAC 388-295-3050 Am I required to give medications to the children in my care? If a child has a condition where the Americans with Disabilities Act (ADA) would apply you must make reasonable accommodation and give the medication.

NEW SECTION

WAC 388-295-3060 Who can provide consent for me to give medication to the children in my care? (1) Parents must give written consent before you give any child any medication. The parent's written consent must include:

(a) Child's first and last name;

(b) Name of medication;

(c) Reason for giving medication;

(d) Amount of medication to give;

(e) How to give the medication (route);

(f) How often to give the medication;

(g) Start and stop dates;

(h) Expected side effects; and

(i) How to store the medication consistent with directions on the medication label.

(2) The parent consent form is good for the number of days stated on the medication bottle for prescriptions. You may not give medication past the days prescribed on the medication bottle even if there is medication left.

(3) You may give the following medications with written parent consent if the medication bottle label tells you how much medication to give based on the child's age and weight:

(a) Antihistamines;

(b) Nonaspirin fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Ointments or lotions intended to reduce or stop itching or dry skin;

(f) Diaper ointments and nontalc powders, intended only for use in the diaper area; and

(g) Sun screen for children over six months of age.

(4) All other over the counter medications must have written directions from a health care provider with prescriptive authority before giving the medication.

(5) You may not mix medications in formula or food unless you have written directions to do so from a health care provider with prescriptive authority.

(6) You may not give the medication differently than the age and weight appropriate directions or the prescription directions on the medication label unless you have written directions from a health care provider with prescriptive authority before you give the medication.

(7) If the medication label does not give the dosage directions for the child's age or weight, you must have written instructions from a health care provider with prescriptive authority in addition to the parent consent prior to giving the medication.

(8) You must have written consent from a health care provider with prescriptive authority prior to providing:

- (a) Vitamins;
- (b) Herbal supplements; and
- (c) Fluoride.

NEW SECTION

WAC 388-295-3070 How must I store medications?

(1) You must store medications in the original container labeled with:

- (a) The child's first and last names;
- (b) If a prescription, the date the prescription was filled;
- (c) The expiration date; and
- (d) Easy to read instructions on how to give the medication (i.e., the bottle is in the original package or container with a clean and readable label).

(2) You must store medications:

- (a) In a container inaccessible to children (including staff medications);
 - (b) Away from sources of moisture;
 - (c) Away from heat or light;
 - (d) Protected from sources of contamination;
 - (e) According to specific manufacturers or pharmacists directions;
 - (f) Separate from food (medications that must be refrigerated must be in a container to keep them separate from food); and
 - (g) In a manner to keep external medications that go on the skin separate from internal medications that go in the mouth or are injected into the body.
- (3) All controlled substances must be in a locked container.

NEW SECTION

WAC 388-295-3080 Can I use bulk medications (use one container for all the children such as with diaper ointments)? You can keep bulk containers of diaper ointments and nontalc type powders intended for use in the diaper area and sun screen if you:

- (1) Obtain written parental consent prior to use;
- (2) Use for no longer than six months; and
- (3) Notify the parents of the:
 - (a) Name of the product used;
 - (b) Active ingredients in the product; and
 - (c) Sun protective factor (SPF) in sun screen.
- (4) Apply the ointments in a manner to prevent contaminating the bulk container.

NEW SECTION

WAC 388-295-3090 How do I handle left over medication? You must not keep old medications on site. When a child is finished with a medication, you must either:

- (1) Give it back to the parent; or
- (2) Dispose of it by flushing medication(s) down the toilet.

NEW SECTION

WAC 388-295-3100 When can children take their own medication? (1) Children can take their own medication if they:

- (a) Have a written statement from the parent requesting the child take their own medication;
 - (b) Have a written statement from a health care provider with prescriptive authority stating that the child is physically and mentally capable of taking their own medication; and
 - (c) Meet all other criteria in this chapter 388-295 WAC including storage of medications.
- (2) A staff member must observe and document that the child took the medication.

NEW SECTION

WAC 388-295-3110 Do I need special equipment to give medication? To give liquid medication you must use a measuring device designed specifically for oral or liquid medications. Parents should provide the measuring devices for individual use.

NEW SECTION

WAC 388-295-3120 What documentation is required when giving children medication? You must keep a confidential, written record in the child's file of:

- (1) Child's full name, date, time, name of medication and amount given (indicate if self-administered);
- (2) Initial of staff person giving medication or observing the child taking the medication with a corresponding signature on the medication record to validate the initials; and
- (3) Provide a written explanation why a medication that should have been given was not given.

NEW SECTION

WAC 388-295-3130 Can anyone else give medication to children in my care? (1) Only staff persons who have been oriented to your center's medication policies and procedures can give medications.

(2) You must have documentation that the staff person has been oriented.

(3) Before a staff may administer medications they must ask parents to provide instruction on specialized medication administration procedures or observations, i.e., how to use the nebulizer, epi-pens or individual child's preference for swallowing pills.

NEW SECTION

WAC 388-295-3140 What kind of milk can I serve? (1) Only pasteurized milk or pasteurized milk products can be served to children in your care.

(2) Nondairy milk substitutes may be served only with written permission of the child's parent for children over the age of twelve months.

(3) The amount of required milk fat in the milk product is determined by the child's age:

If the age of the child is:	Then the fat content of the milk must be:
(a) Under 12 months	Full strength formula or full strength breast milk unless there is specific written instructions from a licensed health care provider.
(b) Between 12 months and 24 months	Full strength whole milk or breast milk unless there is specific written instruction from a licensed health care provider.
(c) Over 24 months	With or without fat content of providers or parents choice.

NEW SECTION

WAC 388-295-3150 How many meals and snacks must I serve? (1) The number of meals or snacks you must serve is based on the number of hours you are open.

If you are open:	You must serve at least:
(a) Nine hours or less	(i) Two snacks and one meal; or (ii) One snack and two meals.
(b) Over nine hours	(i) Two snacks and two meals; or (ii) Three snacks and one meal.

(2) You must also offer:

- (a) Food at intervals not less than two hours and not more than three and one-half hours apart;
- (b) Breakfast or snack to children in morning care whether or not the child ate before arriving at the center;
- (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time;
- (d) A snack or meal for children arriving after school;
- (e) Dinner to children in nighttime care if the children are at the center after their usual dinnertime or have not had dinner; and
- (f) An evening snack to children in nighttime care.

NEW SECTION

WAC 388-295-3160 What kind of food and menus must I have? (1) You must:

- (a) Prepare, date, and conspicuously post menus one week or more in advance, containing the meals and snacks to be served;
- (b) Provide two weeks or more of meal and snack menu variety before repeating the menu;
- (c) Keep six months of past menus on-site for inspection by the department;
- (d) Make substitutions of comparable nutrient value and record changes on the menu, when needed;
- (e) Provide daily a minimum of one serving of Vitamin C fruit, vegetable, or juice;
- (f) Provide three or more times weekly foods high in Vitamin A; and
- (g) Maintain at least a three day supply of food and water for emergency purposes based on the number of children in child care.

(2) Meals eaten at the center must contain the following:

- (a) Each breakfast meal the child eats at the center must contain:
 - (i) A fruit or vegetable or one hundred percent fruit or vegetable juice.
 - (ii) A dairy product (such as milk, cheese, yogurt, or cottage cheese).

(iii) A grain product (such as bread, cereal, rice cake or bagel).

(b) Each lunch and dinner meal the child eats at the center must contain:

- (i) A dairy product (such as milk, cottage cheese, yogurt, cheese);
- (ii) Meat or meat alternative (such as beef, fish, poultry, legumes, tofu, or beans);
- (iii) A grain product (such as bread, cereal, bagel, or rice cake);
- (iv) Fruits or vegetables (two fruits or two vegetables or one fruit and one vegetable to equal the total portion size required). When juice is served in place of a fruit or vegetable it must be one hundred percent fruit or vegetable juice.

(3) When meals are not provided by the center you must:

(a) Notify parents in writing that meals they provide for their children must meet the daily nutritional requirements;

(b) Provide adequate refrigeration for keeping potentially hazardous foods (such as meats of any type, cooked potato, cooked legumes, cooked rice, sprouts, cut melons or cantaloupes, milk, cheese);

(c) Refrigerate foods requiring refrigeration at 45 degrees Fahrenheit or less and keep frozen foods at 10 degrees Fahrenheit or less until they are cooked or consumed.

(4) Each snack the child eats at the center must include at least two of the following four components:

- (a) A milk product (such as milk, cottage cheese, yogurt, cheese);
- (b) A meat or meat alternative (such as meat, legumes, beans, egg);
- (c) A grain product (such as cereal, bagel, rice cake or bread); and
- (d) Fruit or vegetable.

(5) Each snack or meal must include a liquid to drink. The drink could be water or one of the required components such as milk, fruit or vegetable juice.

(6) You may allow parents to bring in snacks for all the children that may not meet the nutritional requirements on special occasions such as birthdays. The snacks provided by parents must be limited to store purchased:

- (a) Uncut fruits and vegetables; and
- (b) Foods prepackaged in original manufacturer's containers.

(7) If a child has a food allergy or special menu requirements due to a health condition, you must:

(a) Receive written directions from the child's health care provider and parent to provide nutritional supplements (such as iron), a medically modified diet (such as a diabetic or an allergy diet). For allergy diets, the parent and child's health care provider must identify the foods the child is allergic to;

(b) Post each child's food allergies in locations where food is prepared and served;

(c) Include the allergies on the individual health care plan;

(d) Specify an alternative food with comparable nutritive value; and

(e) Notify staff of the allergies and reactions. **NOTE:** You can require parents to supply food for supplements and special diets.

PERMANENT

NEW SECTION

WAC 388-295-3170 What are the food service standards I am required to meet? You must maintain on site at least one person with a Washington state department of health food handler's permit to:

- (1) Monitor and oversee food handling and service at the center; and
- (2) Provide orientation and on going training as needed for all staff involved in food handling. Anyone cooking full meals must have a food handlers permit.

NEW SECTION

WAC 388-295-3180 What are approved food sources? You must:

(1) Prepare or serve food that is not tampered with or spoiled and is obtained from an approved source including, but not limited to, a licensed caterer, a food service company or a grocery store. Food sources that are not approved include:

- (a) Left over food that was previously served from outside your center;
- (b) Home canned, frozen or prepared food unless it is for the person's own children;
- (c) Donated food from restaurants or caterers that was previously served;
- (d) Game meat that has not been inspected by the USDA; and
- (e) Donated meat, fish, poultry or milk that is not from a source inspected for sale.

(2) Prepare all food on site unless it is provided by a:

- (a) Licensed satellite kitchen, catering kitchen or other source licensed by the local health jurisdiction; or
 - (b) Parent for individual children.
- (3) Have a signed contract or agreement with any satellite kitchen or the catering service that you use. Your contract must include written proof that the caterer and the method of transporting the food are approved by the local health jurisdiction as meeting the requirements of the department of health, chapter 246-215 WAC.

(4) Have a written policy if you use a satellite kitchen that describes:

- (a) A description of how food will be handled once it is on-site; and
- (b) What back up system you will use if the food does not arrive, not enough food arrives, or the food cannot be served.

NEW SECTION

WAC 388-295-3190 How can we be sure that the food we serve is safe? (1) You need to develop and implement a system to monitor the temperature of potentially hazardous foods during cooking, re-heating, cooling, storing, and hot and cold holding temperatures to be sure that:

- (a) Food will be cooked to at least the minimum correct internal temperature:
 - (i) Ground beef and pork sausage 155 degrees Fahrenheit;
 - (ii) Pork 150 degrees Fahrenheit;

- (iii) Fish and seafood 140 degrees Fahrenheit;
 - (iv) Poultry and stuffing 165 degrees Fahrenheit;
 - (v) Eggs 140 degrees Fahrenheit;
 - (vi) Beef (not ground) and lamb 140 degrees Fahrenheit.
- (b) Previously prepared food is reheated one time only to an internal temperature of 165 degrees Fahrenheit within sixty minutes;
- (c) Hot food is kept at a temperature of 140 degrees Fahrenheit or above until served;
- (d) Cold food is kept at a temperature of 45 degrees Fahrenheit or less;
- (e) Refrigerators have a thermometer in or near the door and are kept at 45 degrees Fahrenheit or less; and
- (f) Freezers have a thermometer in or near the door and are kept at 10 degrees Fahrenheit or less.

(2) You must develop a system to record the temperature of each perishable food once it arrives from a satellite kitchen or a catering service. The system must include keeping records on site for six months with the following information:

- (a) The name and the temperature of the food;
- (b) The date and time the temperature was checked; and
- (c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) You may serve previously prepared food that has not been previously served if it was stored at the proper temperature for less than forty-eight hours after preparation. Leftover foods or open foods in the refrigerator must be labeled with the date that they were opened or cooked.

NEW SECTION

WAC 388-295-3200 How do we safely store food? You must store food:

- (1) In the original containers or in clean, labeled containers that are airtight and off the floor;
- (2) In a manner that prevents contamination from other sources;
- (3) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;
- (4) That is not past the manufacturer's expiration or freshness date;
- (5) In a refrigerator or freezer if cooling is required;
- (6) Raw meat, poultry or fish in the refrigerator, below cooked or ready to eat foods;
- (7) Foods not requiring refrigeration at least six inches above the floor in a clean, dry, ventilated storeroom or other areas; and
- (8) Dry bulk foods not in their original containers, in containers with tight fitting covers. Containers must be labeled and dated.

NEW SECTION

WAC 388-295-3210 How do we safely thaw foods? You must thaw food by one of the following methods:

- (1) In a refrigerator;
- (2) Under cool running water, in a pan placed in a sink with the stopper removed;
- (3) In a microwave, if the food is to be cooked immediately; or
- (4) As part of the continuous cooking process.

NEW SECTION

WAC 388-295-3220 What type of kitchen material and equipment is required? You need the following equipment to cook and serve meals without restrictions on the type of menus or foods that you can cook, serve or store:

(1) Kitchen walls, counter tops, floors, cabinets and shelves that are:

(a) Maintained in good repair to include being properly sealed without chips or cracks;

(b) Moisture resistant; and

(c) Maintained in a clean and sanitary condition.

(2) A range with a properly vented hood or exhaust fan, except when serving only snacks;

(3) A refrigerator, freezer or a combination refrigerator with sufficient space for proper storage and cooling of food;

(4) Hand washing facilities located in or adjacent to the food preparation area with hand washing procedures posted at each sink used for hand washing and followed by all persons who participate in food preparation.

(5) A method to clean and sanitize equipment using:

(a) A two compartment sink and an automatic dishwasher capable of reaching a temperature of 140 degrees Fahrenheit; or

(b) The means to appropriately clean and sanitize dishes and utensils through the use of a three compartment sink method where sink one is used to wash, sink two is used to rinse, and sink three contains a sanitizing ingredient;

(6) You may use a microwave oven to reheat foods if the food is:

(a) Rotated or stirred during heating;

(b) Covered to retain moisture; and

(c) Held for two minutes prior to serving to allow the temperature to spread evenly throughout the food.

NEW SECTION

WAC 388-295-3230 What type of eating and drinking equipment must I provide? (1) You must provide eating and drinking equipment that is:

(a) Cleaned and sanitized between use by different children;

(b) Free from cracks or chips;

(c) Individual; and

(d) Developmentally appropriate.

(2) You must not directly serve food on the table without a plate or paper napkin;

(3) You must use gloves, tongs, or spoons to serve food;

(4) You may have inclined jet-type drinking fountains.

Bubble-type drinking fountains and drinking fountains attached to or part of sinks used for any purpose other than the drinking fountain cannot be used; and

(5) You must not have drinking fountains in restrooms.

CARE OF YOUNG CHILDREN

NEW SECTION

WAC 388-295-4010 At what age can we accept infants into care? You must not accept an infant into care that is less than one month of age.

NEW SECTION

WAC 388-295-4020 How do we meet the nutritional needs of the infants in our care? You must:

(1) Have written policies on providing, preparing, storing and sanitizing infant formula, food and utensils; and

(2) Work with the infant's parent to develop a plan for the infant's feedings that is acceptable to the parent and incorporates the following guidelines:

Developmental Stage/ Age of Infant	Type of Feeding
(a) Under 4 months of age	Serve only formula or breast milk unless you have a written order from the child's health care provider.
(b) When baby can: (at about 4-6 months of age) Sit with support Hold head steady Close lips over the spoon Keep food in mouth and swallow it.	Serve only formula or breast milk unless you have a written order from the child's health care provider. Begin iron fortified baby cereal and plain pureed fruits and vegetables upon consultation with parents.
(c) When baby can: (at about 6-8 months) Sit without support Begin to chew Sip from a cup with help Grasp and hold onto things	Serve only formula or breast milk unless you have a written order from the child's health care provider. Start small amounts of juice, or water in a cup. Let baby begin to feed self. Start semi-solid foods such as cottage cheese, mashed tofu, mashed soft vegetables or fruits.
(d) When baby can: (at about 8-10 months) Take a bite of food Pick up finger foods and get them into the mouth Begin to hold a cup while sipping from it	Serve only formula or breast milk unless you have a written order from the child's health care provider. Small pieces of cheese, tofu, chicken, turkey, fish or ground meat. Small pieces of soft cooked vegetables, peeled soft fruits. Toasted bread squares, unsalted crackers or pieces of soft tortilla. Cooked plain rice or noodles. Only formula, breast milk, juice or water in the cup.
(e) When a baby can: (10-12 months) Finger Feed Chew and swallow soft, mashed and chopped foods Start to hold and use a spoon Drink from a cup	Serve only formula or breast milk unless you have a written order from the child's health care provider. Begin offering small sized, cooked foods. Variety of whole grain cereals, bread and crackers, tortillas. Cooked soft meats, mashed legumes (lentils, pinto beans, kidney beans, etc.), cooked egg yolks, soft casseroles.
(f) When a baby can eat a variety of foods from all food groups without signs of an allergic reaction	Fruit pieces and cooked vegetables. Yogurt, cheese slices. Offer small amounts of formula, breast milk or water in the cup during meals.

PERMANENT

NEW SECTION

WAC 388-295-4030 What is a safe way to prepare bottles? (1) Parents may bring from home filled bottles labeled with the infant's name for daily use (see WAC 388-295-4040).

(2) To prepare bottles you must:

(a) Prepare and fill bottles by washing hands prior to bottle preparation;

(b) Use a sink that is only for bottle preparation, other food preparation or other approved source of water. Water from a handwashing sink may not be used for bottle preparation;

(c) Do not heat a bottle in a microwave or allow bottles to warm at room temperature for more than an hour, to limit bacterial growth; and

(d) Bottles must be warmed under running warm water or placed in a container of water that is not warmer than 120 degrees Fahrenheit.

(3) The bottle preparation area including the sink must:

(a) Be located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or

(b) Have a barrier to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink. If a barrier is used, it must be:

(i) Solid (without cracks or breaks);

(ii) Sealed;

(iii) Moisture-resistant; and

(iv) At least twenty-four inches in height from the counter surface.

(4) If the infant room does not have a sink that is dedicated to bottle and food preparation, you must provide a clean source of water for preparing bottles such as getting water from the kitchen and keeping it in a container with an airtight cover that:

(a) Is located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or

(b) Has a barrier that meets the requirements in WAC 388-295-4030 (3)(b) to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink.

NEW SECTION

WAC 388-295-4040 What is a safe way to store infant formula and food? To store bottles, formula or infant food, you must:

(1) Label all bottles with the infant's full name and the date the bottle was filled to be sure the correct formula or breast milk is given to each infant;

(2) Have a refrigerator accessible to staff to store bottles and unserved, leftover infant food;

(3) Throw away the contents of any bottle not fully consumed within one hour. Do not put bottles that have been used back into the refrigerator;

(4) Throw away or return to the family any unused bottle contents within twelve hours of preparing or arriving at the center;

(5) Not serve infant formula past the expiration date on the manufacturer's container; and

(6) Keep bottle nipples covered when not in use to reduce risk of cross contamination and exposure.

NEW SECTION

WAC 388-295-4050 What is a safe way to store breast milk? You can keep frozen breast milk if you:

(1) Label the contents with the child's name and date it was brought into the center;

(2) Store the frozen breast milk at 10 degrees Fahrenheit or less;

(3) Thaw the breast milk in the refrigerator, under warm running water or in a pan of warm water; and

(4) Keep frozen breast milk in the center for no more than two weeks.

NEW SECTION

WAC 388-295-4060 What is a correct way to clean bottles and nipples? Bottles, bottle caps, nipples and other equipment used for bottle feeding must not be reused without first being cleaned and sanitized by:

(1) Washing in a dishwasher; or

(2) Washing, rinsing and boiling for one minute.

NEW SECTION

WAC 388-295-4070 Are there specific rules for feeding infants and toddlers? (1) Infants must be fed according to their need rather than according to an adult prescribed time schedule.

(2) While feeding infants:

(a) Hold infants for bottle feedings to prevent choking;

(b) Place infants who can sit in high chairs or at an appropriate child-sized table and chairs for feeding and sit facing the child during the feeding;

(c) Do not prop a bottle;

(d) To prevent tooth decay:

(i) Do not give a bottle to a reclining child unless the bottle contains only water; and

(ii) Offer juice only from a cup.

(e) Take the bottle from the child when the child finishes feeding.

NEW SECTION

WAC 388-295-4080 When should I begin toilet training a child? Toilet training is initiated with consultation with parents:

(1) Using positive reinforcement;

(2) Cultural sensitivity;

(3) Not using foods as a reinforcement; and

(4) Following a routine established between the parent and you.

NEW SECTION

WAC 388-295-4090 Can we use potty-chairs for toilet training? You may use potty-chairs that are:

(1) Located in the toilet room or similar area that meets the requirements of WAC 388-295-5100 designed for toiletting;

(2) On a floor that is moisture resistant and washable;

(3) Immediately emptied into a toilet; and

(4) Cleaned in a designated sink or utility sink separate from classrooms and sanitized after each use. The sink must also be cleaned and sanitized after cleaning potty-chairs.

NEW SECTION

WAC 388-295-4100 What sleep equipment do I need for infants? (1) You must not sleep infants in infant or car seats.

(2) You must provide each infant with a single-level crib (stacking cribs must not be used), infant bed, bassinet or playpen for napping until you and the parent agree that the child can safely use a mat, cot or other approved sleeping equipment.

(3) Cribs, if used, must:

(a) Be sturdy and made of wood, metal or plastic with a secure latching device;

(b) Be constructed with vertical slats that are no more than two and three-eighths inches apart or be solid plexiglas;

(c) Have corner posts that extend less than one-sixteenth of an inch above the sides and railing;

(d) Not have cutout designs on the end panels;

(e) Have a rail height and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position of at least nine inches;

(f) Have a rail height and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position of at least twenty-six inches; and

(g) Not use crib bumper pads, stuffed toys, quilts, lambskins, and pillows in cribs, infant beds, bassinets or playpens.

(4) You must provide a crib, infant bed, playpen or bassinet mattress that is:

(a) Snug fitting and touches each side of the crib to prevent the infant from becoming entrapped between the mattress and crib side rails;

(b) Waterproof; and

(c) Easily cleaned and sanitized, without tears or tape.

(5) To allow walking room between cribs and reduce the spread of germs you must:

(a) Space cribs a minimum of thirty inches apart. You may place cribs end to end if you provide a barrier. If you use barriers, staff must be able to observe and have immediate access to each child.

(b) Provide a moisture resistant and easily cleanable solid barrier on the side or end adjacent to another crib.

(6) You must provide:

(a) An appropriate fitting sheet or cover for the sleeping surface; and

(b) A clean light weight blanket or suitable cover for the child.

(7) You must launder bedding at least weekly and more often if becomes soiled.

NEW SECTION

WAC 388-295-4110 What additional sleeping arrangements must I make to reduce the risk of Sudden Infant Death Syndrome (SIDS)? (1) You must put infants to sleep on their backs to reduce the risk of SIDS unless you

have a written note in the infant's file from both the parent and the infant's health care provider requesting another sleeping position.

(2) Once infants are able to turn over, continue to place them on their back to sleep. You do not need to wake the infants to return them to their back while sleeping.

NEW SECTION

WAC 388-295-4120 What must I do to be sure that diaper changing is safe and does not spread infections?

(1) Your diaper changing table and area must:

(a) Have a washable, moisture resistant diaper-changing surface that is cleaned and sanitized between children;

(b) Be a table or counter with a protective barrier on all sides that is at least three and one-half inches higher than the surface that the child lays on;

(c) Have a garbage can with a lid, plastic liner, and method for disposing of hand drying supplies so that a garbage can lid does not have to be opened with hands;

(d) Be on moisture impervious and washable flooring that extends at least two feet surrounding the diaper changing and handwashing area; and

(e) Be directly adjacent to a sink used for hand washing supplied with:

(i) Warm running water (between 85 degrees Fahrenheit and 120 degrees Fahrenheit);

(ii) Soap; and

(iii) A sanitary method for drying hands (single use towels).

(2) You must have the diaper changing procedure posted and must follow the steps included.

(3) You must not leave the child unattended during the diaper change.

(4) You must not use the safety belts on diaper changing tables because they are neither cleanable nor safe.

(5) You must not place anything on the diaper-changing table, counter or sink except the child, changing pad and diaper changing supplies.

(6) Disposable diapers must be:

(a) Placed into a covered, plastic-lined, hands free covered container;

(b) Removed from the facility and the liner changed at least daily and more often if odor is present; and

(c) Disposed of according to local disposal requirements.

(7) Re-useable diapers must be:

(a) Individually bagged and placed without rinsing into a separate, cleanable, covered container equipped with a waterproof liner before transporting to the laundry, given to the commercial service or returned to parents for laundry; and

(b) Removed from the facility daily or more often if odor is present.

NEW SECTION

WAC 388-295-4130 Do I need a nurse consultant? (1)

If you are licensed to care for four or more infants you must have an infant nurse consultant. The nurse consultant's duties will depend upon the needs of the center. We, center management, teachers, and observations/assessments of the nurse consultant can identify the needs.

(2) If you are required to have an infant nurse consultant, you must:

(a) Have a written agreement with a nurse consultant who is a currently licensed registered nurse (RN) who has either worked in pediatrics (care of children) or public health in the past year or has taken or taught classes in pediatric nursing at the college level in the past five years;

(b) Have at least one monthly on-site visit from your nurse consultant when you have infants enrolled (you may skip the monthly visit if no infants are enrolled);

(c) Have the nurse or a designee that meets the requirements of a nurse consultant available by phone as needed; and

(d) Have written notes of the nurse consultant visit on-site that includes topics discussed, areas of concern, date and signature.

NEW SECTION

WAC 388-295-4140 When are children required to have a change of clothing on site? (1) You are required to have extra clothing available for the children who wet or soil their clothes.

(2) You may require the parent to provide the clothing, but you must have clothing available for use in case the parent forgets the change of clothing.

SAFETY AND ENVIRONMENT

NEW SECTION

WAC 388-295-5010 What first aid supplies are required in my center? (1) You must maintain on the premises adequate first aid supplies conforming to the center's first aid policies and procedures. The center's first aid supplies must include:

(a) A supply for each vehicle used to transport children; and

(b) A portable supply, which can be taken on walks and field trips.

(2) You must store first aid supplies:

(a) Inaccessible to children;

(b) In an area easily accessible to staff;

(c) Separate from food; and

(d) In a clean and safe manner to prevent contamination such as in a tackle box or other container, away from chemicals and moisture.

(3) Your first aid kit must include at least:

(a) A current first-aid manual;

(b) Sterile gauze pads;

(c) Small scissors;

(d) Band-Aids of various sizes;

(e) Roller bandages;

(f) Large triangular bandage (sling);

(g) Nonsterile protective gloves;

(h) Adhesive tape;

(i) Tweezers;

(j) One-way CPR barrier or mask; and

(k) At least one unexpired bottle of Syrup of Ipecac that must be given only at the direction of a poison control center.

NEW SECTION

WAC 388-295-5020 How do I maintain a safe environment? (1) You must maintain the building, equipment and premises in a safe manner that protects the children from injury hazards including but not limited to:

(a) Burns (for example: chemicals or other potentially flammable substances);

(b) Drowning;

(c) Choking (for example: ropes, wires, blind cords, fences not meeting requirements);

(d) Cuts (for example: broken glass, sharp objects, abrasive surfaces);

(e) Entrapments (for example: the following items must not have openings between three and one-half inches and nine inches wide: Deck and fence rails, stair rails or other equipment);

(f) Falls from excessive heights;

(g) Gunshots by ensuring no firearm or another weapon is on the premises;

(h) Hearing loss by keeping noise at a level where a normal conversation can be heard;

(i) Objects falling on the children (for example: heavy items on open shelving that could fall in an earthquake or similar emergency);

(j) Pinches from equipment (for example: broken or cracked areas);

(k) Poison (such as cleaning supplies or lead-based paint);

(l) Puncture (for example: equipment, building edges or playground equipment with sharp points or jagged edges);

(m) Shear or crush (for example: lawn and garden equipment used for yard maintenance);

(n) Shock by electricity;

(o) Trap (for example: compost bins, old freezers, dryers or refrigerators); and

(p) Trip (for example: cable wires, ropes, jagged or cracked walkways).

(2) To further prevent injuries, you must

(a) Provide child height handrails on at least one side of the steps, stairways, and ramps;

(b) Provide guardrails for elevated play areas and stairs;

(c) Use listed tamper resistant receptacles or use tamper resistant, nonremovable, nonremovable cover plates in areas accessible to children preschool age and younger;

(d) Shield light bulbs and tubes by using a protective barrier to prevent shattering into child-accessible areas, food, and storage areas;

(e) Provide screens for windows or limit the opening capability of any windows within reach of children to less than three and one-half inches. Windows with limited opening capabilities cannot be the designated fire escape window. Windows protected with guards must not block outdoor light or air in areas used by children;

(f) Provide a barrier for glass areas such as windows or sliding glass doors that extend down to the child's eye level by placing a barrier between the child and glass or something placed on the glass at the child's eye level such as stickers or art work so that the child does not try to go through the solid glass;

(g) Not place cribs, play pens, bassinets, infant beds, indoor climbing structures next to windows unless of safety glass; and

(h) When using heaters capable of reaching 110 degrees Fahrenheit on the surface, you must protect children from burn hazards by making them inaccessible to children or locating them where children cannot reach them.

(3) You may not use portable heaters.

(4) You must implement a method to monitor entrance and exit doors to prevent children from exiting the buildings unsupervised. You may use:

(a) A door alarm;

(b) A bell that can be heard throughout the building;

(c) Adult supervision at the exits; or

(d) Other method to alert the staff (you may not lock the door to prevent an exit. It is against the fire code).

(5) You must maintain one or more telephones on the premises in working order that is accessible to staff at all times.

(6) You must maintain a flashlight or other emergency lighting device in working condition.

NEW SECTION

WAC 388-295-5030 What do I need to include in my disaster plan? (1) You must develop and implement a disaster plan designed for response to fire, natural disasters and other emergencies. The plan must address what you are going to do if there is a disaster and parents are not able to get to their children for two or three days.

(2) The fire plan must follow the requirements in chapter 212-12 WAC or the state fire marshal requirements.

(3) In areas where local emergency plans are in place, such as school district emergency plan, centers may follow those procedures and actions in developing their own plan.

(4) The disaster plan must be:

(a) Specific to the child care center;

(b) Relevant to the types of disasters that might occur in the location of your child care center;

(c) Able to be implemented during hours of operation; and

(d) Posted in every classroom for easy access by parents and staff.

(5) Your disaster plan must identify:

(a) The designated position of the person (example: director, lead teacher, program supervisor, etc.) who is responsible for each part of the plan;

(b) Procedures for accounting for all children and staff during and after the emergency;

(c) How you evacuate their premises, if necessary, and the meeting location after evacuation;

(d) How you care for children with special needs during and after the disaster;

(e) How you provide for children until parents are able to pick them up;

(f) How you contact parents or how parents can contact the child care center; and

(g) Transportation arrangements, if necessary.

(6) The director, staff and parents must read, review and sign the disaster plan annually. Your written records must

include signatures and dates of persons completing the annual disaster plan review on-site.

(7) In addition to the requirements for fire drills and training set forth by the state fire marshal in chapter 212-12 WAC, you must:

(a) Document staff education and training of the disaster plan;

(b) Conduct and document quarterly disaster drills for children and staff (you do not have to conduct a drill quarterly for each potential disaster - just one drill per quarter);

(c) Keep written documentation of the drills on-site; and

(d) Debrief and evaluate the plan in writing after each disaster incident or drill.

(8) You must keep the twelve month record indicating the date and time you conducted the required monthly fire evacuation drills on-site for the current year plus the previous calendar year.

NEW SECTION

WAC 388-295-5040 How do I maintain a clean and sanitized environment? (1) Surfaces must be easily cleanable. A cleanable surface is one that is:

(a) Designed to be cleaned frequently;

(b) Moisture-resistant; and

(c) Free from cracks, chips or tears.

(2) Examples of cleanable surfaces include linoleum, tile, sealed wood, and plastic.

(3) You must maintain the building, equipment and premises in a clean and sanitary manner that protects the children from illness including but not limited to:

(a) Ensure that floors around sinks, toilets, diaper change areas and potty chairs are moisture resistant and easily cleanable for at least twenty-four inches surrounding the surfaces; and

(b) Take measures to control rodents, fleas, cockroaches, and other pests in and around the center premises such as:

(i) Keep all trash and garbage cans tightly sealed;

(ii) Screen open windows and doors;

(iii) Seal and store food properly; and

(iv) Keep floors and other areas free from crumbs and food debris.

(4) Surfaces can be cleaned:

(a) With any cleaning solution such as soap and water, cleanser or cleaning spray;

(b) With a concentration according to label directions; and

(c) Rinsed as needed per label directions.

(5) You may use a bleach solution to sanitize in the following areas:

(a) Diapering areas;

(b) Surfaces exposed to body fluids;

(c) Bathrooms and bathroom equipment;

(d) Table tops;

(e) High chairs;

(f) Toys;

(g) Dishes;

(h) Floors; and

(i) Sleeping mats.

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(6) You may use any solution that is intended for sanitizing if the solution is approved by the department. When you use a product other than bleach to sanitize, you must:

(a) Follow the label directions for use including concentration, contact time and rinsing; and

(b) Be sure that if you use the product on food contact surfaces and items that children might put into their mouths, the label states the product is safe for food contact surfaces.

(7) The following are surfaces that need to be cleaned and sanitized and a minimum schedule for that cleaning:

(a) Tables and counters used for food serving and high chairs before and after each meal or snack;

(b) Sinks, counters and floors daily, or more often if necessary;

(c) Refrigerators monthly or more often as needed;

(d) Bathrooms (including sinks, toilets, counters and floors) daily and more often if necessary;

(e) Floors will be swept, cleaned and sanitized daily;

(f) Carpet vacuumed at least daily and shampooed as needed but at least every six months;

(g) Toys that children place in their mouth between use by different children;

(h) Infant and toddler toys daily; and

(i) Sleeping mats, cribs and other forms of bedding between use by different children and at least weekly.

(8) Your health policies and procedures must describe your frequency for general cleaning, dusting, cleaning toys, toy shelves, and equipment.

NEW SECTION

WAC 388-295-5050 How can I make sure water activities are as safe and sanitary as possible? (1) To ensure that the children are safe with a swimming pool on the premises, you must:

(a) Ensure that pools are inaccessible to children when not in use;

(b) Provide a certified lifeguard at all times in addition to required staff, when children use a swimming pool; and

(c) Follow any guidelines established by your local health jurisdiction or the state department of health.

(2) You must prohibit children from using or having access to a hot tub spa, small portable wading pools, whirlpool, or other similar equipment.

(3) If you have a water table you must empty and sanitize water tables or similar water play containers after each use and more often if necessary.

NEW SECTION

WAC 388-295-5060 How must I store maintenance and janitorial supplies? (1) You must provide safe storage for flammable and combustible liquids and chemicals used for maintenance purposes and operation of equipment. They must be in a location designed to prevent child access at all times. The liquids and chemicals must be:

(a) Stored in original containers or in department approved safety containers that identify contents;

(b) Stored to comply with fire safety regulations adopted by the state fire marshal's office; and

(c) Ventilated either by mechanical ventilation to the outdoors or through a window that opens on the exterior wall.

(2) Your janitorial or housekeeping storage must have:

(a) Floor surfaces that are moisture impervious and easily cleanable;

(b) A designated utility or service sink for disposing of wastewater; and

(c) A place for mop storage that is ventilated to the outside.

NEW SECTION

WAC 388-295-5070 How do I make sure my water is safe? (1) You must have hot and cold running water.

(2) Hot water that is accessible to children must be between 85 degrees Fahrenheit and 120 degrees Fahrenheit.

(3) To be sure your water is safe for drinking, cleaning, cooking and handwashing, you must:

(a) Receive drinking water from a public water system approved by and maintained in compliance with either the department of health or a local health jurisdiction under chapter 246-290 WAC (Group A systems) or chapter 246-291 WAC (Group B systems); or

(b) Have a source of potable water approved for child care center use by the state department of health or the local health jurisdiction; and

(c) Take any other actions required or requested by the state department of health, the local health jurisdiction or the department of social and health services to ensure the safety and reliability of the water supply.

(4) If your water connection is interrupted or your water source becomes contaminated:

(a) A correction must be made within twenty-four hours or the facility must close until corrections can be made; or

(b) The facility must obtain an alternative source of potable water approved by the state department of health or local health jurisdiction in an amount adequate to ensure the requirements in this chapter for safe drinking water, handwashing, sanitizing, dishwashing, and cooking are met.

NEW SECTION

WAC 388-295-5080 How do I safely get rid of sewage and liquid wastes? (1) You must dispose of sewage and liquid waste into a public sewer system or approved on-site sewage disposal system (septic system) designed, constructed and maintained as required in chapter 246-272 and 173-240 WAC and local ordinances.

(2) If you have an on-site sewage system, you must:

(a) Have written verification that the system has been approved by the department of health or local health jurisdiction; and

(b) Locate your drain field and venting to be sure that:

(i) Playgrounds are not on and do not interfere with the access to or operation of the on-site sewage system including the drain field; and

(ii) That drain field venting does not vent onto the playground.

NEW SECTION

WAC 388-295-5090 What are the fence requirements? (1) You must fence the outdoor play area to:

- (a) Prevent unauthorized people from entering; and
- (b) Prevent children from escaping and having access to hazardous areas.

(2) At a minimum fences and gates must:

- (a) Be safe, and maintained in good repair; and
- (b) Be designed to discourage climbing and prevent entrapment.

NEW SECTION

WAC 388-295-5100 What are the requirements for toilets, handwashing sinks and bathing facilities? (1) You must provide:

- (a) A toilet room that is vented to the outdoors;
- (b) A room with flooring that is moisture resistant and washable;
- (c) One flush-type toilet and one adjacent sink for hand washing within auditory (hearing) range of the child care classrooms for every fifteen children and staff;
- (d) Toileting privacy for children of opposite genders who are six years of age and older, or when a younger child demonstrates a need for privacy; and
- (e) A mounted toilet paper dispenser within arms reach of the user with a constant supply of toilet paper for each toilet.

(2) Children eighteen months of age or younger are not included when determining the number of required flush-type toilets.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(4) Toilet fixture heights must be as follows:

If the age group is:	The toilet fixture height must be:
(a) Toddler: Eighteen months through 29 months	(i) Ten - 12 inches (child size); or (ii) Fourteen - 16 inches (adult size) with a safe, easily cleanable platform that is moisture impervious and slip resistant.
(b) Preschool or older: Thirty months of age through five years of age not enrolled in kindergarten or elementary school	(i) Ten - 12 inches (child size); or (ii) Fourteen - 16 inches (adult size) with a safe, easily cleanable platform that is moisture impervious and slip resistant.

(5) Hand washing sink heights must be as follows:

If the age group is:	The sink height must be:
(a) Toddler: Twelve months through 29 months	(i) Eighteen - 22 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.
(b) Preschool or older: Thirty months of age through five years of age not enrolled in kindergarten or elementary school	(i) Twenty-two - 26 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.
(c) School age: Over five years of age or enrolled in kindergarten or elementary school	(i) Twenty-six - 30 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.

(6) Infants are not included when determining the number of sinks required for hand washing.

(7) The sink for hand washing must:

- (a) Be located in or immediately outside of each toilet room;
 - (b) Have water controls that are accessible by the intended user; and
 - (c) Not be used for food preparation, as a drinking water source or a storage area.
- (8) You must have:
- (a) Single use paper towels and dispensers; or
 - (b) Heated air-drying devices.
- (9) You must use soap from some type of dispenser to prevent the spread of bacteria from the soap.

(10) If the center is equipped with a bathing facility, you must:

- (a) Have parent permission to bathe children;
 - (b) Equip the bathing facility with a conveniently located grab bar and a nonskid pad or surface; and
 - (c) Provide constant supervision for the child five years of age and younger and older children who require supervision.
- (11) You must make the bathing facility inaccessible to children when not in use.

NEW SECTION

WAC 388-295-5110 What are the requirements if I do laundry on the premises or off-site? (1) If you choose to do laundry on the premises or off site you must be sure the laundry is:

- (a) Cleaned and rinsed;
- (b) Sanitized with hot water that reaches at least 140 degrees Fahrenheit or use an alternative method such as chlorine bleach that has been approved by the department;
- (c) Stored to keep soiled linen and laundry separate from clean linen;
- (d) Separate from kitchen and food preparation areas; and
- (e) Inaccessible to children.

(2) You also must ensure the dryer is ventilated to outside the building.

NEW SECTION

WAC 388-295-5120 What kind of sleep and nap equipment do I need for children not in cribs, bassinets, infant beds or playpens? Sleeping and nap equipment must be available for each toddler and preschool age child not using a crib and remaining in care for at least six hours and any other child requiring a nap or rest period.

(1) You must:

- (a) Provide a separate, firm and waterproof mat or mattress, cot or bed for each child or have a system for cleaning the equipment between children;
- (b) Place mats or cots at least thirty inches apart at the sides and arrange children head to toe or toe to toe;
- (c) Be sure that the bedding consists of a clean sheet or cover for the sleeping surface and a clean blanket or suitable cover for the child;

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(d) Launder the bedding weekly or more often if necessary and between uses by different children;

(e) Store each child's bedding separately from bedding used by other children. Once the bedding has been used, it is considered dirty. One child's bedding cannot touch another child's bedding during storage;

(f) Keep mats clean and in good repair. Once a mat is torn it is not cleanable. You may not use duct tape or fabric to repair sleeping mats or mattresses; and

(g) Use only cots with a surface that can be cleaned with a detergent solution, disinfected and allowed to air dry.

(2) You may not use the upper bunk of a bunk bed for children under six years of age.

NEW SECTION

WAC 388-295-5140 Are there any requirements for storage space provided for children? You must provide accessible individual storage space for each child's belongings that prevents the spread of diseases or parasites such as scabies and lice.

NEW SECTION

WAC 288-295-5150 Are there ventilation and temperature requirements for my facility? (1) You must maintain all rooms used by children at temperature of:

(a) Sixty-eight degrees Fahrenheit to 75 degrees Fahrenheit during winter months; and

(b) Sixty-eight degrees Fahrenheit to 82 degrees Fahrenheit during the summer months.

(2) In addition, you must:

(a) Equip the room or building with a mechanical air cooling system or equivalent when the inside temperature of child-occupied areas exceeds 82 degrees Fahrenheit. This includes but is not limited to, swamp coolers, fans, air conditioners, or drip systems;

(b) Not take children outdoors during extremes temperatures that put children at risk for physical harm.

NEW SECTION

WAC 388-295-5160 What do I need to know about pesticides? (1) To use pesticides, you must comply with licensing requirements of chapter 17.21 RCW (The Pesticide Application Act) which requires you to:

(a) Establish a policy on the use of pesticides that includes your posting and notification requirements;

(b) Provide to parents a written copy of your pesticide policies that includes your posting and notification requirements annually or on enrollment;

(c) Notify parents, guardians, and any other interested parties forty-eight hours in advance of the application of pesticides; and

(d) Require the pesticide applicator to provide a copy of the records required within twenty-four hours of when the pesticide is applied.

(2) Your notification must include a heading stating "Notice: Pesticide Application and..." at a minimum must state the:

(a) Product name of the pesticide being used;

(b) Intended date and time of application;

(c) Location where the pesticide will be applied;

(d) Pest to be controlled; and

(e) Name and number of a contact person at the facility.

(3) To notify people that a pesticide has been used, you must place a marker at each primary point of entry to the center grounds. The marker must be:

(a) A minimum of four inches by five inches;

(b) Printed in colors contrasting to the background; and

(c) Left in place for at least twenty-four hours following the pesticide application or longer if a longer restricted period is stated on the label.

(4) The marker must include:

(a) A headline that states "This landscape has recently been sprayed or treated with pesticides";

(b) Who has treated the landscape; and

(c) Who to call for more information.

NEW SECTION

WAC 388-295-5170 Can we have animals at the center? (1) When animals are on the center premises you must:

(a) Notify the parents in writing that animals are on the premises and the potential health risks associated with the animals to include how to address the needs of children having allergies to animals;

(b) Have a signed document from each parent stating they understand the potential health risks;

(c) Not hang pet containers or cages in corridors, entryways or over where children eat, sleep, and play;

(d) Post handwashing signs in areas where pets are housed;

(e) Have containers or cages to prevent debris from spilling out of the container or cage. The container or cage must not be located in corridors, entrance ways, or where children eat, or play;

(f) Assign responsible staff to ensure pet containers, cages, and litter boxes are cleaned and disinfected at least weekly and more often if needed;

(g) Not allow animals in food preparation areas. If the sink is used for cleaning food or utensils it cannot be used to clean pet supplies;

(h) Not allow animals in rooms that typically are used by infants or toddlers;

(i) Keep on file proof of current rabies vaccinations for all dogs and cats;

(j) Meet local requirements in counties with immunization, vaccination and licensing requirements for animals; and

(k) Organize children into small groups for supervised activity for handling of pets.

(2) You must develop policies and procedures for management of pets to include:

(a) How the needs of children who have allergies to pets will be accommodated;

(b) How pet containers, cages, litter boxes will be cleaned and sanitized and who will do it;

(c) How pets will receive food and water, and be kept clean and who will do it;

(d) Curricula for teaching children and staff about safety and hygiene when handling pets; and

(e) Pets (excluding aquatic animals) showing signs of illness must be removed from the facility until they have been seen, treated and given approval to return to the center by a veterinarian. Written proof of veterinary visits must be maintained on file.

(3) Reptiles and amphibians must be in an aquarium or other totally self-contained area except during educational activities involving the reptile. Children five years of age or less must not physically handle reptiles and amphibians.

(4) Animals with a history of biting or other aggressive behaviors must not be on the premises of the child care center.

(5) You must ensure children wash their hands after handling animals.

AGENCY PRACTICES

NEW SECTION

WAC 388-295-6010 What are the regulations regarding discrimination? (1) Child care centers are defined by state and federal law as places of public accommodation and must not discriminate in employment practices and client services on the basis of race, creed, color, national origin, marital status, gender, sexual orientation, class, age, religion, or disability.

(2) You must:

(a) Post a nondiscrimination poster where families and staff can easily read it;

(b) Have a written nondiscrimination policy; and

(c) Comply with the requirements of the Americans with Disabilities Act.

NEW SECTION

WAC 388-295-6020 What are the regulations regarding religious activities? You must:

(1) Respect and facilitate the rights of the child in care to observe the tenets of the child's faith, consistent with state and federal laws;

(2) Not punish or discourage the child for exercising these rights; and

(3) Maintain a written description of the center's religious policies and practices that affect the child in care.

NEW SECTION

WAC 388-295-6030 What are the special requirements regarding American Indian children? When five percent or more of the center's child enrollment consists of American Indian children, you must develop social services resource and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian health service, and Bureau of Indian Affairs social service staff, and appropriate urban Indian and Alaska native consultants.

NEW SECTION

WAC 388-295-6040 What are the requirements regarding child abuse and neglect? (1) You and your staff

must protect the child in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW.

(2) You must immediately report an instance when you or the staff have reason to suspect that child physical, sexual, or emotional abuse, child neglect, or child exploitation as defined in chapter 26.44 RCW has occurred. This report must be made to children's administration central intake.

(3) If there is immediate danger to a child you must also make a report to local law enforcement.

NEW SECTION

WAC 388-295-6050 What substances are prohibited in the child care center or on the premises? (1) You, your staff, parents, and volunteers must not be under the influence of, consume, or possess an alcoholic beverage or illegal drug while on the child care premises or during work hours while you are responsible for children in care.

(2) You, your staff, parents, and volunteers must not smoke:

(a) Inside the center building;

(b) While supervising children outdoors; or

(c) In a motor vehicle while transporting children.

(3) You, your staff, parents, and volunteers may smoke outdoors, off the premises and out of view of the children.

NEW SECTION

WAC 388-295-6060 Who is allowed to have unsupervised access to children in care? (1) During operating hours or while the child is in care, the only persons allowed to have regular or unsupervised access to the child in care are:

(a) The child's parent;

(b) You;

(c) An employee or volunteer who has received a Washington state patrol background check clearance; and

(d) A representative of a governmental agency who has specific, verifiable authority supported by documentation for the access.

(2) You must not allow anyone else unsupervised access to a child in care. A parent can only have unsupervised access to his or her own child unless the parent signs an authorization for an individual to have unsupervised access to their own child. (For example a therapist.)

RECORDS, REPORTING, AND POSTING

NEW SECTION

WAC 388-295-7010 What information must be kept in the child's individual file? (1) You must keep current organized confidential records and information about each child in care on the premises. You must make sure that each child's record contains, at a minimum:

(a) Completed enrollment application signed by the parent;

(b) Name, birth date, dates of enrollment and termination, and other identifying information;

(c) Name, address, and home and business telephone number of the parent and other person to be contacted in case of an emergency;

- (d) Health history;
 - (e) Individual plan of care when needed for chronic health conditions and life threatening medical conditions;
 - (f) Written consent from the parent for you to seek and approve medical care in an emergency situation, a court order waiving the right of informed consent, or parent's alternate plans for emergency medical and surgical care if the parent can not be reached;
 - (g) Information on how to contact the parents, especially in emergencies;
 - (h) Instructions from parent or health care providers related to medications, specific food or feeding requirements, allergies, treatments, and special equipment or health care needs if necessary;
 - (i) Written records of any illness or injury that occurs during child care hours and the treatment provided; and
 - (j) Written records of any medications given while the child is at child care.
- (2) You must include the following authorizations in each child's record:
- (a) Name, address, and telephone number of the person authorized to remove the child from the center;
 - (b) Written parental consent for transportation to and from school; and
 - (c) Written parental consent for transportation provided by the center to and from field trips, including field trip location, date of trip, departure and arrival times and any other additional information the parent may need to be advised of.
- (3) You can use any health history form you choose as long as it includes:
- (a) The date of the child's last physical exam or the date the child was last seen by a health care provider for reasons other than immunizations;
 - (b) Allergies, expected symptoms, and method of treatment if necessary;
 - (c) Health and developmental concerns or issues;
 - (d) Any life threatening medical condition that requires an individual health plan;
 - (e) A list of current medications used by the child;
 - (f) Name, address and phone number of the child's health care provider; and
 - (g) Name, address and phone number of the child's dentist, if the child has a dentist.
- (4) The individual records, including the certificate of immunization status, must be kept on the premises:
- (a) For each child currently in care; and
 - (b) For one year after the child leaves your care.
- (5) Attendance records, sign in and out records and invoices for state-paid children must be kept for five years after the child leaves your care.

NEW SECTION

WAC 388-295-7020 Am I required to track immunizations? (1) You are required to track each child's immunization status. To be sure that the children have the required immunizations for their age, you or your staff must:

- (a) See that each child has a completed certificate of immunization status form submitted or on file before the first day of child care;

(b) Develop a system to audit and update as scheduled the information on the certificate of immunization status forms;

(c) Meet any requirement of the department of health WAC 246-100-166; and

(d) Have available on the premises the certificate of immunization status forms for review by the health specialist, licenser, the department of health, and nurse consultant.

(2) You may accept a child whose immunizations are started but not up to date on a "conditional" basis if:

(a) For children whose records are difficult to obtain (such as foster children), there is written proof that the case worker or health care provider is in the process of obtaining the child's immunization status prior to the child starting child care; or

(b) The required immunizations are started prior to children starting child care; and

(c) The immunizations are completed as rapidly as medically possible. You must work with the parent, health care provider, or local health department to obtain an immunization plan.

(3) If a parent or health care provider chooses not to immunize a child, they must sign the exempt portion of the certificate of immunization status form.

(4) You may have a policy that states you do not accept children who have been exempted from immunizations by their parent or guardian, unless that exemption is due to an illness protected by the American With Disabilities Act (ADA).

(5) The certificate of immunization status forms for children who are currently enrolled must be accessible and maintained on the premises in a confidential manner.

NEW SECTION

WAC 388-295-7030 What type of attendance records do I have to keep? You must keep daily attendance records.

(1) The parent or other person authorized by the parent to take the child to or from the center must sign in the child on arrival and sign out the child at departure, using their full legal signature and writing the time of arrival and departure;

(2) When the child leaves the center to attend school or participate in off-site activities as authorized by the parent, you or your staff must sign out the child, and sign in the child on return to the center; and

(3) Attendance records and invoices for state paid children must be kept on the premises for at least five years after the child leaves your care.

NEW SECTION

WAC 388-295-7040 Am I required to keep licensing information available on site for parents to review? You must keep a file on site containing the following licensing information:

(1) Copies of the most recent child care center checklists for licensing renewal and facility licensing compliance agreement for any deficiencies noted; and

(2) Copies of the most recent child care centers monitoring checklist and facility licensing compliance agreement for and deficiencies noted.

NEW SECTION

WAC 388-295-7050 What personnel records and policies must I have? (1) Each employee and volunteer who has unsupervised access to a child in care must complete the following forms on or before their date of hire:

(a) An application for employment on a form prescribed by us, or on a comparable form approved by the department; and

(b) A criminal history and background inquiry form.

(2) You must submit the criminal history and background inquiry form to us within seven calendar days of the employee's first day of work. The form authorizes a criminal history background inquiry for that person.

(3) Until the criminal background inquiry results are returned and show the employee to not be disqualified, the employee is not to be unsupervised with the children.

(4) We discuss the information on the criminal history background inquiry form with you, the director, or other person responsible for the operation of the center, such as a human resources professional, if applicable.

(5) If you employ five or more people you must have written personnel policies. These policies must describe staff benefits, if any, and duties and qualifications of staff.

(6) You must maintain a system of record keeping for personnel. In addition to the other requirements in this chapter, you must keep the following information on file on the premises for yourself, each staff person and volunteer:

(a) An employment application, including work and education history;

(b) A photo copy of the Social Security card that is valid for employment or verification of your employer identification number (EIN);

(c) A photo copy of a photo identification issued by a government entity;

(d) Documentation that a criminal history and background inquiry form was submitted;

(e) Written documentation of trainings and meetings such as but not limited to:

(i) Orientation;

(ii) On-going trainings;

(iii) Bloodborne Pathogen training (including HIV/AIDS);

(iv) CPR/First Aid;

(v) Food handler's cards (if applicable);

(vi) STARS;

(vii) Staff meetings; and

(viii) Child abuse and neglect.

(f) Documentation of the results of Tuberculosis (TB) testing by the Mantoux skin test prior to starting work.

(7) Training documentation must include a certificate, card, or form with a copy placed in each individual employees file that contains the:

(a) Topic presented;

(b) Number of clock hours;

(c) Date and names of persons attending; and

(d) Signature and organization of the person conducting the training.

NEW SECTION

WAC 388-295-7060 What injuries and illnesses or child abuse and neglect must I report? You or your staff must report immediately:

(1) A death or a serious injury or illness that requires medical treatment or hospitalization of a child in care must be reported by telephone and in writing to the parent, licensor, and child's social worker, if the child has a social worker;

(2) Any instance when you or your staff have reason to suspect the occurrence of any physical, sexual, or emotional child abuse or child neglect, child endangerment, or child exploitation as required under described in chapter 26.44 RCW. You may make a report by calling the statewide number at 1-800-562-5624 or 1-866-Endharm; and

(3) An occurrence of food poisoning or reportable communicable disease, as required by the state board of health to the local public health department and to the licensor, by telephone.

NEW SECTION

WAC 388-295-7070 What circumstantial changes must I report to my licensor? A child care center license is valid only for the address, person, and organization named on the license. You must promptly report to the licensor any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for license. A major change includes the following:

(1) Center's address, location, space or phone number;

(2) Maximum number and age ranges of children you wish to serve compared to the current license specifications;

(3) Number and qualifications of the center's staffing pattern that may affect staff capability to carry out the specified program, including:

(a) Change of ownership, chief executive, director, or program supervisor; and

(b) Death, retirement, or incapacity of the person licensed;

(4) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and by-laws;

(5) A fire, major structural change, or damage to the premises; and

(6) Plans for major remodeling of the center, including planned use of space not previously approved by the fire marshal's office or us.

NEW SECTION

WAC 388-295-7080 What am I required to post in the center? You must post the following items so that they are clearly visible to the parent and staff:

(1) The center's child care license issued under this chapter;

(2) A schedule of regular duty hours with the names of staff;

(3) A typical activity schedule, including operating hours and scheduled mealtimes;

(4) Meal and snack menus for the month;

- (5) Fire safety record and evacuation plans and procedures, including a diagram of exiting routes;
- (6) Emergency telephone numbers near the telephone;
- (7) Nondiscrimination poster;
- (8) For the staff, you must post:
 - (a) Dietary restrictions and nutrition requirements for particular children;
 - (b) Handwashing practices;
 - (c) Diaper changing procedures, if applicable;
 - (d) Disaster preparedness plan; and
 - (e) Center policies and procedures.
- (9) You must post a notification advising parents that you are required to keep the following licensing information available on site for their review:
 - (a) Copies of the most recent child care center checklist for licensing renewal and facility licensing compliance agreement for any deficiencies noted; and
 - (b) Copies of the most recent child care centers monitoring checklist and facility licensing compliance agreement for any deficiencies noted.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-150-005 Authority.
- WAC 388-150-010 Definitions.
- WAC 388-150-020 Scope of licensing.
- WAC 388-150-040 Local ordinances and codes.
- WAC 388-150-050 Waivers.
- WAC 388-150-060 Dual licensure.
- WAC 388-150-070 Application and reapplication for licensing—Investigation.
- WAC 388-150-080 Licensed capacity.
- WAC 388-150-085 Initial license.
- WAC 388-150-090 When can my license application be denied and when can my license be suspended or revoked?
- WAC 388-150-092 Civil penalties.
- WAC 388-150-093 Civil penalties—Amount of penalty.
- WAC 388-150-094 Civil penalties—Posting of notice of penalty.
- WAC 388-150-095 Civil penalties—Unlicensed programs.
- WAC 388-150-096 Civil penalties—Separate violations.
- WAC 388-150-097 Civil penalties—Penalty for nonpayment.

- WAC 388-150-098 Probationary license.
- WAC 388-150-100 Activity program.
- WAC 388-150-110 Learning and play materials.
- WAC 388-150-120 Staff-child interactions.
- WAC 388-150-130 Behavior management and discipline.
- WAC 388-150-140 Rest periods.
- WAC 388-150-150 Evening and nighttime care.
- WAC 388-150-160 Off-site trips.
- WAC 388-150-165 Transportation.
- WAC 388-150-170 Parent communication.
- WAC 388-150-180 Staff pattern and qualifications.
- WAC 388-150-190 Group size and staff-child ratios.
- WAC 388-150-200 Staff development and training.
- WAC 388-150-210 Health care plan.
- WAC 388-150-220 Health supervision and infectious disease prevention.
- WAC 388-150-230 Medication management.
- WAC 388-150-240 Nutrition.
- WAC 388-150-250 Kitchen and food service.
- WAC 388-150-260 Drinking and eating equipment.
- WAC 388-150-270 Care of young children.
- WAC 388-150-280 General safety, maintenance, and site.
- WAC 388-150-290 Water safety.
- WAC 388-150-295 Water supply, sewage, and liquid wastes.
- WAC 388-150-310 First-aid supplies.
- WAC 388-150-320 Outdoor play area.
- WAC 388-150-330 Indoor play area.
- WAC 388-150-340 Toilets, handwashing sinks, and bathing facilities.
- WAC 388-150-350 Laundry.
- WAC 388-150-360 Nap and sleep equipment.
- WAC 388-150-370 Storage.
- WAC 388-150-380 Program atmosphere.
- WAC 388-150-390 Discrimination prohibited.
- WAC 388-150-400 Religious activities.

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WAC 388-150-410	Special requirements regarding American Indian children.	Section 200	Add, delete and revise terms related to the new source review program in order to be more consistent with those found in chapter 173-400 WAC.
WAC 388-150-420	Child abuse, neglect, and exploitation.	Section 300	Rewrite this new source review section to be more consistent with the state program found in chapter 173-400 WAC.
WAC 388-150-430	Prohibited substances.	Section 301	Delete portions pertaining to new source review as they are now being addressed in section 300 and clarify requirements for temporary sources.
WAC 388-150-440	Limitations to persons on premises.	Section 324	Clarify registration and new source review fee applicability and update fee schedules.
WAC 388-150-450	Child records and information.	Section 325	Clarify issues regarding the transfer of registration and orders.
WAC 388-150-460	Program records.	Section 501	Add additional fees for fire training permits and correct a citation to another section of the regulation.
WAC 388-150-470	Personnel policies and records.	SECTIONS TO REPEAL	
WAC 388-150-480	Reporting of death, injury, illness, epidemic, or child abuse.	Section 302	Rules pertaining to new source review are now being addressed in section 300.
WAC 388-150-490	Reporting of circumstantial changes.	Section 310	Rules pertaining to new source review are now being addressed in section 300.
WAC 388-150-500	Posting requirements.	Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 03-11-091 on May 21, 2003.	
WAC 388-150-990	Purpose and authority.	Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 2; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.	
WAC 388-150-991	Waiver of fees.	Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.	
WAC 388-150-992	Fee payment and refunds.	Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.	
WAC 388-150-993	Denial, revocation, suspension, and reinstatement.	Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 2.	

**WSR 03-15-072
PERMANENT RULES
NORTHWEST AIR
POLLUTION AUTHORITY**

[Filed July 16, 2003, 2:29 p.m.]

Date of Adoption: July 10, 2003.

Purpose: The amended regulation allows the Northwest Air Pollution Authority to establish a new source review program that is approvable into the state implementation plan (SIP).

Citation of Existing Rules Affected by this Order:

AMENDATORY SECTIONS

- Section 104 Update state and federal regulations that are adopted by reference to include recently promulgated NSPS and NESHAP regulations.
- Section 122 Clarify applicability of appeals from orders and notices.
- Section 133 Increase the maximum civil penalty from \$13,000 per day to \$14,000 per day to account for inflation.

Northwest Air Pollution Authority - July 10, 2003 Regulation Amendments

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation

Effective Date of Rule: Thirty-one days after filing.
July 14, 2003
James Randles
Control Officer

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of the Authority, is hereby adopted by reference and made part of the Regulation of the Authority. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.05) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400 (~~except -035, -099, -100, -101, -102, -104, -110, -114, -116~~), WAC 173-401, (~~(WAC 173-405, WAC 173-410, WAC 173-415)~~), WAC 173-420, WAC 173-421, WAC 173-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC 173-435, WAC 173-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC 173-492, WAC 173-495, and WAC 173-802.

104.2 All provisions of the following federal rules that are in effect as of July 1, (~~(2000)~~) 2003 are hereby adopted by reference and made part of the Regulation of the Authority: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Cb, Cc, Cd, Ce, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, BBBB, CCCC, DDDD; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, J, L, M, N, O, P, V, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, J, L, M, N, O, Q, R, (~~(S)~~), T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, (~~(LL)~~), OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, TTT, UUU, VVV, XXX, AAAA, CCCC, GGGG, HHHH, JJJJ, NNNN, SSSS, TTTT, UUUU, VVVV, XXXX, YYYY, QQQQ; and 40 CFR 72, 73, 74, 75, 76, 77 and 78 (Acid Rain Program).

Amended: April 14, 1993, September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996, May 9, 1996, March 13, 1997, May 14, 1998, November 12, 1998, November 12, 1999, June 14, 2001, July 10, 2003

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 122 - APPEALS FROM ORDERS OR VIOLATIONS

122.1 Any order or notice (~~(of violation)~~) issued by the Board or Control Officer shall become final unless, no later than thirty (30) days after the date that notice and order are served, the person aggrieved by the order or notice of violation appeals to the Hearings Board as provided by State Law.

PASSED: January 8, 1969 Amended: July 8, 1970, July 10, 2003

AMENDATORY SECTION

SECTION 133 - CIVIL PENALTY

133.1 In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW, Chapter 70.120 RCW, any of the rules in force under such chapters, including the Regulation of the Northwest Air Pollution Authority shall be liable for a civil penalty in an amount of not more than fourteen thousand dollars (\$14,000) (~~(thirteen thousand dollars (\$13,000))~~) per day per violation. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order shall be liable for a civil penalty of not more than fourteen thousand dollars (\$14,000) (~~(thirteen thousand dollars (\$13,000))~~) for each day of continued noncompliance.

AMENDED: November 14, 1984, April 14, 1993, September 8, 1993, October 13, 1994, February 8, 1996, November 12, 1998, November 12, 1999, June 14, 2001, July 10, 2003

AMENDATORY SECTION

SECTION 200 - DEFINITIONS

ACTUAL EMISSIONS - The actual rate of emissions of a pollutant from an emission unit, as determined in accordance with a) through c) of this definition.

a) In general, the actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal stationary source operation. The Authority shall allow the use of a different time period upon a determination by the Authority that it is more representative of normal stationary source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

b) The Authority may presume that stationary source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

ADVERSE IMPACT ON VISIBILITY - Adverse impact on visibility is defined in WAC 173-400-117.

AGRICULTURAL OPERATION - (~~(Means)~~) The growth of crops, the raising of fowl, animals or bees as a gainful occupation.

AIR CONTAMINANT - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(~~(AIR CONTAMINANT SOURCE~~ - Is a point or point from which one or more contaminants originate))

AIR POLLUTION - (~~(Is)~~) The presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is

likely to be, injurious to human health, plant, or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this regulation, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

AIR QUALITY OBJECTIVE - The concentration and exposure time of one or more air contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

ALLOWABLE EMISSIONS - The emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

a) The applicable standards as in 40 CFR Part 60, 61 or 63;

b) Any applicable SIP emissions limitation including those with a future compliance date; or

c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

AMBIENT AIR - The surrounding outside air.

AMBIENT AIR QUALITY STANDARD - An established concentration, exposure time and frequency of occurrence of one or more air contaminant(s) in the ambient air which shall not be exceeded.

AMBIENT AIR MONITORING STATION - A station so designated by the Control Officer for the purpose of measuring air contaminant concentrations in the ambient air. The station location and sampling probe locations shall be designated by the Control Officer utilizing as a guide 40 CFR Part 58, Appendix "D" Network Design and Appendix "E" Probe Siting Criteria.

ATTAINMENT AREA - ~~((Means))~~ A geographic area designated by EPA at 40 CFR Part 81 ~~((in effect on July 1, 2000))~~ as having attained the National Ambient Air Quality Standard for a given criteria pollutant. ~~((An area is in attainment for only the pollutants for which the area meets the NAAQS))~~.

AUTHORITY - Northwest Air Pollution Authority (NWAPA). With regard to new source review, Authority shall include any other designated permitting agency.

BEGIN ACTUAL CONSTRUCTION - In general, initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) - An emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the Authority, on a case-by-case basis, taking into account

energy, environmental, and economic impacts, and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "Best Available Control Technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990. ((means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Authority may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.))

BEST AVAILABLE RETROFIT TECHNOLOGY (BART) - An emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the stationary source, the remaining useful life of the stationary source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

BOARD - Board of Directors of the NWAPA.

BUBBLE - A set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and WAC 173-400-120.

BUSINESS ESTABLISHMENT - A facility and/or place where commercial and/or professional dealings are conducted.

CATALYTIC CRACKING UNIT - A petroleum refinery cracking unit of the fluid or compact moving bed type consisting of a reactor, regenerator and fractionating tower and, where employed, a carbon monoxide boiler.

CLASS I AREA - Any area designated under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

- a) Alpine Lakes Wilderness;
- b) Glacier Peak Wilderness;
- c) Goat Rocks Wilderness;
- d) Mount Adams Wilderness;
- e) Mount Rainier National Park;
- f) North Cascades National Park;
- g) Olympic National Park;
- h) Pasayten Wilderness; and
- i) Spokane Indian Reservation.

COMBUSTION and INCINERATION UNITS ((EQUIPMENT)) - Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning. ((Any device which includes a chamber where combustion takes place and for which a flue, vent, or chimney is required for the venting of the products of combustion from a boiler, furnace, incinerator, stove, heater, industrial furnace, etc.))

COMMENCED - a) Commenced as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

1) begun, or caused to begin, a continuous program of actual on-site construction of the stationary source, to be completed within a reasonable time; or

2) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the stationary source to be completed within a reasonable time.

b) For the purpose of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

COMMERCIAL COMPOSTING FACILITY - A facility that is operated for the purpose of selling or off-site distribution of compost produced via the controlled biological degradation of organic material.

COMPLAINANT - Any person who files a complaint.

CONCEALMENT - Any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

CONTROL FACILITY - Includes any treatment works, control devices and disposal systems, machinery equipment, structures, property or any part of accessories thereof, installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste which, if released to the outdoor atmosphere, could cause air pollution.

CONTROL OFFICER - Air Pollution Control Officer of the NWAPA.

CRITERIA POLLUTANT - A pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O3) sulfur dioxide (SO2), lead (Pb), and nitrogen dioxide (NO2).

DAYLIGHT HOURS - The hours between official sunrise and official sunset.

ECOLOGY - The Washington State Department of Ecology (WDOE).

EMISSION - A release of air contaminants into the ambient air ((The act of releasing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant, or the material released into the atmosphere)).

EMISSION REDUCTION CREDIT (ERC) - A credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

EMISSION POINT - The location (place in horizontal plane and vertical elevation) from which an emission enters the atmosphere.

EMISSION STANDARD and EMISSION LIMITATION - A requirement established under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW ((Limitation on the release of one or more contaminants to the ambient air)).

EMISSIONS UNIT - Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 RCW ((or)), chapter 70.98 RCW or Regulation of the Authority.

EQUIPMENT - Any stationary or portable device or any part thereof capable of causing the emission of any contaminant into the atmosphere or ambient air.

EXCESS EMISSIONS - Emissions of an air pollutant in excess of any applicable emission standard.

EXISTING STATIONARY FACILITY (FACILITY) - Is defined in WAC 173-400-151 ((A stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.))

FEDERAL CLEAN AIR ACT (FCAA) - The Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

FEDERAL CLASS I AREA - Any federal land that is classified or reclassified Class I area. The following areas are the Class I areas in Washington state:

- a) Alpine Lakes Wilderness;
- b) Glacier Peak Wilderness;
- c) Goat Rocks Wilderness;
- d) Mount Adams Wilderness;
- e) Mount Rainier National Park;
- f) North Cascades National Park;
- g) Olympic National Park; and
- h) Pasayten Wilderness

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FEDERAL LAND MANAGER - The secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior - National Park Service, the U.S. Department of Agriculture - Forest Service, and/or the U.S. Department of the Interior - Bureau of Land Management.

FEDERALLY ENFORCEABLE - All limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091

FIELD GRASSES - Canary grass, bromegrass, oatgrass, timothy, ryegrass, wheatgrass, and orchard grass planted for seed production.

FIRE CHIEF - A state, county, or city fire marshal, city fire chief, chief of each County Fire Protection District or authorized forestry officials from the Washington State Department of Natural Resources.

FUEL BURNING EQUIPMENT - ~~((Means))~~ Equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

FUGITIVE DUST - A particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS - ~~Emissions which ((do not pass and which))~~ Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HEARINGS BOARD - The state Pollution Control Hearings Board or equivalent local hearings board as set forth in RCW 43.21B.

HOG FUEL BOILER - A boiler that utilizes wood, commonly called "hog fuel", as one source of fuel.

INCINERATOR - ~~A furnace ((or facility)) used primarily for the thermal destruction of waste ((for the destruction of waste burning)).~~ A furnace used primarily for the thermal destruction of waste.

INPUT HEAT CAPACITY - Is the maximum actual or design heat capacity, whichever is greater, stated in BTU/hr. generated by the stationary source and shall be expressed using the higher heating value of the fuel unless otherwise specified.

INSTALLATION - The placement, assemblage, or construction of equipment or control equipment ((facility)) at the premises where the equipment or control equipment ((facility)) will be used, and includes all preparatory work at such premises.

LOWEST ACHIEVABLE EMISSION RATE (LAER) - For any stationary source that rate of emissions which reflects the more stringent of:

a) the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

b) the most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable New Source Performance Standards.

MAJOR MODIFICATION - a) "Major modification" as it applies to stationary sources subject to requirements for new stationary sources in nonattainment areas, is defined in WAC 173-400-112. b) "Major modification" as it applies to stationary sources subject to requirements for new stationary sources in attainment or unclassified areas is defined in WAC 173-400-113.

MAJOR STATIONARY SOURCE - a) "Major stationary source" as it applies stationary sources subject to requirements for new stationary sources in nonattainment areas is defined in WAC 173-400-112. b) "Major stationary source" as it applies stationary sources subject to requirements for new stationary sources in attainment or unclassified areas is defined in WAC 173-400-113.

MANDATORY CLASS I FEDERAL AREA - any area defined in Section 162(a) of the Federal Clean Air Act. The following areas are the mandatory Class I federal areas in Washington state:

- | | |
|--|---|
| a) <u>Alpine Lakes Wilderness;</u> | f) <u>North Cascades National Park;</u> |
| b) <u>Glacier Peak Wilderness;</u> | g) <u>Olympic National Park; and</u> |
| c) <u>Goat Rocks Wilderness;</u> | h) <u>Pasayten Wilderness</u> |
| d) <u>Mount Adams Wilderness;</u> | |
| e) <u>Mount Rainier National Park;</u> | |

MASKING - The mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

MATERIALS HANDLING - The handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

MERCURY - The element mercury, excluding any associated elements and includes mercury in particulates, vapors, aerosols, and compounds.

MERCURY ORE - A mineral mined specifically for its mercury content.

MERCURY CHLOR-ALKALI CELL - A device which is basically composed of an electrolyzer section and a denuder (decomposer) section and utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.

MODIFICATION - Any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

MULTIPLE CHAMBER INCINERATOR - Any incinerator consisting of two or more combustion chambers in series, employing adequate design parameters necessary for maximum combustion of the material to be burned.

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) - An ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

PERMANENT

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) - The federal rules in 40 CFR Part 61.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES - The federal rules in 40 CFR Part 63.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) - Shall be referred to as NPDES.

NATURAL CONDITIONS - naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

~~((NEW CONSTRUCTION — It shall be deemed new construction and new source standards shall apply when: (1) equipment and facilities are made and/or used for the first time at a specific location or site, or (2) existing equipment or facilities are modified or altered and the cost thereof is: (a) equal to 50% or greater of replacement cost or (b) less than 50% of replacement cost but may result in an increase in the total air contaminant emissions compared to the original or present emissions.))~~

NET EMISSIONS INCREASE - a) Net emissions increase as it applies to stationary sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112. b) Net emissions increase as it applies to stationary sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113.

NEW SOURCE - a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted; and b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) - The federal rules in 40 CFR Part 60.

NONATTAINMENT AREA - ((Means)) A geographic area designated by EPA ((the Environmental Protection Agency)) at 40 CFR Part 81((in effect on July 1, 2000)) as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment ((for)) only for the pollutants for which the area has been designated nonattainment ((that exceed the NAAQS)).

NONHIGHWAY MOBILE SOURCE - A source which is neither used on nor does ordinarily travel on the public roadways and is powered by an internal combustion or other type engine. These sources include, but are not limited to, farm tractors, bulldozers, earthmovers, ships, boats, railroad locomotives and non-commercial aircraft.

NONROAD ENGINE - a) Except as discussed in b) of this definition, a nonroad engine is any internal combustion engine:

1) in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

2) in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

3) that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of

being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

b) An internal combustion engine is not a nonroad engine if:

1) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

2) the engine is regulated by a New Source Performance Standard (NSPS) promulgated under section 111 of the Federal Clean Air Act; or

3) the engine otherwise included in (a)(3) of this definition remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. As seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

NOTICE OF CONSTRUCTION APPLICATION - A written application to permit construction of a new source, ((or)) modification of an existing stationary source or replacement or substantial alternation of control technology at an existing stationary source.

ODOR - That property or a substance which allows its detections by the sense of smell and/or taste.

ODOR SOURCE - Any source that incurs two verified odor nuisance complaints within a twelve month time period. Odor nuisance complaints are verified by a NWAPA representative according to the criteria of the NWAPA Regulation Sections 530.1 and 535.3.

OPACITY - ((Opacity means)) The degree to which an object seen through a plume is obscured, stated as a percentage ((emission reduces the transmission of light and obscures the view of any object in the background)).

ORDER - Any order issued by the Authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

ORDER OF APPROVAL, ((or)) APPROVAL ORDER or ORDER OF APPROVAL TO CONSTRUCT (OAC) - A regulatory order issued by the Authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

OWNER, OPERATOR, or AGENT - Includes the person who leases, supervises or operates the equipment or control facility.

OZONE DEPLETING SUBSTANCE - Substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

PARTICLE - A small discrete mass of solid or liquid matter.

PARTICULATE MATTER or **PARTICULATES** - Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers ((Small discrete masses of liquid or solid, exclusive of uncombined water)).

PARTS PER MILLION (PPM) - parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

PATHOLOGICAL WASTE - Human and animal remains consisting of carcasses, organs and solid organic wastes, consisting of up to 85% moisture, 5% incombustible solids.

PERMITTING AGENCY - Ecology or the local air pollution control authority with jurisdiction over the source.

PERSON - ~~((Means and includes))~~ An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

PETROLEUM LIQUIDS - Petroleum condensate, and any finished intermediate product manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Number 2-D and 4-D as specified in A.S.T.M. D975-68.

PM-10 - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM-10 EMISSIONS - Finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the SIP.

~~((PORTABLE EQUIPMENT - Equipment designated to be transported from place to place for temporary operation.))~~

PORTLAND CEMENT PLANT - Any facility manufacturing Portland cement by either the wet or dry process.

POTENTIAL TO EMIT - The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) - The program in WAC 173-400-141.

PROCESS - A physical and/or chemical modification or treatment of a material from its previous state or condition.

REASONABLY ATTRIBUTABLE - Attributable by visual observation or any other technique the state deems appropriate.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - The lowest emission limit that a particular stationary source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or source category taking into account the impact of the stationary source upon air quality the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or source category shall be adopted only after notice and opportunity for comment are afforded.

REFUSE - Putrescible and non-putrescible solid waste including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings and industrial wastes including waste disposal in industrial salvage.

REFUSE BURNING EQUIPMENT - Equipment designed to burn (refuse) waste material, scrap or combustion remains.

REGISTRATION - Registration shall mean the process of identifying, delineating and itemizing all air contaminant sources within the jurisdiction of the Authority including the making of periodic reports, as required, by the persons operating or responsible for such sources and may contain information concerning location, size, height of contaminant outlets, processes employed, nature of the contaminant emissions and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

REGULATORY ORDER - An order issued by an Authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or the NWAPA Regulation.

SIGNIFICANT - a) "Significant," as it applies to stationary sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112. b) "Significant" as it applies to stationary sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113 ~~((means, in reference to a net emission increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any of the following rates~~

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine Particulate matter (PM 10)	15
Volatile organic compounds (VOCs)	40
Lead	0.6
Flourides	3
Sulfuric acid mist	7
Hydrogen sulfide (H2S)	10

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Total reduced sulfur (including H2S)	10
Municipal waste combustor organics (measured as total tetra through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid-gases (measured as SO2 and hydrogen chloride)	40

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SMOKE - Gas borne particulate matter in a sufficient amount to be observable.

SOLID WASTE - ((Means)) All putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials, which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to septage from septic tanks, dangerous waste, and problem wastes. Solid waste does not include wood waste or sludge from waste water treatment plants.

SOURCE - All of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

SOURCE CATEGORY - All sources of the same type or classification.

STACK - Any point in a stationary source designed to emit solids, liquids, or gases into the air, including a pipe or duct ((Duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants)).

STACK HEIGHT - The height of an emission point measured from the ground-level elevation at the base of the stack.

STANDARD CONDITIONS - ((Standard condition is)) A temperature of 20 degrees C (68 degrees F) and a pressure of 760 mm (29.92 inches) of mercury.

STANDARD CUBIC FOOT OF GAS - That amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 psia and a temperature of 68 degrees F.

STATE ACT - Washington Clean Air Act (RCW 70.94) and RCW 43.21A and 43.21B.

STATE IMPLEMENTATION PLAN (SIP) or Washington SIP - Washington SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, main-

taining, and enforcing National Ambient Air Quality Standards.

STATIONARY SOURCE - Any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216(11) of the Federal Clean Air Act.

STRAW - All vegetative material of agricultural origin other than seed removed by swathing, combining or cutting.

SULFURIC ACID PLANT - Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

SYNTHETIC MINOR - Any stationary source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

TON - Short ton or 2000 pounds (a long ton is considered 2240 pounds).

TOTAL SUSPENDED PARTICULATE - Particulate matter as measured by the method described in 40 CFR Part 50 Appendix B ((as in effect on July 1, 1988)).

TOXIC AIR POLLUTANT (TAP) or TOXIC AIR CONTAMINANT - Any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

TRUE VAPOR PRESSURE - The equilibrium pressure exerted by a hydrocarbon at storage conditions.

TURF GRASSES - All blue grasses, fescues, and bentgrass planted for seed production.

~~((UNAVOIDABLE EXCESS EMISSIONS — Air contaminants emitted in excess of a standard that are excused are not subject to penalty by reason that the event(s) meet the criteria in WAC 173-400-107(4), (5), (6)))~~

UNCLASSIFIABLE AREA - An area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR Part 81.

~~((U.S.))~~ **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY** - Shall be referred to as EPA. ((known as EPA in this regulation))

VOLATILE ORGANIC COMPOUND (VOC) - Any carbon compound that participates in atmospheric photochemical reactions. a) Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroet-

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hane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCH2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCH2OC2H5); methyl acetate and perfluorocarbon compounds that fall into these classes:

1) Cyclic, branched, or linear completely fluorinated alkanes;

2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

3) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by Ecology, the Authority, or EPA.

c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, Ecology or the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of Ecology or the Authority, the amount of negligibly-reactive compounds in the source's emissions.

WOOD WASTE BURNER - A sheet metal or other type of enclosure to form a truncated cone or a single chamber cylindrically shaped incinerator line or constructed of suitable refractory material which employs controlled fuel feed, tangential overfire and underfire air supply system, and is designed and used for the disposal of wood and bark wastes by incineration.

Reviser's note: The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 300 - NEW SOURCE REVIEW

~~300.1 ((It shall be unlawful for any person to cause or allow the construction, installation, establishment, or modification of an air contaminant source or emission unit, except those sources that are excluded in Section 300.3, unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Authority.~~

~~300.2 Notwithstanding any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the Authority prior to establishment of any of the following new sources:~~

~~(a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards) (except Part AAA, Woodstoves);~~

~~(b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (except for asbestos demolition and renovation projects subject to 40 CFR 61.145);~~

~~(c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2.~~

~~300.3 Except when part of a new major stationary source as defined in WAC 173-400-030 or major modification as defined in WAC 173-400-030 in a nonattainment area, the following air contaminant sources do not need to submit a "Notice of Construction and Application for Approval" approved by the Authority prior to construction, installation, establishment, or modification:~~

~~a) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.~~

~~b) A project with combined aggregate heat inputs of combustion units, less than or equal to all of the following:~~

~~(1) 500,000 Btu/hr using coal with \leq 0.5 % sulfur or other fuels with \leq 0.5% sulfur;~~

~~(2) 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;~~

~~(3) 400,000 Btu/hr wood waste or paper;~~

~~(4) 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with \leq 0.05% sulfur;~~

~~(5) 4,000,000 Btu/hr using natural gas, propane, or LPG.~~

~~e) Insecticide, pesticide, or fertilizer spray equipment.~~

~~d) Stationary internal combustion engines less than 250 kw or 335 hp in size.~~

~~e) Laboratory equipment used exclusively for chemical or physical analyses.~~

~~f) Laundry dryers without control equipment.~~

~~g) Dryers or ovens used solely to accelerate evaporation.~~

~~h) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.~~

~~i) Storage tanks:~~

~~1) that do not store substances capable of emitting air contaminants; or~~

~~2) that store volatile organic liquids having at true vapor pressure less than 1.5 psia; or~~

~~3) with a rated capacity equal to or less than 6,000 gallons storing volatile organic liquids; or~~

4) with a rated capacity equal to or less than 20,000 gallons storing petroleum liquids.

j) Sanitary or storm drainage systems.

k) Welding, brazing, or soldering equipment.

l) Asphalt roofing and laying equipment (not including manufacturing or storage).

m) Restaurants and other retail food preparing establishments.

n) Gasoline stations without Stage II vapor recovery.

e) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.6 psia).

p) Retail printing operations (not including web presses).

q) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.

r) Sources or emission units not listed above that have the potential to emit (uncontrolled) less than the following air pollutants:

s) Sources of toxic air pollutants listed as exempt from new source review in Chapter 173-460-040 WAC.

t) Any source that has been determined through review by the Control Officer not to warrant a "Notice of Construction and Application for Approval", due to the minimal amount and nature of air contaminants produced, the type of air pollution control device, and potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.

300.4 Each "Notice of Construction and Application for Approval" shall be submitted on forms provided by the Authority and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions of air contaminants, the appropriate fee as required by Section 324.2, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 301.

300.5 A "Notice of Construction and Application for Approval" is incomplete until the Authority has received a fee as shown in Section 324.2.

300.6 Within 30 days of receipt of a "Notice of Construction and Application for Approval", the Authority shall notify the applicant in writing if any additional information is necessary to complete the application.

300.7 The Authority shall provide public notice prior to approval or denial of a Notice of Construction if a new or modified source will result in a significant emissions increase. The public notice shall provide for a thirty day period to receive written comments. No final decision will be made on any "Notice of Construction and Application for Approval" until the comment period has ended and all comments have been considered.

300.8 The applicant, any interested governmental entity, any group, or any person may request a public hearing within the 30 day public notice period published as provided above. Any such request shall indicate the interest of the entity filing

it and why a hearing is warranted. The Authority may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Authority deems reasonable. The Authority shall provide at least 30 days prior notice of any hearing.

300.9 Control technology determinations issued pursuant to 40 CFR Part 63 Subpart B shall be administered in accordance with procedures specified therein.

300.10 A completed State Environmental Policy Act Guidelines "Environmental Checklist" shall be submitted on forms provided by the Authority in accordance with Chapter 197-10-365 WAC and Section 312 of this regulation, as part of the required "Notice of Construction and Application for Approval".)

300.1 A Notice of Construction or PSD permit application must be filed by the owner or operator and an Order of Approval or PSD permit issued by the Authority prior to the establishment of any new source, except for:

a) Those stationary sources exempt under NWAPA 300.4 (categorical) and NWAPA 300.5 (emission thresholds); and

b) Relocation of any temporary source operating in accordance with NWAPA Section 301.

For purposes of this section "establishment" shall mean to "begin actual construction", as that term is defined in NWAPA Section 200, and "new source" shall include any "modification" to an existing "stationary source", as those terms are defined in NWAPA Section 200.

300.2 Regardless of any other subsection of this section, a Notice of Construction or PSD permit application must be filed and an order of approval or PSD permit issued by the Authority prior to establishment of any of the following new sources:

a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except Part AAA, Wood stoves (in effect on February 20, 2001);

b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants) (in effect on February 20, 2001), except for asbestos demolition and renovation projects subject to 40 CFR 61.145;

c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories) (in effect on February 20, 2001);

d) Any project that qualifies as a new major stationary source, or a major modification;

e) Any modification to a stationary source that requires an increase either in a plant-wide cap or in a unit specific emission limit.

300.3 New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing stationary source or modified and the air contaminants whose emissions would increase as a result of the modification; provided, however, that review of a major modification must comply with WAC 173-400-112 and/or 173-400-113, as applicable.

300.4 Emission unit and activity exemptions.

Except as provided in NWAPA 300.1 and 300.2 of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a Notice of Construction application.

a) Maintenance/construction:

- 1) Cleaning and sweeping of streets and paved surfaces;
- 2) Concrete application, and installation;
- 3) Dredging wet spoils handling and placement;
- 4) Paving application and maintenance, excluding asphalt plants;
- 5) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

6) Plumbing installation, plumbing protective coating application and maintenance activities;

7) Roofing application;

8) Insulation application and maintenance, excluding products for resale;

9) Janitorial services and consumer use of janitorial products.

b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks therefore it is recommended that the owner or operator contact the Authority to determine the exemption status of storage tanks prior to their installation.

1) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

2) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

3) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

4) Process and white water storage tanks;

5) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

6) Operation, loading and unloading of storage tanks, less than or equal to 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21° C;

7) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

8) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

c) A project with combined aggregate heat input capacity of combustion units, less than or equal to all of the following:

1) Less than or equal to 500,000 Btu/hr using coal with less than or equal to 0.5% sulfur or other fuels with less than or equal to 0.5% sulfur;

2) Less than or equal to 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

3) Less than or equal to 400,000 Btu/hr wood waste or paper;

4) Less than 1,000,000 Btu/hr using kerosene, #1, or #2 fuel oil and with less than or equal to 0.05% sulfur;

5) Less than or equal to 4,000,000 Btu/hr using natural gas, propane, or LPG.

Note: the heat input capacity of each combustion unit shall be based on the higher heating value of fuel to be used.

d) Material handling:1) Continuous digester chip feeders;

2) Grain elevators not licensed as warehouses or dealers by either the Washington State Department of Agriculture or the U.S. Department of Agriculture;

3) Storage and handling of water based lubricants for metal working where organic content of the lubricant is less than or equal to 10%;

4) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

e) Water treatment:

1) Septic sewer systems, not including active wastewater treatment facilities;

2) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

3) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

4) Process water filtration system and demineralizer vents;

5) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

6) Demineralizer tanks;7) Alum tanks;8) Clean water condensate tanks.f) Environmental chambers and laboratory equipment:

1) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

2) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

3) Installation or modification of a single laboratory fume hood;

4) Laboratory calibration and maintenance equipment.g) Monitoring/quality assurance/testing:

1) Equipment and instrumentation used for quality control/assurance or inspection purpose;

2) Hydraulic and hydrostatic testing equipment;3) Sample gathering, preparation and management;

4) Vents from continuous emission monitors and other analyzers.

h) Miscellaneous:1) Single-family residences and duplexes;2) Plastic pipe welding;

3) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

4) Comfort air conditioning;

5) Flares used to indicate danger to the public;

6) Natural and forced air vents and stacks for bathroom/toilet activities;

7) Personal care activities;

8) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

9) Tobacco smoking rooms and areas;

10) Noncommercial smokehouses;

11) Blacksmith forges for single forges;

12) Vehicle maintenance activities, not including vehicle surface coating;

13) Vehicle or equipment washing (see c) of this subsection for threshold for boilers);

14) Wax application;

15) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

16) Ozone generators and ozonation equipment;

17) Solar simulators;

18) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

19) Electrical circuit breakers, transformers, or switching equipment installation or operation;

20) Pulse capacitors;

21) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

22) Fire suppression equipment;

23) Recovery boiler blow-down tank;

24) Screw press vents;

25) Drop hammers or hydraulic presses for forging or metal working;

26) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

27) Kraft lime mud storage tanks and process vessels;

28) Lime grits washers, filters and handling;

29) Lime mud filtrate tanks;

30) Lime mud water;

31) Stock cleaning and pressurized pulp washing down process of the brown stock washer;

32) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

33) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;

34) Surface coating, aqueous solution or suspension containing less than or equal to 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

35) Cleaning and stripping activities and equipment using solutions having less than or equal to 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

36) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

300.5 Exemptions Based on Emissions Thresholds

a) Except as provided in NWAPA 300.1 and 300.2 of this section and in this subsection:

1) A new emissions unit that has an uncontrolled potential to emit below each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

2) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with the Authority thirty (30) days prior to beginning actual construction on the project. If the Authority determines that the project will have more than a de Minimus impact on air quality as defined in 300.5 d), the Authority shall require the filing of a Notice of Construction or PSD permit application. The Authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed below. In accordance with NWAPA 324.2, a filing and NOC applicability determination fee shall apply when the Authority issues a written determination that a project is exempt for new source review.

c) The owner or operator may begin actual construction on the project thirty-one (31) days after the Authority receives the project summary, unless the Authority notifies the owner or operator within thirty (30) days that the proposed new source requires a Notice of Construction or PSD permit application.

d) Exemption threshold table:

POLLUTANT THRESHOLD LEVEL (ton per year)

1) Total Suspended Particulates: 1.25

2) PM-10: 0.75

3) Sulfur Oxides: 2.0

4) Nitrogen Oxides: 2.0

5) Volatile Organic Compounds: total 2.0

6) Carbon Monoxide: 5.0

7) Lead: 0.005

8) Ozone Depleting Substances: total 1.0 (in effect on July 1, 2000)

9) Toxic Air Pollutants: as specified in chapter 173-460 WAC.

300.6 The Control Officer may require that a new source, that would otherwise be exempt under this section, submit a Notice of Construction application and be granted approval as specified in this section. This discretionary determination shall be based on the nature of air pollution emissions from the stationary source and its potential effect on health, economic and social factors, or physical effects on property. Upon request, the proponent shall submit to the Control Officer, appropriate information as necessary to make this determination.

300.7 Notice of Construction - Submittal Requirements

Each Notice of Construction application shall:

- a) be submitted on forms provided by the Authority;
- b) be accompanied by the appropriate fee specified in NWAPA 324.2;
- c) be accompanied by a completed State Environmental Policy Act (SEPA) checklist consistent with WAC 197-10-365 and NWAPA Section 312; and
- d) include a BACT analysis, as defined at the time of submittal, except where the Federal Clean Air Act requires LAER; and
- e) An applicant filing a Notice of Construction application for a project described in WAC 173-400-117(2), Special protection requirements for Class I areas, shall send a copy of the application to the responsible federal land manager.

300.8 Notice of Construction - Completeness Determination.

a) Within thirty (30) days after receiving a Notice of Construction or PSD permit application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of additional information necessary to complete the application.

b) For a project subject to the Special protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).

c) For a project subject to PSD review under WAC 173-400-141, a completeness determination includes a determination that the application provides all information required to conduct the PSD review.

300.9 Notice of Construction - Final Determination

a) Within sixty (60) days of receipt of a complete Notice of Construction or PSD permit application, the Authority shall either issue a final decision on the application or initiate public notice under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

b) A person seeking approval to construct or modify a stationary source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction or PSD permit application required by this section. A Notice of Construction or PSD permit application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD permit application under WAC 173-400-141, a notice of nonattainment area construction application for a major modification in a nonattainment area, or a Notice of Construction application for a major stationary source in a nonattainment area must also comply with WAC 173-400-171.

c) Every final determination on a Notice of Construction or PSD permit application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

d) If the new source is a major stationary source or the change is a major modification, the application shall be processed in accordance with the applicable sections of WAC 173-400-112, 113, 117 and 171. The permitting agency shall:

1) Submit any control technology determination included in a final Order of Approval or PSD permit to the RACT/BACT/LAER clearinghouse maintained by EPA; and

2) Send a copy of the final Order of Approval or PSD permit to EPA.

300.10 Order of Approval - Appeals

An Order of Approval or PSD permit, any conditions contained in an Order of Approval or PSD permit, or the denial of a Notice of Construction or PSD permit application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. The Authority shall promptly mail copies of each order approving or denying a Notice of Construction or PSD permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

300.11 Order of Approval - Time Limitations.

An Order of Approval or PSD permit becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.

300.12 Order of Approval - Change of Conditions.

a) The owner or operator may request, at any time, a change in conditions of an Order of Approval or PSD permit and the Authority may approve the request provided the Authority finds that:

1) The change in conditions will not cause the stationary source to exceed an emissions standard;

2) No ambient air quality standard or PSD increment will be exceeded as a result of the change;

3) The change will not adversely impact the ability of Ecology or the Authority to determine compliance with an emissions standard;

4) The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER; and

5) The revised order meets the requirements of this section and WAC 173-400-110, 173-400-112, 173-400-113 and 173-400-141, as applicable.

b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a Notice of Construction application, that application must be acted upon using the timelines found in NWAPA 300.8 and NWAPA 300.9 and the fee schedule found in NWAPA 324.

300.13 Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source.

a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the Authority. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

b) For projects not otherwise reviewable under NWAPA Section 300, the Authority may:

1) Require that the owner or operator employ RACT for the affected emission unit;

2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

3) Prescribe other requirements as authorized by chapter 70.94 RCW.

c) Within thirty (30) days of receipt of a Notice of Construction application under this section the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty (30) days of receipt of a complete Notice of Construction application under this section the Authority shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

d) Construction shall not "commence," as defined in NWAPA Section 200, on a project subject to review under this section until the Authority issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the Authority takes no action within thirty (30) days of receipt of a complete Notice of Construction application.

e) Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

300.14 Incorporation of State NSR Regulations

In order to facilitate complete implementation of this section, WAC 173-400-112, 113, 117 and 171 are hereby incorporated by reference.

PASSED: November 12, 1998 Amended: November 12, 1999, March 9, 2000, June 14, 2001, July 10, 2003

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 301 - TEMPORARY SOURCES ((ORDER OF APPROVAL - ORDER TO PREVENT CONSTRUCTION))

((301.1 Within 60 days of receipt of a complete "Notice of Construction and Application for Approval", or as

promptly as possible after the close of the public comment period if subject to the public notice requirements of Section 300 of this Regulation, the Board or Control Officer shall issue an Order of Approval or an Order to Prevent Construction. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required by Section 322 of this Regulation provided that any such application shall be processed in accordance with the operating permit program procedures and deadlines.))

((301.2 An Order of Approval may provide such conditions of operation as are reasonably necessary to assure compliance with all applicable emission standards and regulations.))

((301.3 No Order of Approval shall be issued unless the "Notice of Construction and Application for Approval" demonstrates to the Board or Control Officer that:))

((a) the operation of the source at the location proposed will not cause or contribute to a violation of an ambient air quality standard;))

((b) the source will meet the requirements of all applicable emission standards;))

((c) best available control technology is employed for the installation of new sources and emission units and the modification of existing sources and emission units; and))

((d) reasonably available control technology is employed for the replacement of existing control equipment.))

((e) the source complies with all applicable federally mandated air pollution control programs.))

((301.4 No Order of Approval shall be issued for a new or modified source of toxic air contaminants unless the "Notice of Construction and Application for Approval" demonstrates to the Board or Control Officer that:))

((a) the increased toxic air pollutant emissions from the source are sufficiently low to protect human health and safety from carcinogenic and/or other toxic effects pursuant to Chapter 173-460-070 WAC; or))

((b) the emissions from the source will not cause air pollution that exceeds the criteria identified in Chapter 173-460-090 WAC or Chapter 173-460-100 WAC and receives approval from the Department of Ecology.))

((301.5 An Order of Approval to Construct shall expire if the owner or operator has failed to commence construction of the source within 12 months of the date of its issuance or if construction is discontinued for a period of more than 12 months. The Control Officer may extend the time limit if it is determined that the project still employs BACT.))

((301.6 An Order to Prevent Construction shall set forth the objections in detail with references to the provisions of this Regulation that would not be met. Such Order shall become final unless, no later than 15 days after the date the Order is served, the applicant petitions for a reconsideration of the Order, with reasons for the reconsideration. The Control Officer shall consider the petition, and shall, within 30 days, give written Order of Approval or final disapproval of the Notice of Construction setting forth the reasons for disapproval.))

~~((301.7 It shall be unlawful for an owner or operator of a source or emission unit to not abide by the operating and reporting conditions in the Order of Approval.))~~

~~((301.8 Portable or temporary sources. For sources not exempted under 300.3, which locate temporarily at particular sites within the Authority's jurisdiction, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing:))~~

~~((a) The owner(s) or operator(s) notifies the Authority of the intent to operate within the jurisdiction of the Authority at least 15 days prior to starting operation and pays the appropriate fee identified in Section 324.1. Advanced notification may be waived by the Control Officer. Notification can be made after the fact for equipment utilized for emergency purposes, and))~~

~~((b) The owner(s) or operator(s) supplies sufficient information to enable the Authority to determine that the operation will comply with all applicable air pollution rules and regulations, and))~~

~~((c) The operation will not cause a violation of ambient air quality standards, and;))~~

~~((d) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards.))~~

~~((e) Permission to operate shall not exceed 90 operating days in any calendar year anywhere within the jurisdiction of the NWAPA. The Authority may set specific conditions for operating during that time period. No source shall continue to operate beyond the allowable 90-day period unless an Order of Approval to Construct has been issued by the Authority. For the purpose of this section an operating day shall be considered any time equipment operates within a consecutive 24-hour period.))~~

~~((f) All asphalt and soil desorption plants shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington.))~~

~~((g) Portable or temporary sources shall comply with all applicable air pollution rules and regulations.))~~

~~((h) Based on source type and emission quantity portable or temporary sources may be subject to new source review at the discretion of the Control Officer.))~~

~~((i) Relocation to a new site within the NWAPA jurisdiction requires payment of a fee in accordance with Section 324.2.))~~

~~((301.9 No Order of Approval to Construct shall be issued for a new major stationary source or major modification in an attainment area unless the Notice of Construction and Application for Approval demonstrates compliance with the applicable sections of WAC 173-400-113. The definition of a "major stationary source" and "major modification" for the purposes of 301.9 shall be as defined in WAC 173-400-113.))~~

~~((301.10 No Order of Approval to Construct shall be issued for a new major stationary source or major modification in a nonattainment area unless the Notice of Construction and Application for Approval demonstrates compliance with the applicable sections of WAC 173-400-112. The definition of a "major stationary source" and "major modifica-~~

~~tion" for the purposes of 301.10 shall be as defined in WAC 173-400-112.))~~

301.1 This section applies to temporary sources not exempt under NWAPA 300.4 or 300.5, which locate temporarily at sites within the jurisdiction of the Authority. The regulation of nonroad engines under this section is subject to the limitations as set forth in 40 CFR Appendix A to Subpart A of 89 - State Regulation of Nonroad Internal Combustion Engines. The owner or operator of a temporary source shall be allowed to operate at a temporary location without filing a Notice of Construction application or, for nonroad engines, obtaining a regulatory order from the Authority providing that:

a) The owner or operator notifies the Authority each calendar year of the intent to operate within the jurisdiction of the Authority at least fifteen (15) days prior to starting operation and pays the appropriate fees identified in NWAPA Section 324.1;

b) The owner or operator notifies the Authority of the intent to relocate within the jurisdiction of the Authority at least fifteen (15) days prior to relocation;

c) The owner or operator supplies sufficient information to enable the Authority to determine that the operation will comply with all applicable air pollution rules and regulations;

d) The operation does not cause a violation of ambient air quality standards;

e) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards;

f) The temporary source operates in compliance with all applicable air pollution rules and regulations;

g) A temporary source that is considered a major stationary source within the meaning of WAC 173-400-113 shall also comply with the requirements in WAC 173-400-141;

h) Except for nonroad engines, all temporary sources shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington. The temporary source shall operate in compliance with the conditions set forth in the Order of Approval to Construct. Any reports required by the Order of Approval to Construct shall be submitted to the Authority;

i) Permission to operate shall not exceed ninety (90) operating days in any calendar year anywhere within the jurisdiction of the NWAPA. The Authority may set specific conditions for operating during that time period. No source shall continue to operate beyond the allowable 90-day period unless an Order of Approval to Construct, or for nonroad engines, a regulatory order, has been issued by the Authority. For the purpose of this section, an operating day shall be considered any time equipment operates within a calendar day; and

j) Except for nonroad engines, based on the source type and emission quantity, temporary sources may be subject to new source review at the discretion of the Control Officer.

PASSED: November 12, 1998

AMENDED: March 9, 2000, June 14, 2001, July 10, 2003

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

SECTION 302 - NOTICE OF COMPLETION

Within 30 days of completion of the installation or modification of an air contaminant source subject to the provisions of Section 300 of this Regulation, the owner, operator or applicant shall file a Notice of Completion in writing with the Authority. Each Notice of Completion shall specify the date upon which operation of the source has commenced or will commence.

REPEALER

SECTION 310 - APPROVAL TO OPERATE REQUIRED

310.1 Any person operating an air contaminant source or emission unit in compliance with the terms of an Order of Approval for a Notice of Construction shall receive a Certificate of Approval to Operate from the Authority within one year of start-up unless an alternate schedule is approved by the Control Officer. This provision does not apply to sources or emission units existing prior to February 8, 1996.

310.2 Any Certificate of Approval to Operate or Approval of Construction is subject to review at the end of one year of operation of the facility. If in that time, the facility or item which was approved has not been implemented or

other action taken towards operation and/or completion of the project, the Certificate of Approval to Operate or Approval of Construction is revoked except as otherwise provided in Section 301. The owner or applicant may refile at any time under the provisions of this Section.

Passed: January 4, 1970 Amended: February 14, 1973, August 9, 1978, April 14, 1993, February 8, 1996

AMENDATORY SECTION

SECTION 324 - FEES

324.1 Annual Registration Fees

a) The Authority shall levy annual registration program fees as set forth in Section (~~324.1(b) below for services provided in~~) 324.1(c) to cover the costs of administering the registration program. (~~Fees received under the registration program shall not exceed the cost of administering the program.~~)

b) Upon assessment by the Authority, registration fees are due and payable. A source shall be assessed a late penalty in the amount of twenty-five percent (25%) of the registration fee for failure to pay the registration fee within thirty (30) days after the due date. The late penalty shall be in addition to the registration fee.

c) (~~Fees~~) All registered air pollution sources shall pay the appropriate registration fee(s) listed in Section 324.1.

PERMANENT

REGISTERED SOURCES	((2001	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Wastewater treatment plants w/sludge incinerators	\$535	\$555	\$575	\$595	\$615
((Portable or)) Temporary sources	\$320	\$330	\$340	\$350	\$360
((Permanent asphalt plants and)) Thermal soil desorption units	\$640	\$660	\$680	\$700	\$725
Odor source	\$640	\$660	\$680	\$700	\$725
Petroleum coke handling facility	\$1,280	\$1,320	\$1,360	\$1,400	\$1,445
Perchloroethylene dry cleaners	\$160	\$165	\$170	\$175	\$180
Gasoline stations and Bulk plants	\$160	\$165	\$170	\$175	\$180
Chrome plating	\$160	\$165	\$170	\$175	\$180
Volatile Organic Compound Storage Tanks					
> or = 6000 gallons, < 40,000 gallons	\$220	\$230	\$240	\$250	\$260
> or = 40,000 gallons	\$535	\$555	\$575	\$595	\$615
Other sources as determined by the Control Officer	\$160	\$165	\$170	\$175	\$180
FOR SOURCES NOT LISTED ABOVE: ACTUAL EMISSIONS OF TOTAL CRITERIA AND TOXIC AIR POLLUTANTS					
< 10 Tons per year	\$160	\$165	\$170	\$175	\$180
> or = 10 tons per year, < 25 tons per year	\$800	\$825	\$850	\$875	\$905
> or = 25 tons per year, < 50 tons per year	\$1,595	\$1,645	\$1,695	\$1,745	\$1,800
> or = 50 tons per year	\$2,655	\$2,735	\$2,820	\$2,905	\$2,995
ADDITIONAL FEES					
Each source test required	\$320	\$330	\$340	\$350	\$360
Operation of a Continuous Emission or Opacity Monitor (per CEM or COM)	\$320	\$330	\$340	\$350	\$360
Each <u>stationary</u> source subject to NSPS or NESHAP (per subpart) except dry cleaners((s)) and chrome platers ((and portable or temporary sources))	\$535	\$555	\$575	\$595	\$615

Synthetic minor designation	\$535	\$555	\$575	\$595	\$615
Odor Source	\$640	\$660))	\$680	\$700	\$725

324.2 New Source Review Fees

a) ((Fees)) New source review fees listed in Section 324.2 shall be submitted with each Notice of Construction (NOC) application or request for a NOC applicability determination.

	((2001	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
FILING FEE	\$110	\$115	\$120	\$125	\$130
NSR FEES IN ADDITION TO THE FILING FEE: for each piece of equipment or control equipment					
General (not classified below)	\$535	\$555	\$575	\$595	\$615
Fuel Burning Equipment (as an aggregate)					
> or = 0.5 MM Btu/hr, but <10 MM Btu/hr	\$270	\$280	\$290	\$300	\$310
> or = 10 MM Btu/hr, but <100 MM Btu/hr	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
> or = 100 MM Btu/hr, but <250 MM Btu/hr	\$10,600	\$10,920	\$11,250	\$11,590	\$11,940
> or = 250 MM Btu/hr, but <500 MM Btu/hr	\$15,920	\$16,400	\$16,900	\$17,410	\$17,935
> or = 500 MM Btu/hr, but < 1000 MM Btu/hr	\$26,500	\$27,350	\$28,200	\$29,050	\$29,925
> or = 1000 MM Btu/hr	\$42,450	\$43,720	\$45,100	\$46,455	\$47,850
Minor ((Notice)) <u>Order of Approval to Construct(ion) change</u>	\$270	\$280	\$290	\$300	\$310
Asphalt plant	\$800	\$825	\$850	\$875	\$905
Coffee roaster	\$270	\$280	\$290	\$300	\$310
Dry cleaner and Chrome plater	\$160	\$165	\$170	\$175	\$180
Gasoline stations and Bulk plants	\$320	\$330	\$340	\$350	\$360
Refuse burning equipment					
< 6 tons per day	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
> or = 6 tons per day, but < 12 tons per day	\$3,185	\$3,285	\$3,385	\$3,490	\$3,595
> or = 12 tons per day, but < 250 tons per day	\$21,220	\$21,860	\$22,520	\$23,195	\$23,890
> or = 250 tons per day	\$42,440	\$43,715	\$45,030	\$46,380	\$47,775
Paint spray booth	\$160	\$165	\$170	\$175	\$180
Volatile Organic Compounds Storage Tanks					
< 40,000 gallons	\$320	\$330	\$340	\$350	\$360
> or = 40,000 gallons	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
Soil thermal desorption unit	\$800	\$825	\$850	\$875	\$905
((Relocation of portable or temporary source to a new site within the NWAPA jurisdiction))	\$320	\$330	(((\$340))		
Other sources as determined by the Control Officer	\$160	\$165	\$170	\$175	\$180
ADDITIONAL FEES					
Synthetic minor determination (WAC 173-400-091)	\$800	\$825	\$850	\$875	\$905
SEPA threshold determination (NWAPA lead agency, 14-day comment period)	\$270	\$280	\$290	\$300	\$310
Air toxics review	\$430	\$445	\$460	\$475	\$490
Major <u>stationary</u> source, major modification, PSD thresholds	\$2,125	\$2,190	\$2,260	\$2,330	\$2,400
PSD applicability analysis	\$3,200	\$3,300	\$3,400	\$3,505	\$3,610
Each ((<u>emission units</u>)) <u>stationary source</u> subject to NSPS <u>excluding subparts Dc and AAA</u> or NESHAP (per subpart) except dry cleaners and chrome platers	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
Public notice (plus publication fee)	\$220	\$230	\$240	\$250	\$260
Public hearing (plus publication fee)	\$535	\$555	\$575	\$595	\$615
NOC applicability determination	\$220	\$230	\$240	\$250	\$260

PERMANENT

Each CEM or alternate monitoring device installed	\$535	\$555	\$575	\$595	\$615
Each source test (per pollutant, per unit) required in NOC	\$535	\$555	\$575	\$595	\$615
Bubble application	\$1,065	\$1,100	\$1,135	\$1,170	\$1,205
Netting analysis	\$535	\$555	\$575	\$595	\$615
Non-exempt units under Title IV acid rain program	\$2500	\$2600))	\$2,700	\$2,785	\$2,870

324.3 Variance Fee. \$3,000.00 (~~(\$1,000.00)~~)

324.4 Issuance of Emission Reduction Credits. \$850.00 (~~(\$500.00)~~)

324.5 (~~New Source Review~~) Plan and examination, filing, SEPA review, and emission reduction credit fees (~~and other applicable fees~~) may be reduced at the discretion of the Control Officer by up to 75 percent for existing stationary sources implementing pollution prevention or undertaking voluntary and enforceable emission reduction projects.

PASSED: November 12, 1998

Amended: November 12, 1999, June 14, 2001, July 10, 2003

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

TYPE OF PERMIT	FEE
Annual training (single location)	\$250.00/year
<u>Extinguisher Training</u>	<u>\$25.00/training exercise</u>
Structure training	\$50.00/training exercise
Weed abatement	\$25.00 minimum/up to ten acres per location. \$2.00/acre thereafter.

502.7 ADDITIONAL REQUIREMENTS FOR LAND CLEARING BURNING. The following "best available burning practices" shall be used when land clearing burns are conducted on land not subject to the Forest Protection Assessment (RCW 76.04.610). Land clearing burning conducted on lands subject to the Forest Protection Assessment is regulated by the Washington Department of Natural Resources under WAC 332-24-201.

G. Outdoor fires for the purpose of land clearing burning must have a written permit from the appropriate fire permitting agency. Notwithstanding the restrictions listed in Sections 502.6(A) through 502.6(~~(G))~~(F) above, all land clearing fires must meet any additional conditions listed on the permit and all other applicable air pollution regulations.

PASSED; June 14, 2001 Amended: July 10, 2003

AMENDATORY SECTION

SECTION 325—TRANSFER

325.1 A registration, regulatory order, approval to construct, operate or use any article, machine, equipment, (~~facility~~) or other contrivance, (~~the use of which may cause emission of air contaminants,~~) shall not be transferable, whether by operation of law or otherwise, either from one location to another(~~;~~) or from one piece of equipment to another(~~;~~ ~~or~~ ~~from one person to another.~~ P)) provided that, registered sources which are designed to be portable and are moved from one location to another, may retain the same registration so long as they (~~remain within the jurisdiction of the authority~~) abide by the requirements of NWAPA Sections 300 and 301.

Passed: February 4, 1970 Amended: February 14, 1973, July 10, 2003

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

AMENDATORY SECTION

SECTION 502 - OUTDOOR BURNING

502.5 OUTDOOR BURNING PERMIT PROGRAM/ REQUIREMENTS

C. FEES.

1. Permitting agencies may charge a fee for any permit issued, provided that a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires.

2. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing a permit program.

WSR 03-16-015

PERMANENT RULES

SEATTLE COMMUNITY COLLEGES

[Filed July 28, 2003, 10:59 a.m.]

Date of Adoption: July 10, 2003.

Purpose: To update and clarify administrative rules on appointing authority for employees, board of trustees meetings and procedures, and procedures for adjudicative proceedings (chapters 132F-01, 132F-104 and 132F-108 WAC), and to repeal the existing chapter on student policies and procedures (chapter 132F-120 WAC) and replace it with new chapter 132F-121 WAC, Student activities, rights, and discipline.

Citation of Existing Rules Affected by this Order: Repealing chapter 132F-120 WAC; and amending chapters 132F-01, 132F-104, and 132F-108 WAC.

Statutory Authority for Adoption: RCW 28B.50.100, [28B.50].130, and/or [28B.50].140.

Adopted under notice filed as WSR 03-06-067 on March 3, 2003.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 132F-104-010 was changed to remove the suggestion of an ambiguity that does not exist regarding the

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board of trustees' meeting dates. The word "normally" was deleted from new language in the second sentence.

2. WAC 132F-121-020(1) was changed to identify the role of the entire district community in supporting a learning environment. The word "district" was substituted for the word "academic" in the fifth sentence.

3. WAC 132F-121-020(2) was changed to include the prohibition of expressions or conduct which create a hostile educational environment and, by deleting reference to just three types of discrimination, eliminate the implied minimization of other forms of discrimination based on age, religion, disability or other characteristics. After the phrase "However, students' rights of classroom expression do not include..." at the beginning of the third sentence, the phrase "expression of racist, sexist, homophobic, and other views which create a hostile work environment under" was deleted and replaced with "expressions or conduct which create a hostile educational environment or violate."

4. WAC 132F-121-020(5) was changed to recognize existing protection for students to support causes lawfully. The phrase "and lawful" was inserted in the third sentence between "orderly" and "means."

5. WAC 132F-121-030(2) was changed to clarify the conditions under which membership lists for student organizations may be required and the limited conditions under which disclosure of these lists may occur. This proposed subsection was modified (particularly in the first two sentences) to read:

"A college may require, as a condition of access to campus funds and/or facilities, demonstration or proof of the student enrollments of a student organization's members. However, any list of members compiled for such purposes shall not be publicly disclosed except in accordance with applicable law. A college may, in its discretion, permit others, such as students' spouses, to participate in a student organization's activities under appropriate conditions."

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 26, Amended 12, Repealed 36.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, Amended 9, Repealed 36.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 24, 2003

Carin Weiss

Rules Coordinator

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 03-17 issue of the Register.

WSR 03-16-022

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 28, 2003, 4:17 p.m.]

Date of Adoption: July 23, 2003.

Purpose: Adopting rules in chapter 388-79 WAC, Guardianship fees for clients of the department, to: (1) Increase advance notice period from ten to twenty days; (2) prohibit deductions from participation for fees and costs incurred prior to Medicaid eligibility, during any subsequent period of ineligibility, or after the client has died; (3) note that fees in excess of the amounts currently allowed will be taken from current participation; and (4) add language that establishes criteria for the department to use in making a determination of whether fees that exceed amounts should be granted. This action includes adoption of new WAC 388-79-050 Procedure for allowing fees and costs from client participation after September 1, 2003. The text of the adopted rules varies from the text of the proposed rule in that one change was made to WAC 388-79-040 and 388-79-050, from an effective date of July 1, to an effective date of September 1. This change was made because the rule would not be effective in time to support a July 1st date.

Citation of Existing Rules Affected by this Order: Amending WAC 388-79-010, 388-79-020, 388-79-030, and 388-79-040.

Statutory Authority for Adoption: RCW 11.92.180, 43.20B.460.

Adopted under notice filed as WSR 02-11-067 on May 10, 2002; and WSR 03-06-094 on March 4, 2003.

Changes Other than Editing from Proposed to Adopted Version: One change was made to WAC 388-79-040 and 388-79-050, from an effective date of July 1, to an effective date of September 1. This change was made because the rule would not be effective in time to support a July 1st 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 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 23, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

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AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-010 (~~Applicability and reason for the chapter~~) **Purpose.** ~~((It is the intent of this WAC to carry out RCW 43.20B.460, and that part of))~~ These rules implement RCW 11.92.180 ((which allows)) and 43.20B.460 to the extent that those statutes require the department to ((set)) establish by rule the maximum amount of guardianship fees and additional compensation for administrative costs that may be allowed by ((courts in guardianships for a department of social and health services (DSHS) client residing in a nursing facility or in a residential or home setting, and who is required by DSHS to contribute a portion of their income towards the cost of residential or supportive services)) the court for a guardian or limited guardian of an incapacitated person who is a Medicaid client of the department and is thus required by federal law to contribute to the cost of the client's long-term care.

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-020 Definitions. **"Administrative costs" or "costs"** means necessary costs paid by the guardian including attorney fees ~~((and costs of service of process at the least expensive level)).~~

~~((2))~~ "Department client" means a person who has been approved to receive a grant or program administered by the department) **"Client"** means a person who is eligible for and is receiving Medicaid-funded long-term care.

"Guardianship fees" or "fees" means necessary fees charged by a guardian for services rendered on behalf of a client.

"Participation" means the amount the client pays from current monthly income toward the cost of the client's long-term care.

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-030 (~~Guardianship~~) **Maximum fees and ((administrative)) costs ((including attorney fees)).** The superior court may allow guardianship fees and administrative costs in an amount set out in an order. For orders entered after June 15, 1998, ~~((for a department client))~~ where the order establishes or continues a legal guardianship for a department client, and requires a future review or accounting; then unless otherwise modified by the process described in WAC 388-79-040:

(1) The amount of guardianship fees shall not exceed one hundred seventy-five dollars per month;

(2) The amount of administrative costs directly related to establishing a guardianship for a department client shall not exceed seven hundred dollars; and

(3) ~~((In any order on review))~~ The amount of administrative costs shall not exceed a total of six hundred dollars during any three-year period.

AMENDATORY SECTION (Amending WSR 98-10-055, filed 4/30/98, effective 5/31/98)

WAC 388-79-040 Procedure to revise award letter after June 15, 1998, but before September 1, 2003. After June 15, 1998, but before September 1, 2003, where a department client is subject to a guardianship then the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(1) The notice shall be given to the appropriate regional administrator of the program serving the department client. A list of the regional administrators will be available upon request.

(2) If the fees and costs requested and established by the order are equal to or lower than the maximum amount set by this rule then the award letter or document setting the department's client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

(3) Should fees and costs above those requested in WAC 388-79-030 be requested:

(a) The appropriate regional administrator will be given notice of the hearing as described in RCW 11.92.150, and provided with copies of all supporting documents filed with the court.

(b) Should the court determine after consideration of the facts, law and evidence of the case, that fees and costs higher than normally allowed in WAC 388-79-030 are just and reasonable and should be allowed then the award letter or document setting the department client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

NEW SECTION

WAC 388-79-050 Procedure for allowing fees and costs from client participation after September 1, 2003.

(1) After September 1, 2003, where a client is subject to a guardianship the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(2) The notice must be served to the department's regional administrator of the program that is providing services to the client. A list of the regional administrators will be furnished upon request.

(3) If the fees and costs requested and established by the order are equal to or less than the maximum amounts allowed under WAC 388-79-030, then the department will adjust the client's current participation to reflect the amounts allowed upon receipt by the department of the court order setting the monthly amounts.

(4) Should fees and costs in excess of the amounts allowed in WAC 388-79-030 be requested:

(a) At least ten days before filing the request with the court, the guardian must present the request in writing to the appropriate regional administrator to allow the department an opportunity to consider whether the request should be granted on an exceptional basis.

(b) In considering a request for extraordinary fees or costs, the department must consider the following factors:

(i) The department's obligation under federal and state law to ensure that federal Medicaid funding is not jeopardized.

dized by noncompliance with federal regulations limiting deductions from the client's participation amount;

(ii) The usual and customary guardianship services for which the maximum fees and costs under WAC 388-79-030 must be deemed adequate for a Medicaid client, including but not limited to:

- (A) Acting as a representative payee;
- (B) Managing the client's financial affairs;
- (C) Preserving and/or disposing of property;
- (D) Making health care decisions;
- (E) Visiting and/or maintaining contact with the client;
- (F) Accessing public assistance programs on behalf of the client;
- (G) Communicating with the client's service providers; and
- (H) Preparing any reports or accountings required by the court.

(iii) Extraordinary services provided by the guardian, such as:

- (A) Unusually complicated property transactions;
- (B) Substantial interactions with adult protective services or criminal justice agencies;
- (C) Extensive medical services setup needs and/or emergency hospitalizations; and
- (D) Litigation other than litigating an award of guardianship fees or costs.

(c) Should the court determine after consideration of the facts and law that fees and costs in excess of the amounts allowed in WAC 388-79-030 are just and reasonable and should be allowed, then the department will adjust the client's current participation to reflect the amounts allowed upon receipt by the department of the court order setting the monthly amounts.

(5) In no event may a client's participation be prospectively or retrospectively reduced to pay fees and costs incurred before the effective date of the client's Medicaid eligibility; or during any subsequent time period when the client was not eligible for, or did not receive long-term care services; or after the client has died. There is no client participation towards DDD certified and contracted supported living services under chapter 388-820 WAC, so the department has no responsibility to reimburse the client for guardianship fees when those fees result in the client having insufficient income to pay their living expenses.

(6) If the court at a prior accounting has allowed the guardian to receive fees and costs from the client's monthly income in advance of services rendered by the guardian, and the client dies before the next accounting, the fees and costs allowed by the court at the final accounting may be less than, but may not exceed, the amounts advanced and paid to the guardian from the client's income.

(7) Guardians must furnish the regional administrator with complete packets to include all documents filed with the court and with formal notice clearly identifying the amount requested.

WSR 03-16-025
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed July 29, 2003, 11:56 a.m., effective September 1, 2003]

Date of Adoption: July 24, 2003.

Purpose: Regulation II, to make our rule consistent with EPA national rule that applies to motor vehicle refinishing, we are deleting unnecessary definitions and clarifying the distinction between automobile refinishing, which is covered by EPA rule, and original equipment manufacturing, which is addressed by our revised rule. Industry administrative burden is also reduced by this proposal. Regulation III, to remove an unnecessary section of our rules.

Citation of Existing Rules Affected by this Order: Repealing Section 3.01 of Regulation III; and amending Sections 1.05 and 3.04 of Regulation II and Section 2.01 of Regulation III.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 03-13-134 on June 18, 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: September 1, 2003.

July 28, 2003

Kwame Agyei

Air Resource Specialist

AMENDATORY SECTION

REGULATION II SECTION 1.05 SPECIAL DEFINITIONS

When used in Regulation II of the Puget Sound Clean Air Agency:

(a) **AEROSPACE COMPONENT** means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(b) **ANTIGLARE/SAFETY COATING** means a coating that does not reflect light.

~~((c) **CAMOUFLAGE COATING** means a coating applied on motor vehicles to conceal such vehicles from detection.~~

~~((d) **COLOR MATCH** means the ability of a repair coating to blend into an existing coating so that color difference is not visible.))~~

~~((e))~~ (c) **COMMERCIAL AEROSPACE PRIMER** means BMS 10-11, Type I.

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~~((f))~~ (d) **COMMERCIAL AEROSPACE TOPCOAT** means BMS 10-11, Type II.

~~((g))~~ (e) **CUTBACK ASPHALT** means an asphalt that has been blended with more than 7% petroleum distillates by weight.

~~((h))~~ **EXTREME PERFORMANCE COATING** means any coating used on the surface of a Group II vehicle, mobile equipment or their parts or components that during intended use is exposed to industrial grade detergents, cleaners or abrasive scouring agents or extreme environmental conditions as determined by the Control Officer.)

~~((i))~~ (f) **FLEXOGRAPHIC PRINTING** means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

~~((j))~~ (g) **GELCOAT** means a polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.

~~((k))~~ **GROUP I VEHICLES** means passenger cars, large/heavy duty truck cabs and chassis (>10,000 pounds gross vehicle weight), light and medium duty trucks and vans (<10,000 pounds gross vehicle weight), and motorcycle.

~~((l))~~ **GROUP II VEHICLES** means public transit buses.)

~~((m))~~ (h) **METALLIC/IRIDESCENT TOPCOAT** means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied, where such particles are visible in the dried film.

~~((n))~~ (i) **MILITARY AEROSPACE PRIMER** means the current version of MIL-P-85582.

~~((o))~~ (j) **MILITARY AEROSPACE TOPCOAT** means the current version of MIL-C-85285.

~~((p))~~ **MOBILE EQUIPMENT** means any equipment that may be drawn or is capable of being driven on a roadway, including, but not limited to, truck bodies, truck trailers, utility bodies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry.)

~~((q))~~ (k) **PACKAGING ROTOGRAVURE PRINTING** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

~~((r))~~ **PETROLEUM SOLVENT** means organic material produced by petroleum distillation comprising a hydrocarbon range of 8 to 12 carbon atoms that exists as a liquid under standard conditions, frequently called "Stoddard" solvent.)

~~((s))~~ (l) **POLYESTER RESIN** means a group of synthetic resins containing ethylenic unsaturation and capable of undergoing free radical polymerization with styrene monomer.

~~((t))~~ (m) **PRECOAT** means any coating that is applied to bare metal primarily to deactivate the metal surface for corrosion resistance to a subsequent water-based primer.

~~((u))~~ (n) **PRETREATMENT WASH PRIMER** means any coating that contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

~~((v))~~ (o) **PRIMER** means a coating applied directly to a component for purposes of corrosion protection, protection from the environment, functional fluid resistance and adhesion of subsequent coatings.

~~((w))~~ (p) **PRIMER SEALER** means any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.

~~((x))~~ (q) **PRIMER SURFACER** means any coating applied prior to the application of topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and that promotes a uniform surface by filling in surface imperfections.

~~((y))~~ (r) **PUBLICATION ROTOGRAVURE PRINTING** means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

~~((z))~~ (s) **ROTOGRAVURE PRINTING** means the application of ink to a substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

~~((aa))~~ **SOLVENT RECOVERY DRYER** means a dry cleaning dryer that employs a condenser to liquify and recover solvent vapors evaporated in a closed loop, recirculating stream of heated air.

~~((bb))~~ **SPECIALTY COATINGS** are coatings that are necessary due to unusual job performance requirements. Said coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and antiglare/safety coatings.)

~~((cc))~~ (t) **TEMPORARY PROTECTIVE COATING** means a coating applied to an aerospace component to protect it from mechanical and environmental damage during manufacturing.

~~((dd))~~ (u) **TOPCOAT** means a coating applied over a primer or directly to a component primarily for purposes of appearance or identification.

~~((ee))~~ **TOUCHUP** means the portion of the operation that is necessary to cover minor imperfections.)

AMENDATORY SECTION

REGULATION II SECTION 3.04 MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS

(a) It shall be unlawful for ~~(any person to cause or allow the application of any coating with a VOC content in excess of the following limits to Group I vehicles and their parts and components, or Group II vehicles and mobile equipment where color match is required:)~~ original equipment manufacturers (OEMs) to apply any coating with a VOC content in excess of the following limits to motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles:

Type of Coating	VOC Content (excluding water)	
	Grams/Liter	(Lbs/Gal)
Pretreatment Wash Primer	780	(6.5)
Precoat	780	(6.5)
Primer/Primer Surfacer	720	(6.0)
Primer Sealer	720	(6.0)
Topcoat	720	(6.0)
Metallic/Iridescent Topcoat	720	(6.0)

~~((b))~~ It shall be unlawful for any person to cause or allow the application of any coating with a VOC content in excess of the following limits to Group II vehicles and mobile equipment where color match is not required:

Type of Coating	VOC Content (excluding water)	
	Grams/Liter	(Lbs/Gal)
Pretreatment Wash Primer	780	(6.5)
Precoat	780	(6.5)
Primer	340	(2.8)
Topcoat	420	(3.5)
Metallic/Iridescent Topcoat	650	(5.4)
Extreme Performance	750	(6.2)
Camouflage	420	(3.5))

~~((e))~~ ~~(b)~~ It shall be unlawful for any person to ~~((cause or allow the use of))~~ apply any specialty coating with a VOC content in excess of 840 grams/liter (7.0 lbs/gal), excluding water. Use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0% of all coatings applied on a ~~((daily))~~ monthly basis. Specialty coatings are coatings that are necessary due to unusual job performance requirements and whose VOC content exceeds 630 grams/liter.

~~((d))~~ ~~The maximum calculated VOC content of each coating regulated by this section shall be displayed on the container, or be provided in a handout at the point of sale to the end user, or be provided by other sources and be available for inspection in order to evaluate compliance.)~~

~~(c)~~ The VOC content of each coating regulated by this section shall be available to Agency personnel upon request. Monthly records shall be maintained to demonstrate compliance with the standards specified in Section 3.04(a) and 3.04(b) of this regulation. The records shall include type of paint, quantity applied, and how the coating qualifies as specialty. The records shall be made available to Agency personnel upon request.

~~((e))~~ ~~(d)~~ It shall be unlawful for any person to ~~((cause or allow the application of any VOC-containing material to any Group I or II vehicle or mobile equipment or their parts and components))~~ apply any VOC-containing material to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles unless the coating is applied by the use of one of the following methods:

- (1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,
- (2) Electrostatic spray equipment,

- (3) Flow coat,
- (4) Dip coat,
- (5) Brush coat,
- (6) Hand-held aerosol cans,
- (7) Roll coat, or
- (8) Air brush.

~~((f))~~ ~~(e)~~ It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including paint lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

~~((g))~~ ~~(f)~~ It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

AMENDATORY SECTION

REGULATION III SECTION 2.01 APPLICABILITY TO TOXIC AIR CONTAMINANT SOURCES

(a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:

- (1) Asbestos Removal Operations subject to Article 4 of Regulation III
- (2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to ~~((Section 3.01 of Regulation III))~~ 40 CFR Part 63, Subpart N
- (3) Solvent Metal Cleaners subject to Section 3.05 of Regulation III
- (4) Perchloroethylene Dry Cleaners subject to Section 3.03 of Regulation III
- (5) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II
- (6) Graphic Arts Systems subject to Section 3.05 of Regulation II
- (7) Can and Paper Coating Operations subject to Section 3.03 of Regulation II
- (8) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II
- (9) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II
- (10) Coatings and Ink Manufacturing subject to Section 3.11 of Regulation II
- (11) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III
- (12) Shipyard Coating Operations where all the coatings employed comply with the requirements in Table 2 in Subpart II 40 CFR Part 63 of NESHAP Shipbuilding and Ship Repair (Surface Coating) Operations

(b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

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REPEALER**REGULATION III SECTION 3.01 HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING**

WSR 03-16-028

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed July 29, 2003, 2:38 p.m.]

Date of Adoption: July 29, 2003.

Purpose: WAC 458-17-101 Assessment and taxation of ships and vessels, is a new rule explaining the application of the state property tax on commercial ships and vessels. It describes the ship or vessel owner's obligations, the methods of determining tax liability, and the requirements for exemption from or apportionment of the tax. This new rule updates and incorporates information from four existing rules, which are being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-17-105 Ships and vessels—Definitions, 458-17-110 Ships and vessels—Subject to property taxation, 458-17-115 Ships and vessels—Listing, and 458-17-120 Ships and vessels—Apportionment of value.

Statutory Authority for Adoption: RCW 84.08.005, 84.08.070, and 82.01.060(2).

Adopted under notice filed as WSR 03-09-147 on April 23, 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 1, Amended 0, Repealed 4.

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 4.

Effective Date of Rule: Thirty-one days after filing.

July 29, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

Chapter 458-17 WAC**ASSESSMENT AND TAXATION OF (~~MOTOR VEHICLES, TRAVEL TRAILERS, CAMPERS, MOTOR HOMES, AND~~) SHIPS AND VESSELS****NEW SECTION**

WAC 458-17-101 Assessment and taxation of ships and vessels. (1) **Introduction.** This rule explains the application of the personal property tax to ships and vessels. Ships and vessels that are not subject to the excise tax imposed by chapter 82.49 RCW are either subject to the state property tax levy or are completely exempt from both the property tax and the excise tax. This rule covers only those ships and vessels subject to the property tax. See chapter 308-93 WAC for information regarding ships and vessels subject to the excise tax, which is administered by the department of licensing.

(2) **Which ships and vessels are subject to property taxation?** Under RCW 84.36.080, a ship or vessel is subject to the state portion of the property tax if the ship or vessel is:

(a) Used exclusively for commercial fishing purposes; or

(b) Primarily engaged in commerce and has or is required to have a valid marine document as a vessel of the United States.

Accordingly, such a ship or vessel is subject to assessment by the department of revenue for that portion of the property tax levied by the state for state purposes.

(3) **Which ships and vessels are exempt from property taxation?** The following are exempt from all property taxation, including the state levy:

(a) A ship or vessel listed in the state or federal register of historical places (see RCW 84.36.080);

(b) A ship or vessel with an assessed value of less than five hundred dollars (see RCW 84.36.015); and

(c) A ship or vessel that is not within the scope of subsection (2) of this rule (see RCW 84.36.090).

(4) **What are a ship or vessel owner's obligations?** Under RCW 84.40.065, every individual, corporation, partnership, trust, and estate must list with the department of revenue any ship or vessel subject to that person's ownership, possession or control and subject to property taxation under RCW 84.36.080. This listing is subject to the same requirements, penalties, and liens provided in chapters 84.40 and 84.60 RCW for all other personal property.

The listed owner of a ship or vessel as of January 1st of the assessment year is responsible for payment of the property tax for that vessel in the following year. A ship or vessel is subject to property taxation even if it is temporarily not within the limits of the state on January 1st of the year in which the vessel is to be assessed. If ownership of a taxable ship or vessel is transferred after January 1st, the listed owner as of January 1st remains liable for payment of the full amount of tax payable in the following year. The full year's property tax may be abated only if the ship or vessel is damaged or destroyed and qualifies for a reduction in value under RCW 84.70.010.

For example, Seller A sells a taxable charter boat to Buyer B on August 14, 2002. Because Seller A was the listed owner as of January 1, 2002, Seller A is responsible for the

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entire year's property tax for the 2002 assessment year. That tax is due by April 30, 2003. Buyer B will be the listed owner for 2003 and responsible for the property tax for assessment year 2003, which is due by April 30, 2004.

(5) **What happens if my ship or vessel is out of the state or being repaired during part of the year?** A qualifying ship or vessel, referred to as an "apportionable vessel," may have its assessed value reduced to reflect certain circumstances. A reduction in assessed value also reduces the amount of tax due.

(a) **What is an "apportionable vessel"?** Under RCW 84.40.036, an "apportionable vessel" is a ship or vessel that is:

(i) Engaged in interstate commerce, meaning the transporting of persons or property from one state or territory of the United States to another;

(ii) Engaged in foreign commerce, meaning the transporting of persons or property between a state or territory of the United States and a foreign country; or

(iii) Engaged exclusively in fishing, tendering, harvesting and/or processing seafood products on the high seas or waters under the jurisdiction of other states.

(b) **How is value apportioned?** An apportionable vessel has its value apportioned as provided in this subsection.

(i) The value is apportioned based on the number of days or fractions of days that the vessel was within the limits of the state during the calendar year preceding the calendar year in which the vessel is assessed. No value is apportioned to this state unless the vessel is within the limits of the state for more than one hundred twenty days. Days during which a ship or vessel leaves the limits of the state only while navigating the high seas in order to travel between points in this state are considered as days within this state. A ship or vessel that does not qualify as an apportionable vessel under subsection (5)(a) of this rule may not have its value apportioned, regardless of the number of days the ship or vessel is within or outside the limits of the state.

(A) A "fraction of a day" means more than sixteen hours in a calendar day.

(B) The "limits of the state" means the boundaries of the state of Washington abutting Canada, Oregon, and Idaho and three miles to the west of Washington's coast line.

(ii) Time during which an apportionable vessel is in the state exclusively for one or more of the following purposes is not considered as time within the limits of the state, if the length of time is reasonable to:

(A) Undergo maintenance, repair or alteration;

(B) Take on or discharge cargo, passengers or supplies;

or

(C) Serve as a tug for a vessel under (A) or (B) of this subsection (5)(b)(ii).

A "reasonable length of time" includes a reasonable length of travel time to enter and leave the limits of the state exclusively for one of the purposes listed in (A) through (C) above. A ship or vessel engaging in any activity or use not described in (A) through (C) above, or merely being moored, is not considered to be within the state exclusively for the purposes described in this subsection.

(c) **Examples.** The following examples illustrate the application of the apportionment rules. These examples

should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

(i) Barge A loads cargo in Washington Port Z in eastern Washington. Loaded, Barge A embarks down the Columbia River to Vancouver, Washington and discharges its cargo. This activity does not qualify Barge A as an apportionable vessel because Barge A did not engage in interstate or foreign commerce. The barge would qualify as an apportionable vessel for the following assessment year if it had discharged its cargo at Portland, Oregon.

(ii) Charter Boat operates out of XYZ Charters, based in Anacortes, Washington. The charter begins in Anacortes and sails into Canadian waters for one month before returning to Anacortes to complete the charter. This activity does not qualify Charter Boat as an apportionable vessel because Charter Boat did not engage in foreign or interstate commerce; no persons or property were transported from one country or state to another.

(iii) Charter Boat operates out of XYZ Charters, based in Anacortes, Washington. Charter Boat is delivered to persons who board the vessel in Vancouver, British Columbia. Charter Boat cruises in Canadian waters for one month before returning to Anacortes where the passengers disembark, completing the charter. This transaction involves foreign commerce because persons were transported between another country and the United States. As a result, the vessel qualifies as an apportionable vessel and its value will be apportioned based upon the number of days the vessel is within the limits of the state during that calendar year.

(iv) Charter Boat carries passengers from Seattle to Juneau, Alaska. Charter Boat then charts out of Alaska during the summer months. Charter Boat returns to Seattle in September for mooring and off-season repairs. The vessel qualifies as an apportionable vessel and its value will be apportioned to reflect the days the vessel is within the limits of the state during that calendar year. However, the days in Washington while the vessel is being repaired are not counted as days within the state, if reasonable in amount of time. On the other hand, the vessel's travel time within Washington waters while traveling to and from the state is counted as time within the state because the trip to this state was not exclusively for the purpose of repairs.

(v) Fishing Boat goes to Alaska each year to fish and returns to Seattle each fall for repair and maintenance. The vessel qualifies as an apportionable vessel and its value will be apportioned to reflect the days the vessel is within the limits of the state during that calendar year. The days in Washington for repair and maintenance are not counted, if the amount of time is reasonable. Travel time to and from Washington is also not counted as time within the state because the trip was exclusively for the purpose of obtaining repair and maintenance services. As a result, none of the vessel's value will be apportioned to Washington in this instance.

(vi) Charter Boat Owner A purchases a vessel on November 1, 2001. The boat had previously been used as a pleasure craft. The boat is first used in interstate commerce as a charter boat in January 2002 and spends half of the year outside of state waters in calendar year 2002. The boat is first listed in Owner A's name for tax purposes as of January 1,

2002. The vessel's entire value is assessed in 2002 because the vessel did not qualify as an apportionable vessel during calendar year 2001 (the calendar year preceding the assessment year). Owner A will first pay property taxes in the 2003 tax year based upon the vessel's value in the 2002 assessment year. The full amount of tax is due by April 30, 2003. The value for the 2003 assessment year will be apportioned based upon the boat's use in calendar year 2002 (50% of time within state waters). The amount of tax due for tax year 2004 will be based upon the 2003 assessed value and is due by April 30, 2004.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 458-17-105 Ships and vessels—Definitions.
- WAC 458-17-110 Ships and vessels—Subject to property taxation.
- WAC 458-17-115 Ships and vessels—Listing.
- WAC 458-17-120 Ships and vessels—Apportionment of value.

WSR 03-16-029
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed July 29, 2003, 2:39 p.m.]

Date of Adoption: July 29, 2003.

Purpose: This rule explains how a senior citizen or disabled person may continue to keep the senior citizen and disabled person property tax exemption after it has been granted. The amendment corrects a statutory citation in the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16A-150 Senior citizen and disabled person exemption—Requirements for keeping the exemption.

Statutory Authority for Adoption: RCW 84.36.383, 84.36.389, and 84.36.865.

Adopted under notice filed as WSR 03-11-095 on May 21, 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:

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.

July 29, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 03-09-002, filed 4/2/03, effective 5/3/03)

WAC 458-16A-150 Senior citizen and disabled person exemption—Requirements for keeping the exemption. (1) **Introduction.** This rule explains how and when a senior citizen or disabled person must file additional reports with the county assessor to keep the senior citizen or disabled person property tax exemption. The rule also explains what happens when the claimant or the property no longer qualifies for the full exemption.

(2) **Continuing the exemption.** The claimant must keep the assessor up to date on the claimant's continued qualification for the senior citizen or disabled person property tax exemption. The claimant keeps the assessor up to date in three ways. First, the claimant submits a change in status form when any change affects his or her exemption. In some circumstances, the change in status form may be submitted by an executor, a surviving spouse, or a purchaser to notify the county of a change in status affecting the exemption. Second, the claimant submits a renewal application for the exemption either upon the assessor's request following an amendment of the income requirement, or every four years. Third, the claimant applies to transfer the exemption when moving to a new principal residence.

(3) **Change in status.** When a claimant's circumstances change in a way that affects his or her qualification for the senior citizen or disabled person property tax exemption, the claimant must submit a completed change in status form to notify the county of this change.

(a) **When to submit form.** The claimant must submit a change in status form to the county assessor for any change affecting that person's qualification for the exemption within thirty days of such change in status. If the claimant is unable or fails to submit a change in status form, any subsequent property owner, including a claimant's estate or surviving spouse, should submit a change in status form to avoid interest and in some cases the penalty for willfully claiming the exemption based upon erroneous information.

(b) **Changes in status described.** Changes in status include:

(i) Changes that affect the property (i.e., new construction, boundary line changes, rentals, ownership changes, etc.);

(ii) Changes to the property owner's annual income that increase or decrease property taxes due under the program; or

(iii) Changes that affect the property owner's eligibility for the exemption (i.e., death, moving to a replacement residence, moving to another residence the claimant does not own, moving into a hospice, a nursing home, or any other long-term care facility, marriage, improvement of a physical

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disability for a disabled person's claim, or a disabled person entering into gainful employment).

(c) **Change in status form.** The county assessor designs the change in status form or adapts a master form obtained from the department. The county must obtain approval of the final form from the department before it may be distributed. The claimant, the claimant's agent, or a subsequent owner of the residence must use a change in status form from the county where the principal residence is located. The person filing the form must provide true and accurate information on the change in status form.

(d) **Obtaining the form.** The claimant or subsequent property owner may obtain the form from the county assessor where his or her principal residence is located.

(e) **Failure to submit the form after a change in status occurs.** If the claimant fails to submit the change in status form, the application information relied upon becomes erroneous for the period following the change in status. Upon discovery of the erroneous information, the assessor determines the status of the exemption, and notifies the county treasurer to collect any unpaid property taxes and interest from the claimant, the claimant's estate, or if the property has been transferred, from the subsequent property owner. The treasurer may collect any unpaid property taxes, interest, and penalties for a period not to exceed three years as provided for under RCW 84.40.380. In addition, if a person willfully fails to submit the form or provides erroneous information, that person is liable for an additional penalty equal to one hundred percent of the unpaid taxes. RCW 84.36.385. If the change in status results in a refund of property taxes, the treasurer may refund property taxes and interest for up to the most recent three years after the taxes were paid as provided in chapter 84.69 RCW.

(f) **Loss of the exemption.** If the change in status disqualifies the applicant for the exemption, property taxes must be recalculated based upon the current full assessed value of the property and paid from the date the change in status occurred. RCW 84.40.360. For example, the exemption is lost when the claimant dies (unless the spouse is also qualified). The property taxes are recalculated to the full assessed amount of the principal residence on a pro rata basis beginning the day following the date of the claimant's death for the remainder of the year.

(g) **Loss of exemption on part of the property.** If the change in status removes a portion of the property from the exemption, property taxes in their full amount on that portion of the property that is no longer exempt must be recalculated based upon the current full assessed value of that portion of the property and paid from the date the change in status occurred. For example, a property owner subdivides his or her one-acre lot into two parcels. The parcel that does not have the principal residence built upon it no longer qualifies for the exemption. The property taxes are recalculated to the full assessed amount of that parcel on a pro rata basis for the remainder of the year beginning the day following the date the subdivision was given final approval.

(h) **Exemption reduced.** If the change in status reduces the exemption amount, the increased property taxes are due in the year following the change in income. For example, a claimant's income rises so that only excess levies on her prin-

cipal residence are exempt. The claimant's income is based upon the assessment year. The following year when the taxes are collected, the property taxes due are calculated with only an exemption for excess levies.

(4) **Renewal application.** The county assessor must notify claimants when to file a renewal application with updated supporting documentation.

(a) **Notice to renew.** Written notice must be sent by the assessor in the year the renewal application is requested. Notice must be sent no later than December 10th, three weeks before the December 31st filing requirement.

(b) **When to renew.** The assessor must request a renewal application at least once every four years. The assessor may request a renewal application for any year the income requirements are amended in the statute after the exemption is granted. Once notified, the claimant must file the renewal application by December 31st of that year.

(c) **Processing renewal applications.** Renewal applications are processed in the same manner as the initial application.

(d) **The renewal application form.** The county assessor may design the renewal application form or adapt either its own application form or the application master form obtained from the department. The county must obtain approval of the final renewal application form from the department before it may be distributed. The property owner must use a renewal form from the county where the principal residence is located. The claimant must provide true and accurate information on the renewal application form.

(e) **Obtaining the form.** The assessor provides this form to senior citizens or disabled persons claiming the exemption when requesting renewal.

(f) **Failure to submit the renewal application.** If the property owner fails to submit the renewal application form, the exemption is discontinued until the claimant reapplies for the program. The assessor may postpone collection activities and continue to work with an eligible claimant to complete an application for a missed period.

(5) **Transfer of the exemption.** When a claimant moves to a replacement residence, the claimant must file a change in status form with the county where his or her former principal residence was located. No claimant may receive an exemption on more than the equivalent of one residence in any year.

(a) **Exemption on the former residence.** The exemption on the former residence applies to the closing date on the sale of the former residence, provided the claimant lived in the residence for most of the portion of that year prior to the date of closing. Property taxes in their full amount must be recalculated based upon the current full assessed value of the property and paid from the day following the date the sale closed. The taxes are paid for the remaining portion of the year. (~~RCW 84.34.360.~~) RCW 84.40.360.

(b) **Exemption upon the replacement residence.** Upon moving, the claimant must reapply for the exemption in the county where the replacement residence is located if the claimant wants to continue in the exemption program. The same application, supporting documents, and application process is used for the exemption on the replacement residence as when a claimant first applies. See WAC 458-16A-135. The exemption on the replacement residence applies on

a pro rata basis in the year he or she moves, but only from the latter of the date the claimant moves into the new principal residence or the day following the date the sale closes on his or her previous residence.

WSR 03-16-030
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Order 03-165—Filed July 29, 2003, 4:18 p.m.]

Date of Adoption: July 22, 2003.

Purpose: Amend nontoxic shot rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-068.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-088 on June 16, 2003.

Changes Other than Editing from Proposed to Adopted Version: [No information supplied by agency.]

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 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.

July 25, 2003

J. P. Koenings
Director

AMENDATORY SECTION (Amending Order 01-157 [03-129], filed 8/20/01 [6/12/03], effective 9/20/01 [7/13/03])

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), (~~tin shot (99.9 percent tin with <1 percent residual lead))~~) tungsten-iron-nickel-tin shot (65% tungsten: 10.4% iron: 2.8% nickel: 21.8% tin, with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron

with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

Bridgeport Bar segment of the Well's Wildlife Area
Cowlitz Wildlife Area

Lake Terrell Wildlife Area (including Tennant Lake and other segments)

Shillapoo Wildlife Area
Skagit Wildlife Area (all segments)
Snoqualmie Wildlife Area (all segments)
Sunnyside Wildlife Area

The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area
Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Chehalis River pheasant release site
Dungeness Recreation Area

Hunter Farms pheasant release site
Raymond Airport pheasant release site

Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
Whidbey Island Seaplane Base, OLF Coupeville, and Bayview pheasant release sites

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

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

WSR 03-16-035
PERMANENT RULES
WASHINGTON STATE UNIVERSITY
[Filed July 30, 2003, 11:27 a.m.]

Date of Adoption: July 24, 2003.

Purpose: To clarify Washington State University's requirements for student conduct. Rules will also streamline the hearing and disciplinary process and provide for parental notification under revised FERPA rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-25-004, 504-25-012 and 504-25-231; and amending WAC 504-25-001, 504-25-025, 504-25-030, 504-25-035, 504-25-040, 504-25-050, 504-25-085, 504-25-137, 504-25-138, 504-25-200, 504-25-201, 504-25-205, 504-25-215, 504-25-222, 504-25-224, 504-25-226, 504-25-227, 504-25-228, 504-25-229, 504-25-230, 504-25-245, 504-25-310, 504-25-315, 504-25-320, 504-25-325, 504-25-330, 504-25-335, 504-25-340, 504-25-350, 504-25-355, and 504-25-360.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 0307-012 [03-10-060] on May 5, 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 2, Amended 35, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 35, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 35, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

July 24, 2003

Kirsten Pauli

Rules Coordinator

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 03-17 issue of the Register.

WSR 03-16-038

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 30, 2003, 2:48 p.m.]

Date of Adoption: July 30, 2003.

Purpose: The department is rescinding an existing yellow nutsedge quarantine at the Port of Kalama as requested by the Cowlitz County Noxious Weed Control Board. This rule-making order amends the following sections of rule by deleting all references to Cowlitz County: WAC 16-752-300 Establishing quarantine, 16-752-305 Quarantine area, 16-752-315 Regulations, and 16-752-320 Costs of quarantine.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-300, 16-752-305, 16-752-315, and 16-752-320.

Statutory Authority for Adoption: Chapters 17.10, 17.24, and 34.05 RCW.

Adopted under notice filed as WSR 03-11-098 on May 21, 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 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 30, 2003

Mary A. Martin Toohey

for Valoria H. Loveland

Director

AMENDATORY SECTION (Amending WSR 98-01-056, filed 12/11/97, effective 1/11/98)

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in ~~((Cowlitz and))~~ Thurston ~~((counties))~~ County (WAC 16-750-011 (33)(a)). Yellow nutsedge infests ~~((a dredging spoil site at the Port of Kalama in Kalama, Washington and))~~ a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from ~~((these))~~ this site~~((s))~~ initiates additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified site~~((s are))~~ is so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from ~~((these))~~ this site~~((s))~~ presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and

(3) That the restriction of such spread is critical to control efforts.

AMENDATORY SECTION (Amending WSR 98-01-056, filed 12/11/97, effective 1/11/98)

WAC 16-752-305 Quarantine area. The quarantine area shall encompass ~~((the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and))~~ the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described ~~((in subsections (1) and (2) of this section.~~

~~Real estate situation in the counties of Cowlitz and Thurston, state of Washington:~~

~~(1) Cowlitz County parcel containing twenty three acres, more or less.~~

~~A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:~~

~~Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when~~

measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

(2)) as follows:

County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42"W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; thence north 10°18'17"W, 78 feet (N 605556 E 103807); thence north 52°23'38"W, 93 feet (N 605613 E 1043733); thence north 74°34'40"W, 331 feet (N 605701 E 1043414); thence north 24°31'11"W, 63 feet (N 605758 E 1043388); thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; thence north 14°36'57"W, 44 feet; thence north 1°44'13"E, 103 feet; thence north 1°44'13"E, 122 feet; thence north 4°2'36"E, 103 feet; thence north 1°44'13"E, 140 feet; thence north 3°31'10"E, 134 feet; thence north 1°44'13"E, 146 feet; thence north 6°43'41"W, 141 feet; thence north 6°3'35"W, 92 feet; thence north 1°44'13"E, 128 feet; thence north 15°58'50"W, 96 feet; thence south 85°33'49"W, 113 feet; thence north 88°15'39"W, 100 feet; thence north 85°38'49"W, 133 feet; thence north 88°15'36"W, 137 feet; thence north 85°28'20"W, 125 feet; thence south 89°35'45"W, 162 feet; thence north 88°15'32"W, 129 feet; thence north 88°15'30"W, 200 feet; thence north 88°15'28"W, 150 feet; thence north 85°43'23"W, 137 feet; thence north 88°38'45"E, 113 feet; thence north 83°56'12"W, 242 feet; thence north 40°38'52"W, 25 feet; thence north 40°6'3"W, 25 feet.

AMENDATORY SECTION (Amending WSR 98-01-056, filed 12/11/97, effective 1/11/98)

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the ((Cowlitz or)) Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the ((Cowlitz or)) Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be conducted at the direction of the ((Cowlitz or)) Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The ((Cowlitz or)) Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: Provided, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

AMENDATORY SECTION (Amending WSR 98-01-056, filed 12/11/97, effective 1/11/98)

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the

((Cowlitz or)) Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

WSR 03-16-047

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 31, 2003, 8:12 a.m., effective September 1, 2004]

Date of Adoption: July 29, 2003.

Purpose: The boarding home licensing rules (chapter 388-78A WAC) are being revised to make them more applicable to the residents currently living in boarding homes in order to improve the quality of care and services for them; to make the rules more consistent with current practices in boarding homes; and to focus the rule more on what occurs with residents. These rules place more emphasis on the boarding home assessing residents' needs, developing and implementing a negotiated service agreement, monitoring residents consistent with their service agreements, and providing a minimum level of services. These rules also expand the scope of services that are allowed in boarding homes. Upon the effective date of this order, all current sections of chapter 388-78A WAC will be repealed and be replaced with new rules in this chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-78A-010 Definitions, 388-78A-020 Licensure—Initial, renewal, day care approval respite care, modifications, 388-78A-030 Responsibilities and rights—Licensee and department, 388-78A-040 Administrator, 388-78A-045 Criminal history, disclosure, and background inquiries, 388-78A-050 Staff, 388-78A-055 Policies and procedures, 388-78A-060 HIV/AIDS education and training, 388-78A-070 Construction, 388-78A-080 Communication system, 388-78A-090 Water supply, 388-78A-100 Sewage and liquid waste disposal, 388-78A-110 Garbage and refuse disposal, 388-78A-120 Lighting, 388-78A-130 Heating—Temperature, 388-78A-140 Ventilation, 388-78A-150 Resident room—Room furnishings—Storage, 388-78A-160 Toilet rooms and bathrooms, 388-78A-170 Food and nutrition services, 388-78A-180 Day rooms, 388-78A-190 Laundry, 388-78A-200 Storage space, 388-78A-210 Stairs—Ramps, 388-78A-220 Guardrails—Handrails, 388-78A-230 Maintenance and housekeeping, 388-78A-240 Criteria for accepting and retaining residents, 388-78A-250 Resident rights, 388-78A-260 Resident services, 388-78A-265 Limited nursing services, 388-78A-268 Health care services—Resident-arranged, 388-78A-280 Notification—Change in resident's condition, 388-78A-290 Safety measures and quality assurance, 388-78A-300 Medication services, 388-78A-310 Resident register, 388-78A-320 Resident health record, 388-78A-330 Adult day care, 388-78A-335 Residents—Dementia care, 388-78A-340 Exemptions, and 388-78A-990 Fees.

Statutory Authority for Adoption: RCW 18.20.090.

Other Authority: Chapter 18.20 RCW.

Adopted under notice filed as WSR 03-03-018 on January 7, 2003.

Changes Other than Editing from Proposed to Adopted Version:

WAC 388-78A-0020 Definitions.

- Deleted definition of "**aged person**" because it was replaced by "**resident**."
- Changed the definition of "**boarding home**" to be consistent with RCW 18.20.020 as amended by SSB 5579.
- Changed definition of "**domiciliary care**" to be consistent with definition in RCW 18.20.020 as amended by SSB 5579.
- Added definition of "**general responsibility for the safety and well-being of the resident**" to be consistent with definition in RCW 18.20.020 as amended by SSB 5579.
- Changed definitions of "**harm**" and "**independent living unit**" to improve clarity.
- Deleted definition of "**intermittent nursing services**" because it is not used in final rule, which simply addresses nursing services in general.
- Changed definition of "**medication administration**" as recommended and to be more consistent with RCW 69.41.010.
- Deleted definition of "**noteworthy change**" as recommended. The concept of this type of change is now reflected in WAC 388-78A-0350.
- Changed definition of "**recurring problem**" and "**uncorrected problem**" to address changes in licenses between initial citation and subsequent citations, and specified the time frames considered when addressing "recurring problems."
- Changed the definition of "**serious problem**" for added clarity.
- Changed the definition of "**resident**" to be consistent with definition in RCW 18.20.020 as amended by SSB 5579.
- Changed the definition of "**respite care**" to reflect use of the term "**resident**" versus "**aged person**."

WAC 388-78A-0030 Applicability.

- Added provisions to when a boarding home license is and is not required consistent with RCW 18.20.030 as amended by SSB 5579.

WAC 388-78A-0050 Resident characteristics.

- Subsection (1), changed in response to comments to include requirements for specialty training.
- Subsection (2), changed in response to comments to clarify when a registered nurse must specifically determine and document a resident's condition is stable and predictable.

WAC 388-78A-0070 Initial assessment.

- Subsection (1), changed in response to comments to clarify the assessment must result in an "adequate" understanding rather than a "comprehensive" understanding.
- Subsection (2), changed in response to comments to clarify, and to specify boarding homes may meet a resident's needs by arranging for services from outside resources.
- Subsection (3), changed the use of "care plan" to "service agreement."

WAC 388-78A-0080 Timing of initial assessment.

- Changed in response to comments to allow 5 calendar days to complete an assessment for emergency admissions.

WAC 388-78A-0090 Qualified assessor.

- Subsection (1)(c), changed in response to comments so a nurse acting consistent with chapter 18.79 RCW may complete an initial assessment.
- Subsection (1)(e), changed the effective date to 2004.

WAC 388-78A-0100 Assessment topics.

- Subsection (10), changed in response to comments to focus more on personal identity, rather than cultural or ethnicity, and to recognize some individuals may not be comfortable or willing to disclose personal information or preferences.

WAC 388-78A-0110 On-going assessments.

- Subsection (2), changed to clarify the extent of an on-going assessment, when it is necessary, and eliminated the term "noteworthy change," but referenced WAC 388-78A-0350 to reflect how on-going assessments are linked to monitoring residents' well being.

WAC 388-78A-0130 Service agreement planning.

- Changed in this section, and throughout the rule in response to comments, from the term "negotiated care plan" to "negotiated service agreement."
- Subsection (4)(a), deleted reference to noteworthy and significant changes and referred to WAC 388-78A-0350.
- Subsection (6)(a) and (f), edited for clarity.
- Subsection (7)(c), corrected in response to comments so documentation is made in the resident's record.

WAC 388-78A-0140 Negotiated service agreement contents.

- Subsection (1)(a), edited for clarity in response to comments.
- Subsection (1)(c), the term "intermittent nursing services" was deleted throughout the rule.

- Subsection (2)(a) and (b), deleted since they implied the boarding home would need to supervise the provision of services by outside resources, contrary to SSB 5579.
- Subsection (8), added in response to comments to include emphasis on not permitting boarding homes to ask or require residents to sign waivers of rights.

WAC 388-78A-0150 Signing negotiated service agreement.

- Changed term to "negotiated service agreement."

WAC 388-78A-0160 Basic boarding home services.

- Subsection (1), changed to reflect requirements of SSB 5579.
- Changed term to "negotiated service agreement."
- Reorganized, edited for clarity, and separated assistance with activities of daily living from other basic services to reflect requirements of SSB 5579.
- Added statutory reference to RCW 69.41.010 for self-administration of medication.
- Clarified in response to comments that services may be provided on both a scheduled and non-scheduled basis.
- Clarified disclosure requirement in response to comments by referencing WAC 388-78A-0690.

WAC 388-78A-0170 Activities.

- Changed term to "negotiated service agreement."

WAC 388-78A-0180 Medication services.

- Subsection (1)(a) and (b), edited in response to comments, to clarify.

WAC 388-78A-0200 Medication refusal .

- Edited in response to comments, to clarify, and to allow for physicians' directions on how to respond to medication refusals.

WAC 388-78A-0210 Nonavailability of medications.

- Edited in response to comments to clarify and require notification within a reasonable time.

WAC 388-78A-0230 Storing, securing, and accounting for medications.

- Subsection (3), edited in response to comments to clarify what drugs must be inventoried.

WAC 388-78A-0250 Medication organizers.

- Subsection (1)(a), changed in response to comments so a resident must understand the use of a medication instead of requiring the resident to be "fully knowledgeable" of the medication before a nurse may fill the resident's medication organizer.
- Subsection (3), edited to clarify that residents are allowed to receive other medication assistance or administration and still be able to use a medication organizer for those medications they could self-administer or direct others to administer.

WAC 388-78A-0270 Food and nutrition services.

- Subsection (1)(c)(i), changed in response to comments to permit menus to be delivered to residents' rooms instead of posting the menus.
- Subsection (1)(c)(vi), changed in response to comments so a three-week menu cycle would not be required for breakfasts when there were a variety of choices.
- Subsection (1)(f), edited to clarify where the boarding home must record alternate choices in entrees.
- Subsection (2)(a)(iii), edited to clarify the diet manual must be reviewed and updated as necessary.
- Subsection (3), added in response to comments to clarify boarding homes may provide special diets at a resident's request and consistent with the resident's negotiated service agreement.
- Subsection (4)(b)(i) and (ii), changed the effective date to 2004.
- Subsection (4)(b)(i)(B) and (4)(b)(ii)(C), changed so dishwashing operations and temperatures reflect current standards.

WAC 388-78A-0280 Need to provide nursing services.

- Clarified in response to comments that providing nursing services is an optional service for boarding homes.
- Subsection (1), clarified that residents who need nursing services must receive the required services or be discharged from the boarding home.
- Subsection (2), deleted the requirement for a registered nurse to coordinate resident-arranged nursing care.

WAC 388-78A-0290 Tube feeding.

- Changed term to "negotiated service agreement" and deleted "intermittent" from nursing services.

WAC 388-78A-0300 Supervision of nursing services.

- Deleted "intermittent" from nursing services.

WAC 388-78A-0310 Responsibilities of nursing supervisor.

- Clarified the supervising nurse in the boarding home is only required to supervise nursing services provided by the boarding home.
- Subsection (3)(b), changed term to "negotiated service agreement."
- Subsection (3)(d), deleted the requirement for a registered nurse to coordinate outside health care.

WAC 388-78A-0320 Resident-arranged services.

- Subsection (1), edited to clarify the boarding home must allow resident-arranged services from health care practitioners.
- Subsection (1)(b), edited to emphasize residents have a right to arrange their own health care, by adding a reference to chapter 70.129 RCW.

- Subsection (3), clarified a registered nurse does not need to coordinate a resident's health care with boarding home services, and consistent with SSB 5579, the boarding home is not required to supervise resident-arranged services.

WAC 388-78A-0330 Coordination of health care services.

- Subsection (1), clarified consistent with SSB 5579 that the boarding home must coordinate a resident's external health care according to the resident's negotiated service agreement.
- Subsection (2)(c), deleted because it is not different from subsection (2) in substance.
- Subsection (6)(c), changed term to "negotiated service agreement."
- Subsection (7), changed to specify required actions.

WAC 388-78A-0340 Implementation of negotiated service agreement.

- Changed term to "negotiated service agreement."

WAC 388-78A-0350 Monitoring residents' well-being.

- Changed term to "negotiated service agreement."
- Edited to remove the term "noteworthy changes," and more clearly describe when changes require an assessment beyond an initial evaluation and when changes need to be documented.

WAC 388-78A-0360 Adult day care.

- Subsection (2)(a), deleted required specific day care services since day care is an optional service.
- Subsection (2)(b) and (c), edited for consistency in format.
- Subsection (2)(e), deleted references to the types of furniture that were required.
- Subsection (2)(i), deleted in response to comments received specific record-keeping requirements.

WAC 388-78A-0370 Dementia care.

- Changed term to "negotiated service agreement."

WAC 388-78A-0380 Restricted egress.

- Changed term to "negotiated service agreement."
- Subsections (2) and (4), edited for clarity and consistency in format.
- Subsections (6) and (7), changed the effective date to 2004.

WAC 388-78A-0410 Content of resident records.

- Changed term to "negotiated service agreement."
- Subsection (7), clarified that "orders" included directions for what to do when a resident refused prescribed treatments, medications and diets.
- Subsection (8), clarified in response to comments received that the boarding home does not need to document nursing services provided by outside resources.

- Subsection (9)(d), deleted use of term "noteworthy changes."

WAC 388-78A-0430 Record retention.

- Subsection (2), clarified a resident's inactive record must remain on the boarding home premises as long as the resident remains in the boarding home.
- Subsections (3) and (4), clarified a distinction between "closed records" and "inactive records," and how closed records must be handled.

WAC 388-78A-0440 Resident review of records.

- Subsection (2), added in response to comments to specify requirements regarding photocopying residents' records.

WAC 388-78A-0460 Staff.

- Changed term to "negotiated service agreement."
- Subsection (2)(c) and (e), clarified in response to comments received, issued related to appropriate qualifications and credentials.
- Subsection (2)(i), clarified that references are for "resident-care staff persons."
- Subsection (3)(b), deleted in response to comments received, "...to the satisfaction of the department."

WAC 388-78A-0480 TB tests.

- Subsection (1)(a), clarified in response to comments received that the TB test must be initiated within three days of hiring.

WAC 388-78A-0510 Specialized training for dementia.

- Subsection (2), edited for clarity.

WAC 388-78A-0520 Administrator qualifications.

- Changed the effective date to 2004.
- Changed American Association of Housing and Services for the Aging to American Association of Homes and Services for the Aging.
- Clarified that department-recognized national accreditation health or personal care organizations may endorse administrator training programs, as well as directly provide them.

WAC 388-78A-0560 Administrator responsibilities.

- Subsection (5)(a), edited for clarity.

WAC 388-78A-0580 Use of home health/home care.

- Edited for clarity.

WAC 388-78A-0605 Pets.

- Subsection (1), added requirement for boarding homes to disclose their policies regarding pets to potential and current residents.
- Subsection (2)(c)(ii), deleted because residents must be advised of the boarding home's policies on pets.

WAC 388-78A-0635 Reporting fires and incidents.

- Subsection (1), edited for clarity in response to comments received about certain types of fires in boarding homes.
- Subsection (2), edited for clarity in response to comments received.

WAC 388-78A-0650 Services by resident for boarding home.

- Changed term to "negotiated service agreement."

WAC 388-78A-0670 Resident use of electronic monitoring.

- Subsection (2)(d), edited for clarity.

WAC 388-78A-0680 Safety measures and disaster preparedness.

- Changed term to "negotiated service agreement."
- Changed the effective date to 2004.
- Subsection (1), changed to be consistent with chapter 18.20 RCW as amended by SSB 5579.
- Subsection (2)(c)(iii), added to protect residents during the course of an investigation.

WAC 388-78A-0690 Disclosure of services.

- Subsection (3), edited to clarify that all boarding homes must notify all residents of their rights under applicable state and federal laws regarding all health care decision-making.

WAC 388-78A-0700 Timing of disclosure.

- Subsection (2)(c), edited for clarity in response to comments received.

WAC 388-78A-0760 Licensee's responsibilities.

- Subsection (2)(b)(i), edited to clarify that posting a boarding home license should include posting any conditions on the license.
- Subsection (2)(b)(ii)(B), deleted in response to comments received, the requirement to notify residents of the local legal services program.

WAC 388-78A-0770 Change in licensee.

- Subsection (2)(a), edited for clarity.

WAC 388-78A-0800 Building requirements.

- Retitled section.
- New subsections added in response to comments received to allow for certain exemptions to the licensing rules.

WAC 388-78A-0830 Required reviews of building plans.

- Subsection (1)(a) and (b), edited in response to comments received, for clarification and accuracy.
- Subsection (2)(e), edited so rule remains accurate if building code changes.

WAC 388-78A-0860 Changing use of rooms.

- Subsection (1)(c), added in response to comments received to require boarding homes to provide additional documentation requested by construction review services.

WAC 388-78A-0900 Area for nursing supplies and equipment.

- Deleted "intermittent" from nursing services.
- Changed the effective date to 2004.

WAC 388-78A-0910 Communication system.

- Changed the effective date to 2004.

WAC 388-78A-0940 Sewage and liquid waste disposal.

- Subsections (2) and (3), edited to add clarifying references to relevant WAC.

WAC 388-78A-0960 Lighting.

- Subsection (1), edited for clarity.
- Subsection (2), added in response to comments received specifications for reading room lighting.

WAC 388-78A-0970 Heating-cooling—Temperature.

- Changed the effective date to 2004.
- Subsection (1), changed in response to comments received regarding current standard of 70 degrees.

WAC 388-78A-0990 Resident room—Room furnishings-storage.

- Changed the effective date to 2004.
- Subsection (1)(j), edited in response to comments received to clarify each resident should have his/her own storage area.

WAC 388-78A-1010 Toilet rooms and bathrooms.

- Changed the effective date to 2004.
- Subsections (5) and (6), added "...or fraction thereof" in response to comments received.
- Subsection (8)(c), edited for clarity.

WAC 388-78A-1020 Laundry.

- Changed the effective date to 2004.
- Subsection (3), edited in response to comments received, to clarify washing machines must have a continuous supply of hot water.

WAC 388-78A-1070 Maintenance and housekeeping.

- Changed the effective date to 2004.
- Subsection (1)(e)(i), edited for clarity.

WAC 388-78A-1120 Responsibilities during inspections.

- Subsection (1)(a), edited for clarity by deleting reference to financial records and adding reference to statutory provisions.
- Subsection (1)(b)(iv), edited to clarify that schedules only need to be retained for six months.

WAC 388-78A-1130 Communication during inspections.

- Subsection (2)(b) and (c), edited for clarity in response to comments received regarding when staff persons may be present during interviews and investigations.

WAC 388-78A-1160 Authorized enforcement remedies.

- Reorganized and edited for clarity, including statutory authority for civil fines up to \$3000 ((2)).
- Subsection (1)(f), added enforcement remedy of imposing a limited stop placement per SSB 5579.

WAC 388-78A-1170 Statutory circumstances resulting in discretionary enforcement remedies.

- Retitled section.
- Subsection (1)(a)(iv), deleted the word "application."
- Subsection (1)(g), clarified in response to comments received, a person would have to knowingly permit illegal acts before enforcement remedies would be imposed for this reason.
- Subsection (3), added reference to WAC 388-78A-1200 for other circumstances resulting in discretionary enforcement remedies.

WAC 388-78A-1180 Circumstances resulting in required enforcement remedies.

- Retitled section and edited for clarity.
- Added statutory references to RCW 18.20.185 and [18.20].190.
- Subsection (2), added another circumstance for which the statute requires an enforcement remedy.

WAC 388-78A-1190 Statutorily required enforcement remedies: Denial, suspension, revocation, or nonrenewal of license.

- Retitled section.
- Subsection (1)(e) and (f), deleted from rule in response to comments received, but provisions remain in RCW 18.20.200 and [18.20].210 for licensing actions for failure to repay student loans and for failure to pay child support or violating visitation orders. Additionally, the relationship between the person involved, and the licensed entity, is not clear in statute.

WAC 388-78A-1200 Other circumstances resulting in discretionary enforcement remedies.

- Retitled section and edited for clarity.
- Subsection (1)(c), included civil penalties per RCW 18.20.190 (2)(c).
- Subsection (2), imposition of limited stop-placement was added per SSB 5579.
- Subsections (2), (3), and (4), clarified less serious enforcement remedies could also be imposed for more serious problems.

- Subsection (4)(f), added another circumstance for which license revocation could be imposed.

WAC 388-78A-1210 Informal dispute resolution.

- Subsections (1) and (2), deleted to be consistent with chapter 18.20 RCW as amended by SSB 5579.

WAC 388-78A-1220 Appeal rights.

- Subsection (1), edited for clarity.

WAC 388-78A-1230 Fees.

- Subsection (2)(a) and (b), edited for clarity.

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 125, Amended 0, Repealed 39.

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 125, Amended 0, Repealed 39.

Effective Date of Rule: September 1, 2004.

July 29, 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 03-18 issue of the Register.

WSR 03-16-067**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 02-12—Filed August 1, 2003, 4:43 p.m.]

Date of Adoption: August 1, 2003.

Purpose: The amendments are necessary to make ecology's State Environmental Policy Act (SEPA) rules consistent with legislation set forth in chapter 43.21C RCW statutorily exempting specific proposed actions from SEPA review.

Citation of Existing Rules Affected by this Order: Amending WAC 197-11-070, 197-11-250, 197-11-310, 197-11-800, 197-11-820, 197-11-835, 197-11-850, 197-11-855, 197-11-902, 197-11-904, and 197-11-908.

Statutory Authority for Adoption: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222.

Adopted under notice filed as WSR 03-03-082 on January 15, 2002 [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 11, 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.

August 1, 2003

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

WAC 197-11-070 Limitations on actions during SEPA process. (1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

- Have an adverse environmental impact; or
- Limit the choice of reasonable alternatives.

(2) In addition, certain DNSs require a fourteen-day period prior to agency action (WAC 197-11-340(2)), and FEISs require a seven-day period prior to agency action (WAC 197-11-460(4)).

(3) In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under WAC 197-11-800(~~((18)))~~ (17), the activity may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

(4) This section does not preclude developing plans or designs, issuing requests for proposals (RFPs), securing options, or performing other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection (1).

AMENDATORY SECTION (Amending Order 94-22, filed 3/31/95, effective 5/1/95)

WAC 197-11-250 SEPA/Model Toxics Control Act integration. (1) WAC 197-11-253 through 197-11-268 integrate the procedural requirements and documents of this chapter with those required under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, and chapter 173-340 WAC.

(2) Both MTCA and SEPA provide opportunities for early public review of a proposal. The following sections contain procedures to combine the MTCA and SEPA processes to reduce duplication and improve public participation. These sections supplement the other requirements of this chapter. To the extent there is a conflict, these sections supersede any conflicting provisions of this chapter.

(3) WAC 197-11-253 through 197-11-268 apply to remedial actions as defined in RCW 70.105D.020(12) and conducted by ecology or by a potentially liable person (PLP) under an order, agreed order, or consent decree under MTCA. These sections do not apply to independent remedial actions; rather, the remainder of this chapter applies to independent remedial actions that are subject to SEPA.

(4) When the remedial action is part of a development proposal, the procedures in WAC 197-11-256 through 197-11-268 shall be used to combine the procedural requirements of SEPA and MTCA, to the extent practicable.

(5) To effectively integrate the procedural requirements of SEPA and MTCA, the SEPA elements of the environment that could be impacted need to be identified as early in the MTCA process as possible. Early consideration of SEPA facilitates identification of study areas prior to conducting the remedial investigation/ feasibility study (RI/FS) and effective, timely integration of SEPA and MTCA documents. The threshold determination may be delayed until later in the MTCA process.

(6) WAC 197-11-256 through 197-11-268 do not change the categorical exemption for information collection in WAC 197-11-800(~~((18))~~) (17) or the emergency exemption in WAC 197-11-880.

(7) Interim actions (WAC 173-340-430) conducted as part of a remedial action conducted by ecology, or by a potentially liable person under an order, agreed order, or consent decree under MTCA are governed by WAC 197-11-268.

AMENDATORY SECTION (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

WAC 197-11-310 Threshold determination required.

(1) A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt, subject to the limitations in WAC 197-11-600(3) concerning proposals for which a threshold determination has already been issued, or statutorily exempt as provided in chapter 43.21C RCW. A threshold determination is not required for a planned action (refer to WAC 197-11-164 through 197-11-172).

(2) The responsible official of the lead agency shall make the threshold determination, which shall be made as close as possible to the time an agency has developed or is presented with a proposal (WAC 197-11-784). If the lead agency is a GMA county/city, that agency must meet the timing requirements in subsection (6) of this section.

(3) The responsible official shall make a threshold determination no later than ninety days after the application and supporting documentation are determined to be complete. The applicant may request an additional thirty days for the threshold determination (RCW 43.21C.033).

(4) The time limit in subsection (3) of this section shall not apply to a county/city that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with SEPA requirements; or

(b) Is planning under RCW 36.70A.040 (GMA) and is subject to the requirements of subsection (6) of this section.

(5) All threshold determinations shall be documented in:

(a) A determination of nonsignificance (DNS) (WAC 197-11-340); or

(b) A determination of significance (DS) (WAC 197-11-360).

(6) When a GMA county/city with an integrated project review process under RCW 36.70B.060 is lead agency for a project, the following timing requirements apply:

(a) If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application (RCW 36.70B.110). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

(b) Nothing in this section prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under SEPA or from allowing appeals of procedural determinations prior to submitting a project permit application.

(c) If an open record predecision hearing is required, the threshold determination shall be issued at least fifteen days before the open record predecision hearing (RCW 36.70B.110 (6)(b)).

(d) The optional DNS process in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required (refer to WAC 197-11-355(4)).

AMENDATORY SECTION (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

WAC 197-11-800 Categorical exemptions. The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) Minor new construction—Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of any residential structures of four dwelling units.

(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.

(iv) The construction of a parking lot designed for twenty automobiles.

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels to the maximum specified below by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904) and sent to the department of ecology. A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas). The maximum exempt level for the exemptions in (1)(b) of this section shall be, respectively:

- (i) 20 dwelling units.
- (ii) 30,000 square feet.
- (iii) 12,000 square feet; 40 automobiles.
- (iv) 40 automobiles.
- (v) 500 cubic yards.

(2) **Other minor new construction.** The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxis, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capac-

ity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** (~~The following appropriations of water shall be exempt,~~) Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of ground water, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating

to construction of a distribution system solely for any exempted appropriation((:

~~(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.~~

~~(b) Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of ground water, for any purpose).~~

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) **Minor land use decisions.** The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

~~((d) Annexation of territory by a city or town.))~~

~~(7) ((School closures. The adoption and implementation of a plan, program, or decision for the closure of a school or schools shall be exempt. Demolition, physical modification or change of a facility from a school use shall not be exempt under this subsection.~~

~~(8))~~ **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

~~((9))~~ **(8) Clean Air Act.** ~~((The following actions under the Clean Air Act shall be exempt:~~

~~(a))~~ The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

~~((b) The issuance, renewal, reopening, or revision of an air operating permit under RCW 70.94.161.~~

~~(10))~~ **(9) Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

~~((11))~~ **(10) Activities of the state legislature.** All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).

~~((12))~~ **(11) Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

~~((13))~~ **(12) Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

~~((14))~~ **(13) Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: Provided, That regulation of common

carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

~~((15))~~ **(14) Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection (~~(see also WAC 197-11-800(7))~~).

~~((16))~~ **(15) Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

~~((17))~~ **(16) Local improvement districts.** The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.

~~((18))~~ **(17) Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption

does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

~~((19))~~ **(18) Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

~~((20))~~ **(19) Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

~~((21))~~ **(20) Building codes.** The adoption by ordinance of all codes as required by the state Building Code Act (chapter 19.27 RCW).

~~((22))~~ **(21) Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

~~((23))~~ **(22) Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

~~((24))~~ **(23) Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: Provided, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, That chemicals used are approved by the Washington state department of agriculture and applied

by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

~~((25))~~ **(24) Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

~~(a) ((All Class I, II, III forest practices as defined by RCW 76.09.050 or regulations thereunder.~~

~~(b))~~ Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.

~~((e))~~ ~~(b)~~ Licenses or approvals to remove firewood.

~~((d))~~ ~~(c)~~ Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

~~((e))~~ ~~(d)~~ Issuance of leases for Christmas tree harvesting or brush picking.

~~((f))~~ ~~(e)~~ Issuance of leases for school sites.

~~((g))~~ ~~(f)~~ Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

~~((h))~~ ~~(g)~~ Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

~~((i))~~ ~~(h)~~ Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

~~((j))~~ ~~(i)~~ Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

~~((k))~~ ~~(j)~~ Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

~~((26) Watershed restoration projects. Actions pertaining to watershed restoration projects as defined in RCW 89.08.460(2) are exempt, provided, they implement a watershed restoration plan which has been reviewed under SEPA (RCW 89.08.460(1)).~~

~~(27))~~ **(25) Personal wireless service facilities.**

(a) The siting of personal wireless service facilities are exempt if the facility:

(i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;

(ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or

(iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:

(A) Four feet in height and with an area of not more than five hundred eighty square inches; or

(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-820 Department of licensing. All licenses required under programs administered by the department of licensing as of December 12, 1975 are exempted, except the following:

(1) Camping club promotional permits under chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses under chapter 46.80 RCW; WAC 197-11-800 ~~((14))~~(13)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-835 Department of fisheries. The following activities of the department of fisheries are exempted:

(1) The establishment of seasons, catch limits or geographical areas for fishing or shellfish removal.

(2) All hydraulic project approvals (RCW 75.20.100) for activities incidental to a Class I, II, III forest practice as defined in RCW 76.09.050 or regulations thereunder.

(3) Hydraulic project approvals where there is no other agency with jurisdiction (besides the department of game) requiring a nonexempt permit, except for proposals involving removal of fifty or more cubic yards of streambed materials or involving realignment into a new channel. For purposes of this paragraph, the term new channel shall not include existing channels which have been naturally abandoned within the twelve months previous to the hydraulic permit application.

(4) All clam farm licenses and oyster farm licenses, except where cultural practices include structures occupying the water column or where a hatchery or other physical facility is proposed for construction on adjoining uplands.

(5) All other licenses (other than those excepted in (2) and (3) above) authorized to be issued by the department as of December 12, 1975 except the following:

(a) Fish farming license, or other licenses allowing the cultivation of aquatic animals for commercial purposes;

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(b) Licenses for the mechanical and/or hydraulic removal of clams, including geoducks; and,

(c) Any license authorizing the discharge of explosives in water. WAC 197-11-800 ~~((14))~~(13)(i) shall apply to allow possible exemption of renewals of the above licenses.

(6) The routine release of hatchery fish or the reintroduction of endemic or native species into their historical habitat where only minor documented effects on other species will occur.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-850 Department of agriculture. All actions under programs administered by the department of agriculture as of December 12, 1975 are exempted, except for the following:

(1) The approval of any application for a commercial registered feedlot, quarantined registered feedlot under chapter 16.36 RCW, or chapters 16-28 and 16-30 WAC.

(2) The issuance or amendment of any regulation respecting restricted-use pesticides under chapter 15.58 RCW that would have the effect of allowing the use of a pesticide previously prohibited by Washington state.

(3) The removal of any pesticide from the list of restricted-use pesticides established in WAC 16-228-155 so as to permit sale of such pesticides to home and garden users, unless the pesticide is no longer manufactured and is not available.

(4) The removal of any pesticide from the list of highly toxic and restricted-use pesticides established under WAC 16-228-165 so as to authorize sale of such pesticides to persons not holding an annual user permit, an applicator certificate, or an applicator operator license, unless the pesticide is no longer manufactured and is not available.

(5) The removal of any pesticide from the category of highly toxic pesticide formulations established in WAC 16-228-165 so as to permit the sale of such pesticides by persons not possessing a pesticide dealer's license, unless the pesticide is no longer manufactured and is not available.

(6) The approval of any use of the pesticide DDT or DDD except for those uses approved by the centers for disease control of the United States Department of Health and Human Services (such as control of rabid bats).

(7) The issuance of a license to operate a public livestock market under RCW 16.65.030.

(8) The provisions of WAC 197-11-800 ~~((14))~~(13)(i) shall apply to allow possible exemption of renewals of the licenses in (1) through (7) above.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-855 Department of ecology. The following activities of the department of ecology shall be exempt:

(1) ~~((The issuance, reissuance or modification of any waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules and regulations. This exemption shall apply to existing discharges only and shall not apply to any new source discharges.~~

~~((2))~~ Review of comprehensive solid waste management plans under RCW 70.95.100 and 70.95.110.

~~((3))~~ (2) Granting or denial of certification of consistency pursuant to the Federal Coastal Zone Management Act (16 U.S.C. 1451).

~~((4))~~ (3) Issuance of short-term water quality standards modification, pursuant to chapter 173-201 WAC, for minor projects when the water violations would:

(a) Result in turbidity violations only;

(b) Be less than fourteen days duration;

(c) Be mitigated by a current hydraulic project approval conditioned to protect the fishery resource; and

(d) Not significantly impair beneficial uses of the affected water body.

~~((5))~~ (4) Approval of engineering reports when such approval allows preparation of plans and specifications, but not when it would commit the department to approving the final proposal.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-902 Agency SEPA policies. (1) The act and these rules allow agencies to condition or deny proposals if such action is based upon policies identified by the appropriate governmental authority. These policies must be incorporated into regulations, plans, or codes formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of substantive authority under SEPA. (RCW 43.21C.060; WAC 197-11-660.) State and local policies so designated are called "agency SEPA policies" in these rules.

(2) Agencies are required to designate their SEPA policies not later than one hundred eighty days after the effective date of these rules (or the creation of the agency). In order to condition or deny a proposal, an agency must comply with the provisions of RCW 43.21C.060 and WAC 197-11-660. If an agency has already formally designated agency SEPA policies that meet the requirements of the act and these rules, the agency is not required to adopt them again. Agencies may revise or add to their SEPA policies at any time. Although agency SEPA procedures cannot change the provisions of these rules concerning substantive authority and mitigation (WAC 197-11-906(2)), agency SEPA policies are encouraged to identify specific mitigation measures or techniques.

(3) An agency's document that includes or references by citation their agency SEPA policies (WAC 197-11-660(3)) may be included in agency SEPA procedures (WAC 197-11-904). Public notice and opportunity for public comment shall be provided as part of the agency process for formally designating its SEPA policies.

(4) Depending on their content, the formal designation of agency SEPA policies will not necessarily require any environmental review and will normally be categorically exempt as a procedural action under WAC 197-11-800~~((20))~~ (19). For example, the policies may merely compile, reorganize, or reference laws or policies currently on the books, or may otherwise be procedural in nature, such as requiring decision makers to consider certain factors.

AMENDATORY SECTION (Amending Order 94-22, filed 3/6/95, effective 4/6/95)

WAC 197-11-904 Agency SEPA procedures. (1) Each agency is required by the act and this section to adopt its own rules and procedures for implementing SEPA. (RCW 43.21C.120.) Agencies may revise or add to their SEPA procedures at any time. Agencies may adopt these rules (chapter 197-11 WAC) by reference, and shall meet the requirements of WAC 197-11-906 concerning the content of their procedures. State and local rules for carrying out SEPA procedures are called "agency SEPA procedures."

(2) State agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of an agency, whichever shall occur later. State agencies shall adopt their procedures by rule making under the state Administrative Procedure Act, chapter 34.05 RCW. If a state agency does not have rule making authority under chapter 34.05 RCW, the agency shall adopt procedures under whatever authority it has, and public notice and opportunity for public comment shall be provided. Adoption shall be deemed to have taken place at the time the transmittal of adopted rules is filed with the code reviser.

(3) Local agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of the local governmental entity, whichever shall occur later. Local agencies shall adopt their procedures by rule, ordinance, or resolution, whichever is appropriate, to ensure that the procedures have the full force and effect of law. Public notice and opportunity for public comment shall be provided as part of the agency's process for adopting its SEPA procedures.

(4) Any agency determining that all actions it is authorized to take are exempt under Part Nine of these rules may adopt a statement to the effect that it has reviewed its authorized activities and found them all to be exempt under this chapter. Adoption of such a statement under the procedures in subsections (2) and (3) shall be deemed to be in compliance with the requirement that the agency adopt procedures under this chapter.

(5) The adoption of agency procedures is procedural and shall be categorically exempt under this chapter (WAC 197-11-800(~~(20)~~)(19)).

AMENDATORY SECTION (Amending Order 94-22, filed 3/6/95, effective 4/6/95)

WAC 197-11-908 Critical areas. (1) Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW 36.70A.060). The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2)(a) through (h), (3), (5), (6)(a), (~~((14))~~)(13)(c), (~~((24))~~)(23)(a) through (g), and (~~((25)(d), (f), (h), (i))~~)(24)(c), (e), (g), (h).

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC 197-11-906).

(2) Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.

WSR 03-16-077

PERMANENT RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed August 4, 2003, 4:12 p.m.]

Date of Adoption: July 25, 2003.

Purpose: Revise regional distribution of urban pedestrian safety and mobility funds, revise small city program increase rules, and make miscellaneous housekeeping changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 479-12-260; and amending WAC 479-01-010, 479-01-050, 479-05-010, 479-05-050, and 479-05-240.

Statutory Authority for Adoption: Chapter 47.26 RCW.

Adopted under notice filed as WSR 03-12-009 on May 22, 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 5, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, 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 5, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 1, 2003

Stevan Gorcester
Executive Director

PERMANENT

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-01-010 Organization of transportation improvement board. The transportation improvement board is a twenty-one member board, organized under the provisions of chapter 269, Laws of 1995. The board administers the urban arterial trust account(,) and the transportation improvement account(~~(, and public transportation systems account)~~). The board evaluates petitions requesting any additions to or deletions from the state highway system and forwards recommendations to the legislature. ~~((The board selects projects for the STP statewide competitive program and the enhancement program and forwards the recommended list to the legislature.))~~ Board membership is defined in RCW 47.26.121.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-01-050 Administration costs. The board costs for necessary staff services and facilities that are attributable to the urban arterial trust account(,) and the transportation improvement account(~~(, and public transportation systems account)~~) shall be paid ~~((in proportion to the anticipated expenditures of the accounts))~~ as determined by the biennial appropriation.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-05-010 Time and place for submission of proposed transportation improvement board projects. Prospectuses for ~~((pre-design or))~~ design phase shall be requested by the board after:

- (1) Submitted project applications have been evaluated as to priority;
- (2) The legislative appropriation authority has been reviewed and capacity to authorize additional projects determined.

Prospectuses for ~~((pre-design phase or))~~ design phase shall be received by the board by the first day of the month preceding the month in which project authorization is proposed unless a later receipt is approved by the director.

Prospectuses for the construction phase shall be received by the twentieth day of the month preceding the month in which construction project authorization is proposed unless a later receipt date is approved by the director.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-05-050 Procedures for project approval. ~~((Pre-design, d))~~ Design proposals and related construction projects authorized by the board for financial assistance shall be selected for authorization based upon the following factors:

The proposed project scope shall include improvements that will address or mitigate the items for which the project was selected.

The board shall evaluate the project scope and may reduce the project scope if the scope exceeds that which is necessary to address or mitigate items.

The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project shall be evaluated on the availability and source of matching funds.

(2) Construction prospectuses for projects previously approved for design and right of way funding by the board shall be required to be accompanied by the following information demonstrating the readiness of the project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency, that an environmental impact analysis has been conducted and an environmental impact statement including the conformity with the state and Federal Clean Air Acts or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification that all right of way required for the project is available or if right of way remains to be acquired that the agency has obtained a possession and use agreement on the parcels in question.

(c) A certification from the legislative body that the project is completely designed and ready to be advertised for bids.

(d) The date the project will be advertised for bids.

(e) Each construction project prospectus shall identify changes between the scope of work of the proposed project and the work contemplated in the current six-year transportation program or the project design prospectus. An explanation and justification for such changes shall also be included.

(f) The board shall consider adjustments to the amount previously requested in accordance with the board's rule on increases in transportation improvement board funds.

AMENDATORY SECTION (Amending WSR 01-19-040, filed 9/14/01)

WAC 479-05-240 Procedure to request increase in board funds. The amount of funds approved will be based upon the amount requested at ~~((design approval))~~ project application. This amount may be adjusted from the amount shown in the project application with adequate justification. Board fund increases are not approved at ~~((pre-design and))~~ design phase.

Local agencies may request an increase in funds over the amount set forth in the ~~((design phase))~~ application, at the construction phase, bid opening or contract completion of a project in accordance with the following procedures:

(1) At the construction phase all requests shall be reviewed by the director. The director shall report the findings to the board for its review, consideration and final action. The board shall not grant a request for increase at this phase if:

(a) The requested increase is to pay for an expansion of the scope of the work that is beyond the work required to

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accomplish the intent of the project as approved at the design phase.

(b) The granting of the request will obligate funding beyond the level acceptable to the board or will in any way adversely affect authorized funds previously approved by the board.

(2) Request for increases at bid opening shall not exceed the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

(a) The requested increase is to pay for an expansion of the authorized scope of the work; or

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction phase of the project.

(3) Requests for increases in funds submitted to the board at contract completion shall not exceed the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

(a) The requested increase is to pay for an expansion of the authorized scope of the work; or

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction approval phase of the project.

(4) If the director or the board, as the case may be, does not approve the request of a local agency for an increase, the administering agency may:

(a) Proceed with the project, paying for any additional costs with local or other funds; or

(b) Withdraw the request for participation; or, if applicable

(c) Within the authorized amount, and subject to approval by the director, reduce the scope of the project while retaining a usable and functional improvement.

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99)

WAC 479-12-430 Apportionment of funds to pedestrian safety and mobility program regions. Of the funds obligated to pedestrian safety and mobility projects within urban areas, ~~((forty percent will be allocated to projects on a statewide basis and then, at least fifteen percent will be allocated to projects in the east region, at least fifteen percent to projects in the west region, and approximately thirty percent to projects in the Puget Sound region))~~ the amount apportioned to projects in a region will be within plus or minus five percent of the ratio which the population of urban areas in a region bears to the statewide population for urban areas as last determined by the office of financial management.

Of the funds obligated to pedestrian safety and mobility projects within small cities, the amount apportioned to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the statewide population for cities under

five thousand as last determined by the office of financial management.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 479-12-260

Increases in small city program projects.

WSR 03-16-085

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed August 5, 2003, 10:14 a.m.]

Date of Adoption: August 5, 2003.

Purpose: The purpose of this rule is to deal with the employee's status when the position they are appointed in is converted from exempt to classified.

Citation of Existing Rules Affected by this Order: Amending WAC 356-06-065.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 03-12-092 on June 4, 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.

August 5, 2003

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 02-15-047, filed 7/11/02, effective 9/1/02)

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for

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the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the fifteenth of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the fifteenth of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) ~~((Once an incumbent is placed in a position converted under the provisions of this section, he/she shall be covered by the merit system rules and shall have appeal rights as set forth in these rules and Title 358 WAC.))~~ Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

WSR 03-16-087
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-175—Filed August 5, 2003, 3:10 p.m.]

Date of Adoption: August 1, 2003.

Purpose: To adopt WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations; to amend WAC 232-16-600 North Potholes Game Reserve, 232-16-660 Frenchman Hills Wasteway Game Reserve, 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures, 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons, 232-28-331 Game management units (GMUs) boundary descriptions-Region one, 232-28-332 Game management units (GMUs) boundary descriptions-Region two, 232-28-333 Game management units (GMUs) Boundary descriptions-Region three, 232-28-334 Game management units (GMUs) boundary descriptions-Region four, 232-28-335 Game management units (GMUs) boundary descriptions-Region five, 232-12-287 Possession of dead wildlife, 232-28-282 Big game and wild turkey, auction, raffle, and special incentive permits and 232-28-291 Special hunting season permits; and to repeal WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-426; and amending WAC 232-16-600, 232-16-660, 232-16-740, 232-28-341, 232-28-331, 232-28-332, 232-28-333, 232-28-334, 232-28-335, 232-12-287, 232-28-282, and 232-28-291.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-12-077 and 03-12-078 on June 3, 2003; WSR 03-13-041 on June 18, 2003; and WSR 03-13-115, 03-13-116, 03-13-117, 03-13-118, 03-13-119, 03-13-120 and 03-13-121 on June 18, 2003.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures: Changes, if any, from the text of the proposed rule and reasons for difference:** Page 1 Section 3:

- Replace the words "game birds" with the words "waterfowl, coot, and snipe" for clarification.

WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations: Changes, if any, from the text of the proposed rule and reasons for difference: Page 1:

The following changes on Page 1 are necessary to be consistent with federal frameworks announced July 20, 2003:

- Revise statewide duck season dates to read: "Oct. 11-15, 2003 and Oct. 18, 2003-Jan. 25, 2004, except pintail and canvasback season closed Oct. 18-Dec. 1, 2003."
- Revise daily bag limit for ducks to read: "7 ducks, to include not more than 2 hen mallards, 1 pintail, 4 scaup, 1 canvasback, 2 redheads, 1 harlequin, 4 scoters, and 4 ~~((oldsquaws))~~ long-tailed ducks."
- Revise possession limit for ducks to read: "14 ducks, to include not more than 4 hen mallards, 2 pintails, 8 scaup, 2 canvasbacks, 4 redheads, 1 harlequin, 8 scoters, and 8 ~~((oldsquaws))~~ long-tailed ducks."

Page 5:

- Goose Management Area 4, add Dec. 26, 29, and 30 to list of season dates, based on input from the Waterfowl Advisory Council.

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons: Changes, if any, from the text of the proposed rule and reasons for difference: Page 4: To correct an error the last sentence within the paragraph that starts with "A hunter shall select..."; should be changed to "It is unlawful to purchase an additional permit until the ((eight)) pheasants allowed on the current permit are taken."

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five: Changes, if any, from the text of the proposed rule and reasons for difference:

Page 3; GMU 530 - Ryderwood:

- Strike out the last sentence, this language should not be in the legal description.

Page 4; GMU 554 - Yale:

- To correct an error, replace the word "to" with "the", it should read "...S and W on ((~~to~~)) the electrical transmission line..."

Page 6; GMU 560 - Lewis River:

- Omit the change that was made when this WAC was filed it was changed in error.

The description should read "...N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service trail 2000 (Pacific Crest Trail)..."

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 12, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chairman

Fish and Wildlife Commission

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 03-18 issue of the Register.

WSR 03-16-097**PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-180—Filed August 6, 2003, 9:07 a.m.]

Date of Adoption: August 2, 2003.

Purpose: Amend shrimp district and shrimp gear rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-270 and 220-52-035.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-147 on June 18, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-271, filed 1/5/01, effective 2/5/01)

WAC 220-16-270 Puget Sound Shrimp Districts. The following areas shall be defined as Puget Sound Shrimp Districts:

(1) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, then to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay.

(2) 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.

(3) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula.

(4) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge.

(5) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(6) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson, including Kilisut Harbor.

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AMENDATORY SECTION (Amending Order 87-187, filed 11/6/87)

WAC 220-52-035 Crab and shrimp pot gear—Escape mechanism required. ~~((After October 1, 1988,))~~ It is unlawful to fish for or possess crab or shrimp taken for commercial purposes with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(1) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated cotton twine or other natural fiber no larger than thread size 120 ~~((for crab pots or 100 for shrimp pots))~~ so that the pot lid will open freely if the twine or fiber is broken.

(2) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated cotton twine or other natural fiber no larger than thread size 120 ~~((for crab pots or 100 for shrimp pots))~~. 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.

WSR 03-16-098
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-177—Filed August 6, 2003, 9:08 a.m.]

Date of Adoption: August 2, 2003.

Purpose: Amend sea cucumber rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-085 on June 16, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 02-186, filed 8/9/02, effective 9/9/02)

WAC 220-52-071 Sea cucumbers. It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

(1) **Sea cucumber districts:**

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(ii) Haro Strait north of a line projected due west from the southernmost point of Cattle ~~((Pass))~~ Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(b) Sea Cucumber District 2 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29.

(c) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to shore on Bainbridge Island.

(ii) Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

(d) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(e) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

(2) **Sea cucumber areas and seasons:**

Sea cucumber areas and seasons will be set by emergency rule.

On days open to sea cucumber harvest, it is unlawful to take sea cucumbers from one-half hour before official sunset to 5:59 a.m. the next morning. Violation of this subsection is punishable under RCW 77.15.550. Violation of commercial fishing area or time—Penalty.

(3) **Shellfish diver gear:**

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width. Failure to display these numbers is punishable under RCW 77.15.540. Unlawful use of a commercial fishery license.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board. Violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

(4) Trawl gear:

It is unlawful to fish for or possess sea cucumbers taken with trawl gear. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

**WSR 03-16-099
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-176—Filed August 6, 2003, 9:09 a.m.]

Date of Adoption: August 2, 2003.

Purpose: Amend commercial clam harvest rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-020.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-032 on June 10, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-264, filed 12/29/00, effective 1/29/01)

WAC 220-52-020 Clams—Commercial harvest. It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from state-owned tidelands under contract with or permit from the department.

**WSR 03-16-100
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-178—Filed August 6, 2003, 9:11 a.m.]

Date of Adoption: August 2, 2003.

Purpose: Amend bottom fish possession rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-235.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-083 on June 16, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

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.

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(b) Rockfish - 10 fish of which no more than 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.

(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, except canary and yelloweye rockfish except	1 fish
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, and release canary and yelloweye rockfish
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:

Rockfish, except canary and yelloweye rockfish	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, except canary and yelloweye rockfish	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))~~ retain yelloweye rockfish taken ~~((for personal use into any port in))~~ from Catch Record Card Areas 1~~((--))~~ through 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.))~~

**WSR 03-16-101
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-179—Filed August 6, 2003, 9:12 a.m.]

Date of Adoption: August 2, 2003.

Purpose: Amend Puget Sound gill net season rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-47-411.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-13-146 on June 18, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 5, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

PERMANENT

AMENDATORY SECTION (Amending Order 02-167, filed 7/25/02, effective 8/25/02)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear

for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME	-	TIME	DATE(S)	MINIMUM MESH
6D:	7AM	-	7PM	((9/23, 9/24, 9/25, 9/26, 9/27)) <u>9/29, 9/30, 10/1, 10/2, 10/3, ((10/4)) 10/6, 10/7, 10/8, 10/9, 10/10, ((10/11)) 10/13, 10/14, 10/15, 10/16, 10/17, ((10/18)) 10/20, 10/21, 10/22, 10/23, 10/24, ((10/25)) 10/27, 10/28, 10/29, 10/30, 10/31</u>	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	-	8PM	((10/21)) <u>10/15, 10/22</u>	6 1/4"
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Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.

7B/7C:	7AM	-	7PM	((10/29)) <u>10/30, 11/5</u>	6 1/4"
	7PM	-	8AM	NIGHTLY ((8/22, 8/28, 8/29, 9/4, 9/5)) <u>8/18, 8/24, 8/26, 8/28, 8/31, 9/2, 9/4</u>	7"

7B:	((6AM-9/10)) 7PM	-	((8PM-9/12)) <u>9AM</u>	NIGHTLY <u>9/7, 9/9, 9/11</u>	5"
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	((6AM-9/17)) 6PM	-	((8PM-9/19)) <u>8AM</u>	NIGHTLY <u>9/14, 9/16, 9/18</u>	
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	7AM ((9/22))	-	((8PM-10/26)) <u>4PM</u>	<u>10/25</u>	
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	7AM ((10/28))	-	4PM ((11/4)) <u>10/31</u>		6 1/4"
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	7AM ((11/4))	-	4PM ((11/8)) <u>11/7</u>		
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	7AM ((11/12))	-	4PM ((11/15)) <u>11/14</u>		
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	7AM ((11/18))	-	4PM ((11/22)) <u>11/21</u>		
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	7AM ((11/25))	-	4PM ((11/29)) <u>11/28</u>		
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	8AM ((12/2))	-	4PM ((12/6)) <u>12/5</u>		
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	12/1				
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Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December.

8:	((7AM)) 6AM	-	((7PM)) <u>8PM</u>	((10/31, 11/1, 11/6, 11/7, 11/8, 11/13, 11/14, 11/15)) <u>8/28, 9/3</u>	((6-1/4")) <u>5"</u>
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Note: In Area 8 openings it is unlawful to use other than 5 inch minimum mesh, maximum 60 meshes in depth.

8A:	7AM	-	7PM	<u>11/6</u>	<u>6 1/4"</u>
	((7AM)) <u>7PM</u>	-	((8PM)) <u>8AM</u>	((10/23, 10/24)) <u>NIGHTLY 8/18, 8/20, 8/25, 8/27</u>	<u>6 1/4"</u>

Note: In Area 8A openings on 8/18, 8/20, 8/25, and 8/27, it is unlawful to use other than 5 inch minimum and 5 1/2-maximum mesh gill nets.

	((7AM)) <u>6PM</u>	-	((7PM)) <u>8AM</u>	((10/28, 10/29)) <u>NIGHTLY 10/7</u>	
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	((7AM)) <u>5PM</u>	-	((7PM)) <u>8AM</u>	((11/6, 11/7, 11/12, 11/13)) <u>NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23</u>	
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	((7AM)) <u>4PM</u>	-	((6PM)) <u>8AM</u>	((11/20, 11/21, 11/25, 11/26, 11/27)) <u>NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27</u>	
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8D:	((7AM)) <u>6PM</u>	-	((7PM)) <u>8AM</u>	((10/28, 10/29, 11/6, 11/7)) <u>NIGHTLY 9/21, 9/23, 9/25, 9/28, 9/30, 10/2, 10/5, 10/7, 10/9, 10/12, 10/14, 10/16, 10/19, 10/21, 10/23</u>	5"
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AREA	TIME	-	DATE(S)	MINIMUM MESH
	((7AM)) <u>4PM</u>	-	((7PM)) <u>8AM</u> ((11/12, 11/13, 11/14, 11/15)) <u>NIGHTLY</u> <u>10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6,</u> <u>11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20,</u> <u>11/24, 11/25, 11/26, 11/27</u>	6 1/4"
	((7AM	-	6PM	
9A:	6AM ((9/1))	-	((4PM-11/2)) <u>9PM</u> <u>8/26, 8/28</u>	5"
	<u>6AM 8/31</u>	=	<u>4PM 10/25</u>	

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 ~~and unlawful to retain chinook salmon at any time.~~ Any ~~((chum))~~ salmon ~~((netted prior to October 1))~~ not to be retained must be released from the net by cutting the meshes ensnaring the fish. Logbooks required in accordance with WAC 220-47-430.

10, 11:	5PM	-	8AM ((10/22)) <u>NIGHTLY 10/12, 10/14, 10/16,</u> <u>10/19, 10/21, 10/23</u>	6 1/4"
	4PM	-	8AM ((10/27, 10/28, 11/5, 11/12)) <u>NIGHTLY 10/26,</u> <u>10/28, 10/30, 11/2, 11/4, 11/6, 11/9, 11/11,</u> <u>11/13</u>	
12, 12B:	7AM	-	8PM ((10/22)) <u>10/21, 10/22, 10/23</u>	6 1/4"
	7AM	-	7PM <u>10/28, ((11/5, 11/12, 11/13)) 10/30, 10/31,</u> <u>11/3, 11/4, 11/6, 11/11, 11/12, 11/13</u>	
	7AM	-	6PM <u>11/18, 11/19, 11/20</u>	

Note: It is unlawful to fish for or possess salmon taken with gill net gear in that part of Area 12B south of a line from Quatsap Point to Hood Point on the following dates: 10/22, 10/23, 10/30, 10/31, 11/3, 11/4, 11/12, 11/13, 11/19, and 11/20.

12C:	7AM	-	7PM ((11/12)) <u>11/11. Openings on these dates are</u> <u>subject to further discussions with tribe. If</u> <u>openings do occur, they will be by emergency</u> <u>regulation.</u>	6 1/4"
	7AM	-	6PM ((11/19)) <u>11/18, 11/25. Openings on these</u> <u>dates are subject to further discussions with</u> <u>tribe. If openings do occur, they will be by</u> <u>emergency regulation.</u>	

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

WSR 03-16-109
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-182—Filed August 6, 2003, 11:30 a.m.]

Date of Adoption: August 6, 2003.

Purpose: Amend coastal and Puget Sound sport salmon seasons.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-620 and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-12-095 on June 4, 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 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.

August 6, 2003

J. P. Koenings

Director

by Larry Peck

AMENDATORY SECTION (Amending Order 02-158, filed 7/16/02, effective 8/16/02)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section ~~((and as defined in the)),~~

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Open when a daily limit (~~((codes in WAC 220-56-180))~~) is provided:

(1) Catch Record Card Area 1:

(a) May 1 through ~~((May-24))~~ June 28 - Closed.

(b) ~~((May-25 through June 16 - Daily limit of two chinook salmon.~~

~~((e) June 17 through July 6 - Closed.~~

~~((d) July 7))~~ June 29 through ~~((August 15))~~ September 30

- Open Sundays through Thursdays only - Daily limit of 2 salmon, ~~((except))~~ of which not more than one may be a chinook salmon. Release wild coho.

~~((e) August 16 through September 30 - Daily limit of two salmon, except release wild coho.~~

~~((f))~~ (c) October 1 through April 30 - Closed.

~~((g))~~ (d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

(b) ~~((May-25 through June 16 - Daily limit of two chinook salmon.~~

~~((e) June 17 through June 29 - Closed.~~

~~((d))~~ June ((30)) 22 through ~~((August 15))~~ September 14

- Open Sundays through Thursdays only. Area 2-2 west of the Buoy 13 line closed August 16 through September 14. Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 16 through September 14. Daily limit 2 salmon ~~((except))~~, of which not more than one may be a chinook salmon. Release wild coho.

~~((e) August 16 through September 8 - Daily limit 2 salmon except release wild coho.~~

~~((f))~~ (c) September ~~((9))~~ 15 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through ~~((May-24))~~ September 15 - Closed.

(b) ~~((May-25 through August 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling.~~

~~((e))~~ September ((1)) 16 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon ~~((except no more than one of which may be an))~~. Release adult chinook.

~~((d))~~ (c) December 1 through April 30 - Closed.

~~((e))~~ (d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

(b) ~~((May-25))~~ June 22 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

(c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

(b) ~~((May-25 through June 16 - Daily limit of two chinook salmon.~~

~~((e) June 17 through July 6 - Closed.~~

~~((d) July 7))~~ June 22 through September ~~((8))~~ 14 - Daily limit of 2 salmon ~~((except))~~, of which not more than one may be a chinook salmon. Fishers may retain an additional third salmon if it is a pink salmon. Release wild coho.

~~((e))~~ (c) September ~~((9))~~ 15 through April 30 - Closed.

~~((f))~~ (d) Notwithstanding the provisions of this subsection, waters inside a line from Teahwit Head to "Q" buoy and then to ~~((Calee))~~ Cake Rock then east to shore open September ~~((24))~~ 20 through October ~~((6))~~ 5 - Daily limit two salmon ~~((except))~~, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through ~~((May-24))~~ June 21 - Closed.

(b) ~~((May-25 through June 16 - Daily limit of two chinook salmon.~~

~~((e) June 17 through July 6 - Closed.~~

~~((d) July 7))~~ June 22 through September ~~((8))~~ 14 - Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Waters south of a line from Kydaka Point westerly to Shipwreck Point closed July 1 through September 14 - Daily limit of 2 salmon ((except)), of which not more than one may be a chinook salmon. Fishers may retain an additional third salmon if it is a pink salmon. Release wild coho salmon((;)). Release chinook salmon caught east of the Bonilla-Tatoosh line((-and)) June 22 through June 30 and August 1 through September 14. Release chum salmon August 1 through September ((8)) 14.

~~((e))~~ (c) September ~~((9))~~ 15 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

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. Open when a daily limit is provided. 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~~

PERMANENT

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 Ilhahee 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 upstream from an east-west line through southwest Hanford

Street on Harbor Island to a line projected due east from the south tip of Harbor Island.

(8) Catch Record Card Area 11:

(a) May 1 through June 30—Closed.

(b) July 1 through October 31—Daily limit of 2 salmon.

(c) November 1 through December 31—Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) January 1 through April 10—Daily limit of one salmon.

(e) April 11 through April 30—Closed.

(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point Dock and the Point Defiance Boathouse Dock—Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30—Closed.

(b) July 1 through October 15 in waters south of Ayock Point—Daily limit of 4 salmon, not more than two of which may be chinook salmon and release chum salmon.

(c) July 1 through August 31—Water north of Ayock Point—Closed.

(d) September 1 through October 15—Water north of Ayock Point—Daily limit 4 coho salmon.

(e) October 16 through December 31—Daily limit of 4 salmon, not more than one of which may be a chinook salmon.

(f) January 1 through February 14—Closed.

(g) February 15 through April 10—Daily limit of 1 salmon.

(h) April 11 through April 30—Closed.

(i) Notwithstanding the provisions of this subsection, in those contiguous waters north of a line from Point Whitney due west to the Tonandos Peninsula, open only: August 16 through October 31—Daily limit 4 coho salmon; November 1 through December 31—Daily limit 4 salmon not more than one of which may be a chinook; and February 15 through April 10—Daily limit one salmon.

(j) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(k) The Hood Canal Bridge fishing pier is managed under Area 9.

(10) Catch Record Card Area 13:

(a) May 1 through June 30—Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) July 1 through October 31—Daily limit 2 salmon except release wild coho. Carr Inlet north of a line from Green Point to Penrose Point restricted to fly fishing gear only July 1 through July 31 with daily limit two coho, except release wild coho.

(c) November 1 through December 31—Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February 14—Release all salmon.

(e) February 15 through April 10—Daily limit of one salmon.

(f) April 11 through April 30—Release all salmon.

(g) Notwithstanding the provisions of this section, salmon fishing is permitted year round from the Fox Island

public fishing pier—Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations:)) (b) July 1 through July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31 - Daily limit 2 salmon. Release chum, wild chinook and wild coho.

(d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho.

(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.

(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.

(g) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(h) Waters south of a line from Kydaka Point to Shipwreck Point closed July 1 through September 30.

(i) October 1 through October 31 - Closed.

(j) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(k) December 1 through February 13 - Closed.

(l) February 14 through April 10 - Daily limit 1 salmon.

(m) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31 - Daily limit 2 salmon. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.

(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.

(g) Waters of Freshwater Bay south of a line from Angeles Point westerly to Observatory Point and waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 31.

(h) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(i) October 1 through October 31 - Closed, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(j) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(k) December 1 through February 13 - Closed.

(l) February 14 through April 10 - Daily limit 1 salmon.

(m) 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 one of which may be a chinook salmon. Closed to salmon fishing in the Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(a).

(c) August 1 through September 30 - Daily limit of 4 salmon, of which not more than one may be a chinook salmon and not more than two of which may be coho or a combination of chinook and coho. Release chum and wild coho. Closed to salmon fishing in the Southeastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(b).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be chinook salmon.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

(g) November 1 through November 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(h) December 1 through January 31 - Closed.

(i) February 1 through March 31 - Daily limit of 1 salmon.

(j) April 1 through April 30 - Closed.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 4 salmon, of which not more than two may be chum or coho or a combination of chum and coho. Release chinook.

(c) October 1 through October 31 - Daily limit of 2 salmon. 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 of 1 salmon.

(g) April 1 through April 30 - Closed.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - July 4 through

July 28 Friday through Monday of each week - Daily limit of 2 salmon. Release chinook.

(b) August 1 through September 30 - Daily limit 4 salmon, of which not more than two may be chum or coho or a combination of chum and coho and release chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September 29 Friday through Monday of each week - Daily limit of 2 salmon.

(c) October 1 through October 31 - Daily limit of 2 salmon. 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 February 13 - Closed.

(f) February 14 through April 10 - Daily limit of 1 salmon.

(g) During all openings provided for Area 8-2, waters of Tulalip Bay east of a line from Mission Point to Hermosa Point are closed.

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through July 31 - Daily limit of 2 salmon. Release chinook.

(c) August 1 through August 31 - Daily limit of 4 salmon, of which no more than 2 may be coho. Release chum and chinook.

(d) September 1 through September 30 - Daily limit of 2 salmon. Release chum and chinook.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.

(g) December 1 through January 31 - Closed.

(h) February 1 through April 15 - Daily limit 1 salmon.

(i) April 16 through April 30 - Closed.

(j) Fishing is open year round when fishing from the Hood Canal Bridge Fishing Pontoon - Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chinook July 1 through August 31. Release chum August 1 through October 15.

(k) Fishing is open year round when fishing from the Edmonds Fishing Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 30.

(7) Catch Record Card Area 10:

(a) May 1 through June 15 - Closed.

(b) June 16 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. Salmon may not be brought aboard a vessel.

(c) July 1 through October 31 - Daily limit 2 salmon. Release chum August 1 through September 15. Release chinook. Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August 31, except waters east of a line from Pier 91 to Duwamish Head open July 11 through August 17 only on Friday through Sunday - Daily limit 2 salmon. Release chum August 1 through August 17.

(d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Lawful to retain chinook as part of the daily limit July 1 through September 30.

(e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) December 1 through December 15 - Closed.

(g) December 16 through last day in February - Daily limit 1. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point closed January 1 through last day in February.

(h) March 1 through April 30 - Closed.

(i) Fishing is open year round when fishing from the Elliott Bay Fishing Pier, the Fishing Pier at Terminal 86, the Seacrest Pier, the Waterman Pier, the Bremerton Boardwalk, and the Illahee State Park Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.

(8) Catch Record Card Area 11:

(a) May 1 through May 30 - Closed.

(b) June 1 through October 31 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed June 1 through July 31.

(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 February 13 - Closed.

(e) February 14 through April 10 - Daily limit of 1 salmon.

(f) April 11 through April 30 - Closed.

(g) Fishing is open year round when fishing from the Dash Point Dock, the Les Davis Pier, the Des Moines Pier, the Redondo Pier and the Point Defiance Boathouse Dock - Daily limit 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 4 salmon, of which no more than two may be chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a chinook salmon.

(f) January 1 through February 13 - Closed.

(g) February 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through May 31 - Daily limit 2 salmon, of which not more than one may be a chinook salmon.

(b) June 1 through June 30 - Closed.

(c) July 1 through October 31 - Daily limit 2 salmon. Release wild coho. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed May 1 through July 31, except open to fly fishing only for hatchery coho July 1 through July 31.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) January 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

(h) Fishing is open year round when fishing from the Fox Island Public Fishing Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

WSR 03-16-110

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 03-181—Filed August 6, 2003, 11:31 a.m.]

Date of Adoption: August 6, 2003.

Purpose: Amend fresh water exceptions to statewide rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-12-094 on June 4, 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 0, Repealed 0.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.
 August 6, 2003
 J. P. Koenigs
 Director
 by Larry Peck

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

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 fish-

ing 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. Salmon: Open only July 1 through July 31. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters ((~~June 1 through August 31~~)).

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. 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 waters: 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 June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. 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 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

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 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

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. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31

daily limit two, minimum length fourteen inches. Salmon: Open only July 1 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 and single barbless hooks 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 adult hatchery chinook. Release (~~pink~~) wild adult chinook 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.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to ((Grist Mill Bridge)) 100 feet upstream of the falls: 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)) October 1 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)) October 1 through November 30, mouth to Porter Bridge, ((the daily limit may contain no more than one)) release 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: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. (~~Single point barbless hooks required September 1 through November 30.~~) Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hyas Lake 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: Open year-round. Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Open year-round. 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 game fish: 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~~) August 15, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon.

Release sockeye, chum, 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)) 3 may be adult salmon and not more than one of which may be a chinook 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)) hatchery 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)) August 1 through October 15: Nonbuoyant 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)) hatchery 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 Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead 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: Minimum length eight inches.

Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. 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)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and 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 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: 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. March 1 through May 31 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. Release wild cutthroat. 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)((;)): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. 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 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

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): 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, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. 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))~~ Olympic National Park boundary, 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 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge (~~(except closed from Hatchery Road Bridge to posted sign at hatchery outlet)~~). Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: ~~((June))~~ April 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. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than 3 of which may be adult salmon and of the adult salmon not more than 2 may be adult chinook 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))~~ SW 43rd Street/South 180th Street Bridge: 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))~~ One wild steelhead per day may be retained July ((31)) 1 through ((August 15)) July 31 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 SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and October 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and October 1 through November 30. Salmon: Open only October 1 through December 31. 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))~~ One wild steelhead per day 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))~~ One wild steelhead per day 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): 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

PERMANENT

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. 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. One wild steelhead per day 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.

Humtulpis River (Grays Harbor County), from mouth to forks: June 1 through (~~last day in February~~) March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October (~~(+) 16~~) through (~~November 30~~) January 31 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,~~) Release wild adult coho. October 16 through October 31 the daily limit may contain no more than 1 adult chinook. November 1 through January 31 release adult chinook.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. 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, mouth to Ballon Creek including North and South Forks (Grays Harbor County): June 1 through last day in February season. Waters above Ballon Creek, including North and South Forks, are closed. 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: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day 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, and stationary gear restriction 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.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead May 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 Monday, Wednesday and Saturdays only, daily limit ((one)) 2 hatchery steelhead or ((one)) 2 salmon or one of each. 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)) June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. 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.

Klinline 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))~~ January 1 through July 31 daily limit six fish of which not more than ~~((one))~~ 2 may be ~~((an))~~ adult salmon. August 1 through ~~((April 30))~~ December 31, daily limit ~~((6))~~ 6 fish of which no more than ~~((2))~~ 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

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 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all 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.

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))~~ January 1 through July 31 daily limit six fish of which not more than ~~((one))~~ 2 may be ~~((an))~~ adult salmon. August 1 through ~~((April 30))~~ December 31 daily limit 6 fish of which no more than ~~((2))~~ 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. 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 September 30. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. August 1 through September 30: Daily limit 6 fish of which no more than ((2)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. January 1 through April 30: Daily limit 6 salmon not more than 2 of which 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 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all 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 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. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. 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 Fridgeger 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 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: 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)) 4 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 a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101 ((upstream)): June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. 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). Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

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. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

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 June 1 through October 31. 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.

Moose Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): 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. One wild steelhead per day 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.

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 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook ((~~or~~)) no more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

~~((From Highway 101 Bridge to mouth of North Fork: November 1 through March 31: 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. Release game fish. 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.

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))~~ October 1 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)) South and Middle Nemah and October 1 through November 30 on ((South)) North Nemah ((from mouth to confluence with Middle Nemah)). Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. 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))~~. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (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 400 feet below 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 from mouth to Military Tank Crossing Bridge. 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, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. 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, except sturgeon. 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. Nonbuoyant lure restriction and night closure August 16 through November 30. 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))~~ upstream: 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. One wild steelhead per day 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.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): ~~((June))~~ Open year-round. May 1 through ((April 30 season)) May 31 release all fish except up to two hatchery steelhead per day may be retained. 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 March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. ((July)) March 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. One wild steelhead per day 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. One wild steelhead per day 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)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook 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): 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~~) August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon(-) and 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~~) August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon(-) and release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June (~~1~~) 16 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~~) Dalles Bridge at Concrete. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon(-) and release chinook.

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and 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 mouth to Highway 101. 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~~). Release chum salmon. Daily limit 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~~) October 1 through October 15 release chum salmon.

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.

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 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. 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. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. 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)) four salmon of which a total of not more than two may be coho and chum 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 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)) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook (~~and pink salmon~~)).

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. 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 from mouth to Highway 101 Bridge. 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, except sturgeon. 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~~) August 16 through December 31. Daily limit ((2)) four salmon of which no more than a total of two salmon may be coho and chum 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 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))~~ Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): ~~((June))~~ Open year-round. May 1 through ((April 30 season)) May 31 release all fish except up to two hatchery steelhead per day may be retained. ((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))~~ Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. 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 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

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 except salmon. ~~((September 1 through October 31 night closure.))~~ Trout: Minimum length fourteen inches. Salmon: Open only

October ~~((12))~~ 11 through ~~((October 27))~~ November 2 to fishing by juveniles only. Night closure October 11 through October 31. 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 cut-throat. 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~~) September 1 through December 31. Daily limit (~~2 chum~~) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

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~~) Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only (~~October 16~~) September 1 through December 31. Daily limit (~~2 chum~~) four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8

(Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 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 last day in February ((28)) season. Game fish: Selective gear rules except single point barbless hooks required September 16 through October 31 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)) 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook 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): Mouth to lower bridge on Old Belfair Highway, June 1 through last day in February season.

~~((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)) North Shore Road 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 North Shore Road Bridge upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon from mouth to watershed boundary.

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 and wild adult coho.

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))~~ 200 feet upstream of the water intake of the salmon hatchery: 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 during the period June 1 through August 31. Fishing from any floating device prohibited November 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 November 30. Daily limit 2 coho.

From ~~((the mouth))~~ 200 feet upstream of the water intake of the salmon hatchery 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 ~~((±))~~, daily limit 5, no minimum length. Release ~~((±H))~~ steelhead and rainbow trout over twenty inches in length. March 1 through June 30 ~~((±))~~, daily limit 5, minimum length twelve inches ~~((± and))~~. Release ~~((±H))~~ 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. Nonbuoyant lure restriction (~~and~~), night closure and stationary gear restriction September 1 through October 31. Trout: Release 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))~~ 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook 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. Selective gear rules. Trout: Release all 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: 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.

~~((Wenaha))~~ Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through ~~((December))~~ October 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))~~ October 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-))~~ Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. 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 North-western Dam: November 16 to April 30 season except salmon and steelhead. 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, except sturgeon. Night closure ~~((and))~~, single point barbless hooks, and stationary gear restriction 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: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through ~~((October 31))~~ November 30. All species: Release all fish except up to two hatchery steelhead may be retained. ~~((Additional November 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): Open year-round. 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, except salmon and steelhead. ~~((Mouth to High Bridge:))~~ May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. 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. Release chinook from Burlington-Northern Railroad Bridge upstream.

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. Trout: Minimum length fourteen inches. Release wild cutthroat. 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 from mouth to West Fork. 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: Selective gear rules. 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.

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.

PERMANENT



WSR 03-16-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-161—Filed July 23, 2003, 4:40 p.m., effective July 27, 2003, 9:00 p.m.]

Date of Adoption: July 23, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-32500I; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage court-ordered sharing requirements, and to ensure conservation. The state recreational spot shrimp fishery in Marine Areas 8-1 and 8-2 has been closed for conservation purposes. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 27, 2003, 9:00 p.m.

July 23, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500J Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay and Port Angeles Shrimp Districts, in Marine Areas 8-1, 8-2 and 10, and in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south

of a line due west from Lime Kiln Point light to the international boundary.

2) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then north of a line from Davis Point to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

3) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 11 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District - All waters of Port Townsend bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

5) Effective immediately, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 9 except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) Closed Mondays through Wednesdays.

(c) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(d) All waters of the Port Townsend Shrimp District are closed except those waters south of a line from Kala Point to Walan Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 pm. July 27, 2003:

WAC 220-56-32500I Shrimp—Areas and seasons
(03-145)

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-16-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-163—Filed July 25, 2003, 8:10 a.m., effective August 11, 2003, 9:00 p.m.]

Date of Adoption: July 24, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000E; 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 regulation closes Marine Area 8-2, except for waters north of a line from Camano Head to Sandy Point on August 11, 2003, and the north portion of Marine Area 8-2 and all of Marine Area 8-1 closes on September 2, 2003, to maintain quota targets for these areas. 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: August 11, 2003, 9:00 p.m.

July 24, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000F Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

1) Effective 9:00 p.m. August 11, 2003 until 8:00 p.m. September 2, 2003, Fridays through Mondays only, it is lawful to fish for crab for personal use in all waters of Marine Area 8-1 and that portion of Marine Area 8-2 known as Saratoga Passage north of a line that extends from Camano Head on the southern tip of Camano Island southwesterly to Sandy Point on Whidbey Island.

2) Effective immediately, until further notice, it is lawful to fish for crab for personal use in Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 9, 10, 11, 12, and 13.

3) Effective immediately until further notice, it is lawful to fish for crab for personal use in the San Juan Islands and in the Anacortes to Bellingham portion of Marine Area 7 south and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island and south and east of a line projected

from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary."

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. August 11, 2003:

WAC 220-56-33000E Crab—Areas and seasons.
(03-147)

WSR 03-16-011

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-164—Filed July 25, 2003, 11:22 a.m.]

Date of Adoption: July 25, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100Y; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial spot shrimp quotas have been taken in the areas closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 25, 2003

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100Z Puget Sound shrimp pot and beam trawl fishery—Seasons. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Waters of Shrimp Management Areas 1A and 1C, and Crustacean Management Regions 2, 3, 4 and 6, are open to the harvest of all shrimp species, except as provided below:

(i) Waters of Shrimp Management Area 2-W (west), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23D and 26D are closed to the harvest of spot shrimp.

(ii) Waters of Marine Fish-Shellfish Catch and Reporting Areas 23A-W (west), 23A-E (east), 26B-1 and 26C are closed to the harvest of all shrimp species.

(iii) Closures provided for in WAC 220-52-051 (2)(c) remain in effect.

(b) Effective immediately, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1C, 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C or 29 (or any combination of these two areas), shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting

Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(d) above.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) Shrimp Management Area 1B: open immediately, until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100Y Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-159)

**WSR 03-16-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-162—Filed July 25, 2003, 11:25 a.m., effective August 1, 2003, 8:00 a.m.]

Date of Adoption: July 25, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Reiter Ponds are the source of the majority of North Puget Sound's hatchery summer steelhead egg needs. Approximately 400 adult steelhead need to be collected at the facility to fulfill the egg take requirement. Based on historic run-timing and trapping data, it is unlikely the needed number of adults will be trapped prior to the scheduled opening date. 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: August 1, 2003, 8:00 a.m.

July 25, 2003

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Skykomish River (Snohomish Co.) Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. August 1, 2003 until further notice, it is unlawful to fish in those waters of the Skykomish River in the area 1500' upstream to 1000' downstream of Reiter Ponds outlet.

WSR 03-16-016

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-166—Filed July 28, 2003, 3:44 p.m.]

Date of Adoption: July 28, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000W; 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: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottomfish, while reserving brood stock for future 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 28, 2003

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-44-05000X 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 68, No. 141, published July 23, 2003. 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 percent 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 ves-

sel. 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 220-44-05000W Coastal bottomfish catch limits. (03-153)

WSR 03-16-021
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed July 28, 2003, 4:12 p.m.]

Date of Adoption: July 25, 2003.

Purpose: To continue the emergency rule that has been in place since April 1, 2003, while the permanent rule-making process (initiated under WSR 03-08-081) is completed. The emergency rule reflects the April 1, 2003, federal increase in the federal poverty level (FPL). Federal poverty guidelines are updated annually in the Federal Register by the United States Department of Health and Human Services under Section 673(2) of the Omnibus Budget Reconciliation Act (42 U.S.C. 9902(2)).

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-085 Medicare savings program—Monthly income and countable resources standards.

Statutory Authority for Adoption: RCW 74.050 [74.04.050], 74.04.057, 74.08.090, and 74.09.530.

Other Authority: 42 U.S.C. 9902(2).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Federal statute (42 U.S.C. chapter 7) requires states to use the annually adjusted federal poverty level (FPL) guidelines as the basis for determining

financial eligibility standards for certain medical assistance programs. The department adopted an emergency rule - WSR 03-08-065 - effective April 1, 2003, to implement the 2003 FPL standards that went into effect on that date per the United States Department of Health and Human Services announcement published in the Federal Register (Volume 68, No. 26, pages 6456-6458). This emergency rule will extend WSR 03-08-065 that would otherwise expire on July 28, 2003. The immediate effective date is needed to prevent a lapse in the applicable FPL that could result in incorrect eligibility determinations for individuals and families in need of medical assistance.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

July 25, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0085 Medicare (~~cost-sharing~~) savings programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, (~~2004~~) 2003, the QMB program's income standards are:

(a) One person	\$(716) <u>749</u>
(b) Two persons	\$(968) <u>1010</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but under one hundred twenty percent of FPL. Beginning April 1, (~~2004~~) 2003, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$(716.01) <u>749.01</u>	\$(859) <u>898</u>
(b) Two persons	\$(968.01) <u>1010.01</u>	\$(1164) <u>1212</u>

EMERGENCY

(3) The ~~((expanded special low income Medicare beneficiary (ESLMB)))~~ qualified individual (QI-1) program income standard is over one hundred twenty percent of FPL, but under one hundred thirty-five percent of FPL. Beginning April 1, ~~((2001))~~ 2003, the ESLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$(859.01) <u>898.01</u>	\$(967) <u>1011</u>
(b) Two persons	\$(1161.01) <u>1212.01</u>	\$(1307) <u>1364</u>

(4) The qualified disabled working individual (QDWI) program income standard is up to two hundred percent of FPL. Beginning April 1, ~~((2001))~~ 2003, the QDWI program's income standards are:

(a) One person	\$(1432) <u>1497</u>
(b) Two persons	\$(1935) <u>2020</u>

(5) ~~((The qualified individual (QI) program income standard is over one hundred thirty-five percent of FPL, but under one hundred seventy-five percent of FPL. Beginning April 1, 2001, the QI program's income standards are:--~~

	Minimum	Maximum
(a) One person	\$967.01	\$1253
(b) Two persons	\$1307.01	\$1694

~~((6)))~~ The resource standard for the Medicare ~~((cost sharing))~~ savings programs in this section is:

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

**WSR 03-16-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-167—Filed July 28, 2003, 4:25 p.m.]

Date of Adoption: July 28, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100Z; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial shrimp quotas have been taken in the areas

closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 28, 2003

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-05100A Puget Sound shrimp pot and beam trawl fishery—Seasons. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Waters of Shrimp Management Areas 1A, 1B and 1C, and Crustacean Management Regions 2, 3, 4 and 6, are open to the harvest of all shrimp species, except as provided below:

(i) Effective immediately, until 6:00 a.m. August 4, 2003, Shrimp Management Area 1B is closed to the harvest of all shrimp species.

(ii) Effective 9:00 p.m. August 3, 2003, until further notice, Shrimp Management Area 1A is closed to the harvest of all shrimp species.

(iii) Effective 9:00 p.m. August 3, 2003, until further notice, Marine Fish-Shellfish Catch and Reporting Area 25A is closed to the harvest of spot shrimp.

(iv) Waters of Shrimp Management Area 2-W (west) outside of the Port Townsend Shrimp District, and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23D and 26D are closed to the harvest of spot shrimp.

(v) Waters of Marine Fish-Shellfish Catch and Reporting Areas 23A-W (west), 23A-E (east), 26B-1 and 26C are closed to the harvest of all shrimp species.

(vi) Waters of Shrimp Management Area 2E are closed to the harvest of non-spot shrimp.

(vii) Closures provided for in WAC 220-52-051 (2)(c) remain in effect.

(b) Effective immediately, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1B, 1C, 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C or 29 (or any combination of these two areas), shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) Shrimp Management Area 1B: open immediately, until further notice.

(c) Marine Fish-Shellfish Management and Catch Reporting Area 20A: open 6:00 a.m. August 1, 2003, until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100Z	Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-164)
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WSR 03-16-024

EMERGENCY RULES

UNIVERSITY OF WASHINGTON

[Filed July 29, 2003, 8:47 a.m.]

Date of Adoption: July 21, 2003.

Purpose: To amend chapter 478-136 WAC, Use of University of Washington facilities, in order to provide rules regulating the sale, possession, consumption, and service of alcohol on the UW campuses. These rule amendments follow the enactment of ESB 5560 that repeals RCW 66.44.190 which had prohibited the sale of alcohol on campus.

Citation of Existing Rules Affected by this Order: Amending WAC 478-136-030 and 478-136-060.

Statutory Authority for Adoption: RCW 28B.20.130.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In ESB 5560, the 2003 legislature repealed RCW 66.44.190 that had prohibited the sale of alcohol on campus. WAC 478-136-030, the rule that regulates the use of university facilities, prohibits only the consumption and possession of alcoholic beverages in Husky Stadium. It does not address the sale of alcohol. The sale of alcohol on campus is currently prohibited except through licenses issued by the Washington State Liquor Control Board. There is currently no regulation directed addressing the sale of alcohol on campus.

The University of Washington desires to conduct a hearing process leading to the adoption of a permanent rule regarding the sale of alcohol on campus during the 2003 autumn quarter when the full university community of faculty and students can be given notice and an opportunity to comment. Until that time, the university believes that regulation of the sale of alcohol on campus is necessary to preserve the public health, safety, and welfare.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These emergency rules cannot take effect until ESB 5560 is effective, on July 27, 2003.

Effective Date of Rule: Immediately.

July 21, 2003
Lee L. Huntsman
President

AMENDATORY SECTION (Amending WSR 02-06-020, filed 2/25/02, effective 3/28/02)

WAC 478-136-030 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their

respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/tecast information related to the user's activities offered in university facilities. The committee will determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington
Secretary to the Committee on the
Use of University Facilities
400 Gerberding Hall
Box 351210
Seattle, WA 98195-1210

(or phone: 206-543-2560), sufficiently in advance of the program to allow timely consideration.

(9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited, except for alcohol allowed under a permit or license obtained under subsection (13) of this section. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking is prohibited in the seating areas of all athletic stadia. Smoking is permitted on pedestrian concourses.

(d) All persons entering events in Husky Stadium or other athletic venues or events in other campus auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the

scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) Except as provided in subsections (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) Smoking may be permitted in student rooms in university residence halls and apartments in university student housing in accordance with smoking regulations established for those facilities by the vice-president for student affairs.

(c) The director of environmental health and safety may designate specific outdoor locations as no smoking areas.

(d) Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.

(13) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at the faculty center, as so designated by the university board of regents to the Washington state liquor control board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor control board.

(d) Alcohol beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(e) Except as provided in (c) and (d) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses

issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the committee on the use of university facilities; and

(ii) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must not be within the spectator viewing areas and must have restricted attendance; and

(iii) The university unit, or the individual or organization applying for the permit/license must have obtained approval under (f) or (g) of this subsection; and

(iv) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopen containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(f) Written authorization to apply for a special occasion permit to sell alcoholic beverages at university facilities must be obtained from the committee on the use of university facilities prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the University of Washington, secretary to the committee on the use of university facilities, sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days before the event.)

(g) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at university facilities must be obtained from the vice-president for student affairs prior to applying for the permit or license from the Washington state liquor control board. Authorization should be requested through the University of Washington, office of the vice-president for student affairs, sufficiently in advance of the program to allow timely consideration.

(h) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

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.

AMENDATORY SECTION (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

WAC 478-136-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of university facilities to comply with all applicable university policies, procedures, rules and regulations, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) Permission to a nonuniversity organization or to a registered (~~or official~~) student organization for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, the sale of alcohol, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least \$1,000,000 per occurrence must be provided to the univer-

sity's office of risk management before approval for the requested use will be granted.

WSR 03-16-026

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed July 29, 2003, 12:24 p.m.]

Date of Adoption: July 29, 2003.

Purpose: Amendment of this WAC will allow the Washington State Department of Transportation to permit wireless communication sites access to limited access state highways.

Citation of Existing Rules Affected by this Order: Amending WAC 468-58-010.

Statutory Authority for Adoption: RCW 47.52.027.

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 current rules do not allow wireless communication property sites direct access onto limited access highways under any circumstances. The adoption of this rule would provide an immediate avenue for the permitting of access applications to facilitate the provision of wireless communication services to the public.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

July 29, 2003

P. J. Hammond

Chief of Staff

AMENDATORY SECTION (Amending Order 34, filed 7/23/79)

WAC 468-58-010 Definitions. The following definitions shall designate limited access highways and shall indicate the control of access to be exercised by each:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic

by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade, with the exception of Type C and F approaches, where no other reasonable means of access exists as solely determined by the department.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

(5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

WSR 03-16-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-168—Filed July 29, 2003, 4:20 p.m.]

Date of Adoption: July 29, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-20-080.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These changes in the direct retail endorsement are needed because of SHB 1127, which took effect on July 27, 2003, and require modification of the WAC implementing RCW 77.08.010, and 77.65.510 through 77.65.520. Permanent rule changes are being implemented, but are not yet in effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 29, 2003

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-20-08000C Direct retail endorsement.
Notwithstanding the provisions of WAC 220-20-080, effective immediately until further notice:

(1) Fishers with a direct retail endorsement may sell crab, salmon and sturgeon.

(2) A direct retail endorsement may be purchased at any time by a fisher licensed to take crab, salmon and sturgeon.

(3) Crab, salmon and sturgeon landed by holder of a direct retail endorsement need not be landed in the round prior to further processing.

(4) A holder of a direct retail endorsement selling crab, salmon and sturgeon anywhere other than from the harvest vessel, or who offers for sale from the harvest vessel in a twenty-four hour period crab, salmon and sturgeon having a retail value of greater than one hundred fifty dollars, must notify the department a minimum of eighteen hours prior to offering crab, salmon and sturgeon for sale.

(5) Holders of a direct retail endorsement may sell crab, salmon and sturgeon to a restaurant or similar food service business.

WSR 03-16-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-172—Filed July 30, 2003, 3:44 p.m.]

Date of Adoption: July 30, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-05100A; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Commercial shrimp quotas have been taken in the areas closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 30, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-52-05100B Puget Sound shrimp pot and beam trawl fishery—Seasons. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Waters of Shrimp Management Areas 1A, 1B and 1C, and Crustacean Management Regions 2, 3, 4 and 6, are open to the harvest of all shrimp species, except as provided below:

(i) Effective immediately, until 6:00 a.m. August 4, 2003, Shrimp Management Area 1B is closed to the harvest of all shrimp species.

(ii) Effective 9:00 p.m. August 3, 2003, until further notice, Shrimp Management Area 1A is closed to the harvest of all shrimp species.

(iii) Effective 9:00 p.m. August 3, 2003, until further notice, Marine Fish-Shellfish Catch and Reporting Area 25A is closed to the harvest of spot shrimp.

(iv) Waters of Shrimp Management Area 2-W (west) outside of the Port Townsend Shrimp District, and Marine

Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23D and 26D are closed to the harvest of spot shrimp.

(v) Waters of Marine Fish-Shellfish Catch and Reporting Areas 23A-W (west), 23A-E (east), 26B-2, 26B-1 and 26C are closed to the harvest of all shrimp species.

(vi) Waters of Shrimp Management Area 2E are closed to the harvest of non-spot shrimp.

(vii) Closures provided for in WAC 220-52-051 (2)(c) remain in effect.

(b) Effective immediately, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1B, 1C, 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C or 29 (or any combination of these two areas), shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) Shrimp Management Area 1B: open immediately, until further notice.

(c) Marine Fish-Shellfish Management and Catch Reporting Area 20A: open 6:00 a.m. August 1, 2003, until further notice.

(3) It is unlawful to set or pull shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100A Puget Sound shrimp pot and beam trawl fishery—Seasons. (03-167)

WSR 03-16-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-169—Filed July 30, 2003, 3:47 p.m., effective August 1, 2003, 12:01 a.m.]

Date of Adoption: July 30, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-10000A, 220-56-12800F, 220-56-19500K, 232-12-61900S, 232-28-62100K, 220-56-12800G, 220-56-19500L, and 232-12-61900T; and amending WAC 220-56-100, 220-56-128, 220-56-195, 232-12-619, and 232-28-621.

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 department has estimated the catch of hatchery chinook in Area 5 and the western part of Area 6 through July 27, at 2,446, and it is expected that the allowable quota of 3,500, agreed to with comanagers at North of Falcon planning meetings in April, will be attained at the end of the day on Sunday, August 3. These emergency personal use rules are necessary to comply with agreed-to management plans, and they cover the time period until permanent rules become effective.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 8.

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: August 1, 2003, 12:01 a.m.

July 30, 2003

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-10000B Definitions—Personal use fishing. "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a chinook or coho salmon with a missing adipose fin or a steelhead or cutthroat trout with a missing adipose fin or a missing ventral fin. There must be a healed scar at the location of the missing fin.

NEW SECTION

WAC 220-56-12800G Food fish fishing—Closed areas—2003 North of Falcon. Notwithstanding the provisions of WAC 220-56-128, effective immediately through August 31, waters south of a line from Angeles Point westerly to Observatory Point are closed to food fish angling.

NEW SECTION

WAC 220-56-19500L Closed saltwater salmon areas—2003 North of Falcon. Notwithstanding the provisions of WAC 220-56-195:

(1) Kydaka Point: effective immediately through September 30, waters of Areas 4 and 5 southerly of a line from Kydaka Point to Shipwreck Point are closed to salmon angling.

(2) Port Angeles Harbor: effective immediately through August 31, waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed to salmon angling.

NEW SECTION

WAC 232-12-61900T Permanent Washington state-wide game fish rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, effective immediately through August 31, waters south of a line from Angeles Point westerly to Observatory Point are closed to game fish angling.

NEW SECTION

WAC 232-28-62100L Puget Sound salmon seasons—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-621 and WAC 220-56-195, effective immediately until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 5 - Open immediately until further notice with the following limits and species restrictions:

(a) Effective August 1 through August 3 - Daily limit 4 salmon, no more than 2 coho and chinook in total, except

release chum, wild chinook, and wild coho. Unlawful to bring on board a vessel salmon that are to be released.

(b) Effective August 4 through August 31 - Daily limit 4 salmon, no more than 2 coho and release chum, chinook, and wild coho.

(c) Effective September 1 through September 30 - Daily limit 2 salmon, release chum, chinook, and wild coho.

(2) **Area 6** - Open immediately until further notice with the following limits and species restrictions:

(a) Effective August 1 through August 3 - Daily limit 4 salmon, , no more than 2 coho and chinook in total, except release chum and wild coho, release wild chinook west of a true north-south line through Buoy #2 (immediately east of Ediz Hook), and release all chinook east of a true north-south line through Buoy #2 (immediately east of Ediz Hook). Unlawful to bring on board a vessel salmon that are to be released.

(b) Effective August 4 through August 31 - Daily limit 4 salmon, no more than 2 coho and release chum, chinook, and wild coho.

(c) Effective September 1 through September 30 - Daily limit 2 salmon, release chum, chinook, and wild coho.

(3) **Area 7** - Open immediately until further notice with the following limits and species restrictions:

(a) Effective August 1 through September 30 - Daily limit 4 salmon, no more than 2 coho and chinook in total, no more than 1 chinook, except release chum and wild coho.

(4) **Area 8-1** - Open August 1 through September 30 - Daily limit 4 salmon, no more than 2 coho and chum in total, except release chinook.

(5) Area 8-2:

(a) Effective immediately through September 29 - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week - Daily limit 2 salmon.

(b) Effective September 30 - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open and regulated concurrent with all other waters of Area 8-2

(c) All other waters of Area 8-2, open August 1 through September 30 - Daily limit 4 salmon, no more than 2 coho and chum in total, except release chinook.

(6) **Area 9** - Open immediately until further notice with the following limits and species restrictions:

(a) Effective August 1 through August 31 - Daily limit 4 salmon, no more than 2 coho, except release chinook and chum.

(b) Effective September 1 through September 30 - Daily limit 2 salmon, except release chinook and chum.

(c) Salmon fishing open year-round from Edmonds fishing pier - Daily limit 2 salmon, not more than one of which may be a chinook, and effective beginning August 1, release chum.

(d) Fishing from the Hood Canal Bridge fishing pontoon is closed.

(7) **Area 10** - Effective immediately until further notice:

(a) Open until further notice with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook, and through September 15 release chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed through August 31.

(ii) Lawful to retain chinook through September 15 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.

(iii) Elliott Bay east of a line from West Point to Alki Point is closed through August 31, except through August 17 - Open east of a line from Pier 91 to Duwamish Head Friday through Sunday of each week - Daily limit of 2 salmon, lawful to retain chinook, and release chum.

(iv) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(c) Salmon fishing open year-round from Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum through September 15.

(8) Area 11:

(a) Open immediately until further notice - Daily limit 2 salmon.

(b) Salmon fishing open year-round from Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Area 12:

(a) Waters north of Ayock Point:

(i) Closed through August 31, except waters of Quilcene/Dabob bays north of a true east line from Whitney Point to the Toandos Peninsula open effective August 16 until further notice - Daily limit 4, coho only.

(ii) Open effective September 1 until further notice - Daily limit 4, coho only.

(b) Waters south of Ayock Point:

(i) Open until further notice - Daily limit 4, no more than 2 of which may be chinook, and release chum.

(c) Waters of the Hoodspout Hatchery Zone regulated under provisions in WAC 220-56-124.

(10) **Area 13:** Open until further notice with the following area rules, limits and species restrictions:

(a) Daily limit 2, release wild coho.

(i) Waters at mouth of Minter Creek within 1,000 ft. of outer oyster stakes closed to salmon fishing through September 30 (as provided in WAC 220-56-195 (2)(b)).

(ii) Budd Inlet - Night closure and non-buoyant lure restriction in effect in waters south of a line projected true west from the KGY radio tower and north of a line from the northwest corner of the Thriftway Market building to a point 100 yards north of the railroad bridge located on the western side of the inlet (as provided in WAC 220-56-126).

(ii) Budd Inlet - Closed to food fish south of the Fourth Avenue Bridge (as provided in WAC 220-56-128 (2)).

(b) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, and release wild coho.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. July 31, 2003:

- WAC 220-56-10000A Definitions—Personal use fishing (03-84)
- WAC 220-56-12800F Food fish fishing—Closed areas 2003 North of Falcon (03-84)
- WAC 220-56-19500K Closed saltwater salmon areas—2003 North of Falcon (03-84)
- WAC 232-12-61900S Permanent statewide game fish rules—2003 North of Falcon (03-84)
- WAC 232-28-62100K Puget Sound salmon seasons—2003 North of Falcon (03-84)

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. September 1, 2003:

- WAC 220-56-12800G Food fish fishing—Closed areas—2003 North of Falcon
- WAC 232-12-61900T Permanent statewide game fish rules—2003 North of Falcon

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 1, 2003:

- WAC 220-56-19500L Closed saltwater salmon areas—2003 North of Falcon

implement the necessary reductions through the regular rule-making process.

This order includes adoption of new WAC 388-535-1255, 388-535-1265, 388-535-1270, 388-535-1280, and 388-535-1290.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-535-1120; and amending WAC 388-535-1050, 388-535-1060, 388-535-1065, 388-535-1070, 388-535-1080, 388-535-1100, 388-535-1200, 388-535-1220, 388-535-1230, 388-535-1240, 388-535-1350, 388-535-1400, and 388-535-1450.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Other Authority: Section 209, Part II, chapter 25, Laws of 2003 1st sp.s., (the 2003-2005 State Omnibus Operating Budget, ESSB 5404).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: In adopting chapter 25, Laws of 2003 1st sp.s., the legislature reduced funding for adult dental benefits by 25%. These emergency rules are needed to carry out the legislature's directive while the department adopts permanent rules. Proposed rules have been filed and a public hearing is scheduled for August 26, 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 5, Amended 13, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 13, Repealed 1.

Effective Date of Rule: August 1, 2003.

July 29, 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 03-17 issue of the Register.

EMERGENCY

**WSR 03-16-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed July 31, 2003, 8:11 a.m., effective August 1, 2003]

Date of Adoption: July 29, 2003.

Purpose: To comply with requirements of the 2003-2005 State Omnibus Operating Budget, effective July 1, 2003, the department is incorporating, into emergency rule the 25% reduction in adult dental benefits. The timeframe for implementing the budget does not allow the department to

**WSR 03-16-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-170—Filed July 31, 2003, 4:17 p.m., effective August 2, 2003]

Date of Adoption: July 31, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-21000A; and amending WAC 220-56-210.

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 change is being put into effect to protect the spawning chinook population while still providing recreational fishing opportunities on sea-run cutthroat and steelhead. With the low water conditions this year, chinook have become concentrated in the few pools that remain in the river. Water temperatures in the river during summer low flow water conditions may exceed 70 degrees, which causes thermal stress to the fish. Anglers are intentionally harassing/targeting the wild chinook using heavily weighted flies, many of the fish are being fouled hooked. 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: August 2, 2003.

July 31, 2003

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-21000A Fly fishing—Definitions. Notwithstanding the provisions of WAC 220-56-210, effective August 2 through September 30, 2003, it is unlawful to fish in the North Fork Stillaguamish River from the mouth to Swede Heaven Bridge with weight, including bead eyes, attached to the leader, line, or fly.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 1, 2003:

WAC 220-56-21000A Fly fishing—Definitions.

**WSR 03-16-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-171—Filed July 31, 2003, 4:19 p.m., effective August 4, 2003, 7:00 p.m.]

Date of Adoption: July 31, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000F; 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 salmon are available. This season is consistent with the 2003 fall management agreement. This rule is consistent with actions of the Columbia River compact on July 30, 2003, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries was signed on July 30, 2003. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 4, 2003, 7:00 p.m.

July 31, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-33-01000F Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1A, 1B, 1C

a) SEASON: 7:00 p.m. Monday, August 4, 2003 to 7:00 a.m. Tuesday, August 5, 2003

EMERGENCY

7:00 p.m. Wednesday, August 6, 2003 to 7:00 a.m. Thursday, August 7, 2003

7:00 p.m. Monday, August 11, 2003 to 7:00 a.m. Tuesday, August 12, 2003

b) GEAR: 8 inch minimum mesh and 9-3/4 inch maximum mesh.

Monofilament gear is allowed.

c) SANCTUARIES: Grays River, Elokomina-A, Cowlitz, Kalama-A, Lewis-A.

d) ALLOWABLE SALE: Salmon and sturgeon. Up to 7 sturgeon may be possessed or sold for each participating vessel per fishing week, including fish harvested in Select Area fisheries. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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: August 1, 2003.

July 31, 2003

Evan Jacoby

for Jeff Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 12, 2003:

WAC 220-33-01000F Columbia River season below Bonneville.

WSR 03-16-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-173—Filed July 31, 2003, 4:21 p.m., effective August 1, 2003]

Date of Adoption: July 31, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900T; 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: Hatchery summer run steelhead returns to the Cowlitz and North Fork Lewis rivers have been strong. Through July 21, a total of 887 fish had returned to Cowlitz Salmon Hatchery. Last week, creel sampling showed excellent fishing with boat anglers averaging nearly 3/4 hatchery steelhead per rod. At Merwin Dam on the North Fork Lewis River, over 5,000 steelhead had been counted through July 23. The hatchery escapement goals on both rivers are expected to be met. 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.

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules—Cowlitz River, North Fork Lewis River. Notwithstanding the provisions of WAC 232-28-619:

(1) Cowlitz River (Cowlitz County)

Effective August 1 through October 31, 2003, up to three hatchery steelhead may be retained as part of the trout daily limit in those waters of the Cowlitz River from the highway 4 Bridge at Kelso upstream to 400 feet or posted markers below the barrier dam.

(2) North Fork Lewis River (Clark County)

(a) Effective August 1 through October 31, 2003, up to three hatchery steelhead may be retained as part of the trout daily limit in those waters downstream of Colvin Creek.

(b) Effective August 1 through September 30, 2003, up to three hatchery steelhead may be retained as part of the trout daily limit in those waters upstream of Colvin Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 1, 2003:

WAC 232-28-61900T Exceptions to statewide rules—Cowlitz River, North Fork Lewis River.

WSR 03-16-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-174—Filed August 1, 2003, 2:26 p.m.]

Date of Adoption: August 1, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-40-02100X and 220-40-02100Y; and amending WAC 220-40-021.

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 salmon are available for a commercial harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 1, 2003

Evan Jacoby

for Jeff Koenings

Director

(5) Other Requirements:

(a) Fishers must notify WDFW in advance of the season of their intent to participate in the fishery. Notification may be made by fax (360-664-0689), by telephone (1-866-791-1280), or by email (harborfishtickets@dfw.wa.gov).

(b) Fishers must also notify WDFW at least 24 hours in advance of intent to fish any given day. Notification may be made by fax (360-664-0689), by telephone (1-866-791-1280), or by email (harborfishtickets@dfw.wa.gov).

(c) Fishers must be willing to take WDFW observers when participating in these openings.

(d) Sturgeon retention will be allowed within annual commercial harvest ceiling for white sturgeon.

(e) Total daily catch must be landed and made available for WDFW sampling at the Tokeland Marina, in Tokeland or Fuel Dock at Port of Peninsula, in Nahcotta between 5 p.m. and 7:00 p.m. on each open fishing day (July 22, 23, 30, 31, and August 7, 8).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100X Willapa Bay salmon—Summer fishery. (03-141)

The following section of the Washington Administrative Code is repealed effective August 16, 2003:

WAC 220-40-02100Y Willapa Bay salmon—Summer fishery.

NEW SECTION

WAC 220-40-02100Y Willapa Bay salmon—Summer fishery. Notwithstanding the provisions of WAC 220-40-021, effective immediately through August 15, 2003, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided for in this section:

(1) Fishing periods:

4:00 a.m. August 7 through 6:00 p.m. August 7,

4:00 a.m. August 8 through 6:00 p.m. August 8, 2003.

(2) Open Area: Area 2G west of a true north-south line drawn through Willapa Channel Marker 8 and east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point.

(3) The Tokeland Boat basin is closed to commercial fishing during the openings in Area 2G described in this section. The Tokeland Boat basin means that portion of Area 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

(4) Gear:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 8 1/2 inch maximum stretch mesh restriction.

**WSR 03-16-074
EMERGENCY RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed August 4, 2003, 3:12 p.m.]

Date of Adoption: August 4, 2004 [2003].

Purpose: To implement the Uniform Money Services Act, chapter 287, Laws of 2003; specifically, to facilitate licensing of money services businesses as required by the act.

Statutory Authority for Adoption: Chapter 287, Laws of 2003.

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: As of October 1, 2003, both new and existing money services businesses may not operate without a license issued by the Department of Financial Institutions (DFI). To provide a framework for the licensing process, circulate license applications, receive and process the applications and issue the licenses by October 1, an emergency rule is necessary.

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 17, 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 17, 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.

August 4, 2003

Helen P. Howell

Director

Chapter 208-690 WAC REGULATION OF MONEY SERVICES PROVIDERS

PART A DEFINITIONS

NEW SECTION

WAC 208-690-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Act" means the Uniform Money Services Act, chapter ___ RCW [C287 L 2003]

(2) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, another person.

(3) "Annual license assessment due date" means the date specified in WAC 208-690-090.

(4) "Applicant" means a person that files an application for a license under this chapter, including the applicant's proposed responsible individual and executive officers, and persons in control of the applicant.

(5) "Audited financial statement," means a statement prepared by an independent accountant according to generally accepted accounting principles.

(6) "Authorized delegate" means a person a licensee designates to provide money services on behalf of the licensee. A person that is exempt from licensing under this chapter cannot have an authorized delegate.

(7) "Board director" means a member of the applicant's or licensee's board of directors if the applicant is a corporation or limited liability company, or a partner if the applicant or licensee is a partnership.

(8) "Control" means:

(a) Ownership of, or the power to vote, directly or indirectly, at least twenty-five percent of a class of voting securities or voting interests of a licensee or applicant, or person in control of a licensee or applicant;

(b) Power to elect a majority of executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or applicant, or person in control of a licensee or applicant;

(c) Power to exercise directly or indirectly, a controlling influence over the management or policies of a licensee or applicant, or person in control of a licensee or applicant;

(9) "Currency exchange" means exchanging the money of one government for the money of another government, or holding oneself out as able to exchange the money of one government for the money of another government. The following persons are not considered currency exchangers:

(a) Affiliated businesses that engage in currency exchange for a business purpose other than currency exchange;

(b) A person who provides currency exchange services for a person acting primarily for a business, commercial, agricultural, or investment purpose when the currency exchange is incidental to the transaction;

(c) A person who deals in coins or money whose value is primarily determined because it is rare, old, or collectible;

(d) A person who in the regular course of business chooses to accept from a customer the money of a country other than the United States in order to complete the sale of a good or service other than currency exchange, that may include cash back to the customer, and does not otherwise engage in currency exchange for compensation or gain.

(10) "Currency exchanger" means a person that is engaged in currency exchange.

(11) "Director" means the director of the Department of Financial Institutions.

(12) "Executive officer" means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.

(13) "Financial institution" means any person doing business under the laws of any state or the United States relating to commercial banks, bank holding companies, savings banks, savings and loan associations, trust companies, or credit unions.

(14) "Licensee" means a person licensed under Chapter ___, RCW [the Act].

(15) "Mail" includes electronic mail.

(16) "Material litigation" means litigation that according to generally accepted accounting principles is significant to an applicant's or licensee's financial health and would be required to be included in an applicant's or licensee's audited financial statements, report to shareholders, or similar records.

(17) "Mobile location" means a vehicle or movable facility where money services are provided

(18) "Money" means a medium of exchange or unit of account that is authorized, adopted or recognized by the United States or a foreign government. "Money" also includes a medium of exchange or unit of account established by an intergovernmental organization or by agreement between two or more governments.

(19) "Money services" means money transmission or currency exchange.

(20) "Money transmission" means receiving money or its equivalent value to transmit, deliver, or instruct to be delivered, the money or its equivalent value to another location, inside or outside the United States, by any means including but not limited to wire, facsimile, or electronic transfer.

"Money transmission" does not include the provision solely of connection services to the Internet, telecommunications services, or network services, or network access.

(21) "Money transmitter" means a person that is engaged in money transmission.

(22) "Outstanding money transmission" means the value of all money transmissions reported to the licensee for which the money transmitter has received money or its equivalent value from the customer for transmission, but has not yet completed the money transmission by delivering the money or monetary value to the person designated by the customer.

(23) "Payment instrument" means a check, draft money order, traveler's check, or other instrument for the transmission or payment of money or its equivalent value, whether or not negotiable. "Payment instrument" does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services.

(24) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture; government, governmental subdivision, agency or instrumentality; public corporation; or any other legal or commercial entity.

(25) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, corporation, or association, or the owner of a sole proprietorship.

(26) "RCW" means the *Revised Code of Washington*.

(27) "Record" means information that is inscribed on a tangible medium, or that is stored in an electronic or other medium, and is retrievable in perceivable form.

(28) "Responsible individual" means an individual who is employed by a licensee and has principal managerial authority over the provision of money services by the licensee in this state.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or insular possession subject to the jurisdiction of the United States.

(30) "Stored value" means the recognition of value or credit to the account of persons, when that value or credit is primarily intended to be redeemed for a limited universe of goods, intangibles, services, or other items provided by the issuer of the stored value, its affiliates, or other involved in transactions functionally related to the goods, intangibles, services; or other items sold by the issuer or its affiliates.

(31) "Unsafe or unsound practice" means a practice or conduct by a person licensed or required to be licensed by the Act to provide money services, or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the financial condition of the licensee or the interests of its customers.

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.

PART B APPLICATION OF THE ACT

NEW SECTION

WAC 208-690-020 Application. The Act and these rules apply only to the activities of money transmission and currency exchange, as defined in the Act and these rules. These definitions focus on activities engaged in rather than the entity that engages in them. Section 4 of the Act lists certain exclusions. As a general rule, there is no attempt to include in the application of the Act and these rules those financial activities that are otherwise regulated and involve the transfer of money or its equivalent value as an ancillary or incidental part of the core activity. The target of the Act and these regulations is money transmission and currency exchange as stand-alone for-profit services.

A person who obtains a license to engage in money transmission may provide currency exchange services without obtaining a separate currency exchange license.

PART C LICENSING

NEW SECTION

WAC 208-690-030 License application. Each person required to have a money transmission or currency exchange license must apply to the director by filing:

(1) A completed application in the form prescribed by the director;

(2) For the responsible individual and principal(s):

(a) biographical information, including employment history for the immediate previous five years;

(b) a personal credit report from a recognized independent credit-reporting agency;

(c) a signed authorization for a background investigation on a form prescribed by the director.

(3) If the application is for money transmission, a surety bond as required by WAC 208-690-040;

(4) A non-refundable application fee as prescribed by WAC 208-690-130(1). The application fee is not refundable.

(5) An initial license fee as prescribed by WAC 208-690-130(2). The initial license fee will be refunded if the license application is denied or withdrawn.

(6) For each authorized delegate, the business name, including any additional names by which the business may be known, the business address and the name of the primary contact person. If an authorized delegate provides money services at more than one location the business address of each such location must be provided.

(7) A full description of the screening process used by the applicant in selecting authorized delegates, including any sample forms used, and a sample of the contract which the applicant uses to establish the legal relationship of authorized delegate

(8) If the applicant is a money transmitter, a certification that the applicant's investment portfolio includes only permissible investments under RCW ___ and ___ [sections 22 and 23 of the Act].

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 208-690-040 Surety bond. (1) Each money transmitter licensee shall annually file and maintain a surety bond as required by RCW _____ [Sec. 7 of the Act], issued by a company authorized to do surety business in this state as a surety. The surety may not be a wholly owned subsidiary or affiliate of the applicant or licensee.

(2) The penal sum of the bond shall be calculated annually according to the following schedule:

(a) \$10,000 if the applicant or licensee had money transmission receipts of less than one million dollars for the previous twelve months, including applicants who have not previously engaged in providing money transmission services.

(b) \$20,000 if the applicant or licensee had money transmission receipts of at least one million but less than two million dollars for the previous twelve months.

(c) \$30,000 if the applicant or licensee had money transmission receipts of at least two million but less than three million dollars for the previous twelve months.

(d) \$40,000 if the applicant or licensee had money transmission receipts of at least three million but less than four million dollars for the previous twelve months.

(e) \$50,000 if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

In addition to these amounts the penal sum of the bond is increased by \$10,000 for each additional location where that applicant provides money services, including each location of authorized delegates, up to a maximum total amount of \$500,000.

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 208-690-050 Increase of security. The director may increase the amount of security required, to a maximum of \$1,000,000, if the financial condition of a money transmitter licensee so requires. The director shall consider, without limitation, the following criteria:

- (1) Significant reduction of net worth.
- (2) Financial losses.
- (3) Potential losses resulting from violations of Chapter _____, RCW, [the Act] or these rules;
- (4) Licensee filing for bankruptcy.
- (5) The initiation of license revocation proceedings against the licensee in any state or foreign country.
- (6) The filing of a state or federal criminal indictment against the licensee, key officer, board director or principal, based on conduct related to providing money services or money laundering.
- (7) A licensee, executive officer, board director, or principal being convicted of a crime.
- (8) The safety and soundness of the licensee.

(9) Other events and circumstance that, in the judgment of the director, impair the ability of the licensee to meet its obligations to its money services customers.

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 208-690-060 Net worth. A money transmitter applicant or licensee must demonstrate a net worth of at least the amounts set forth in the following schedule:

(a) \$10,000 if the applicant has not previously engaged in the provision of money services, or it had money transmission receipts of less than one million dollars for the previous twelve months.

(b) \$20,000 if the applicant or licensee had money transmission receipts of at least one million dollars but less than two million dollars for the previous twelve months;

(c) \$30,000 if the applicant or licensee had money transmission receipts of at least two million dollars but less than three million dollars for the previous twelve months;

(d) \$40,000 if the applicant or licensee had money transmission receipts of at least three million dollars but less than four million dollars for the previous twelve months; or

(e) \$50,000 if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

Determinations of net worth must be made according to generally accepted accounting principles.

NEW SECTION

WAC 208-690-070 License denial, suspension, revocation. (1) Director may deny a money services license if the director determines that:

- (a) The application is incomplete;
- (b) The surety bond, or net worth requirements of WAC 208-690-040 through WAC 208-690-060 have not been met;
- (c) The general fitness and character requirements of RCW _____ and _____ [Sec. 9 and 12 of the Act] have not been met as demonstrated by any of the following findings:

(i) The applicant or licensee, an executive officer, proposed responsible person, board director or person in control has been convicted of any felony within the past 10 years;

(ii) The applicant or licensee, an executive officer, proposed responsible person, board director or person in control has been convicted of a crime involving a financial transaction within the past 10 years;

(iii) The applicant or licensee, an executive officer, proposed responsible person, board director or person in control has charges pending against him/them for violations relating to a financial transaction(s) within the past 10 years;

(iv) The applicant or licensee, an executive officer, proposed responsible person, board director, or person in control has falsified any information supplied in connection with the application;

(v) The applicant or licensee, or any delegate thereof, has had an adverse action taken against any business license related to providing financial services by a jurisdiction within the United States within the past 3 years.

(d) The applicant or licensee, or any delegate thereof, fails to respond to a request for information from the director within 15 days of a third request for the same information.

(e) The applicant or licensee has failed to register with the United States Department of the Treasury as required by 31 USC Section 5330.

(f) The applicant or licensee, an executive officer, proposed responsible individual, board director, or person in control is listed on the specially designated nationals and blocked persons list prepared by the United States department of the treasury as a potential threat to commit terrorist acts or to finance terrorist acts.

(2) In lieu of denying an application as authorized by any of the findings in subsection (1) of this section, the director may suspend processing that application if the director determines that the condition requiring denial may be temporary and resolved satisfactorily within a reasonable period of time. The director may resume processing the application if the director determines that a favorable resolution of the disqualifying condition has occurred.

(3) The director may revoke or suspend a license and issue an order to cease and desist operations as a money services licensee if another jurisdiction initiates an adverse action against the money services license of the licensee, or upon finding any condition or fact that would have led to denial of a license if known by the director during the processing of the application.

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.

PART D RECORDKEEPING AND REPORTING REQUIREMENTS

NEW SECTION

WAC 208-690-080 Audited annual financial statement. A licensee is required to have an audited financial statement prepared annually in accordance with generally accepted accounting principles.

NEW SECTION

WAC 208-690-090 Annual report and annual assessment. A form for the preparation of the annual report and license assessment will be mailed to each licensee annually and made available by electronic transmission. The licensee must submit its completed annual report and annual license assessment fee prescribed by WAC 208-690-140 no later than July 1, or the next business day when/if July 1 is a holiday or weekend. The report shall include the following:

(1) A copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent company.

(2) A description of each material change, as defined by WAC 208-690-110, to information submitted by the licensee in its original license application, which has not been previously reported to the director on any required report.

(3) A list of current authorized delegates as prescribed by WAC 208-690-030(6).

(4) If the licensee is a money transmitter, a certification that the licensee's investment portfolio includes only permissible investments under RCW _____ and _____ [Sections 22 and 23 of the Act].

(5) If the licensee is a money transmitter, proof that the licensee continues to maintain an adequate surety bond and net worth as required by WAC 208-690-040 through WAC 208-690-060.

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 208-690-100 Late penalty. (1) If a licensee fails to submit the required annual report, or license assessment fee by July 1, the director shall send the licensee a notice of suspension and assess a penalty equal to ten percent of the license assessment fee. If the delay exceeds thirty days, the director shall send a notice to the licensee that its license has expired and that the licensee must pay a penalty equal to twenty-five percent of the annual assessment fee. If either of these deadlines occurs on a day that is not a business day, the deadline shall be the next business day.

(2) The director may reinstate an expired license under this section if, within twenty days after the effective date of the expiration, the licensee:

(a) Files the complete annual report and pays both the annual license assessment and the late fee; and

(b) The licensee did not engage in providing money services during the period its license was expired.

NEW SECTION

WAC 208-690-110 Material change. Material changes of any of the items required to be included in the licensee's application must be reported to the director within thirty days of the occurrence of the change. "Material change" means any change that is not trivial, and that, if not reported, would cause an investigation or examination to be misled or delayed. Such a change would include, but not be limited to changing the physical and/or mailing address, responsible individual, licensee's name or DBA (Doing Business As), and other similar activities.

NEW SECTION

WAC 208-690-120 Change of authorized delegates—Locations. A licensee shall file with the director any change in its roster of authorized delegates, or any change in locations where money services are provided, including mobile locations, and the fee required by WAC 208-690-150, within forty five days after the end of each fiscal quarter. If there is no change in the roster of authorized delegates or locations where money services are provided during a fiscal quarter, no filing is required.

**PART E
FEES**

NEW SECTION

WAC 208-690-130 License fees. (1) A non-refundable license application fee of \$500 shall be paid by each license applicant, plus \$50 for each additional location where the licensee or an authorized delegate will provide money services, up to a maximum of \$8,000.

(2) An applicant shall pay an initial license fee of \$500, plus \$50 for each additional location where the applicant or an authorized delegate will provide money services, up to a maximum of \$8,000. This initial license fee is refundable if the application is denied.

NEW SECTION

WAC 208-690-140 License assessment. A licensee shall pay an annual license assessment of \$500 plus \$50 for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of \$8,000.

NEW SECTION

WAC 208-690-150 Transaction fee. A fee of \$30 shall be paid by a licensee for the administrative costs connected with processing a change of a licensee's address or name, or a change in control of a licensee, a change in responsible individual, or changes in the identity or location of authorized delegates, or other material changes.

NEW SECTION

WAC 208-690-160 Late fees. A late fee of ten percent of the annual license assessment will be added to the assessment if the annual report and license assessment are not submitted by July 1. If the delay exceeds thirty days the late fee is increased to twenty-five percent of the annual license assessment. If either of these deadlines occurs on a day that is not a business day, the deadline will be the next business day.

NEW SECTION

WAC 208-690-170 Investigation and examination fee. The director will collect fees for investigation and examination services of \$75 per hour, including the following services:

(1) The review and attendant investigation of changes in control, changes in the responsible individual, changes in the identity or location of authorized delegates, and other material changes.

(2) The review and attendant investigation of permissible investments of the licensee.

(3) Any examination of the licensee's books, records and files deemed necessary by the director.

EMERGENCY



WSR 03-16-001
AGENDA
DEPARTMENT OF AGRICULTURE
 [Filed July 23, 2003, 12:21 p.m.]

Following is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2003, through December 31, 2003, which is being sent in compliance with RCW 34.05.314.

If you have any questions, please call George Huffman at (360) 902-1802 or e-mail at ghuffman@agr.wa.gov.

Washington State Department of Agriculture
Semi-Annual Rules Agenda
July 1, 2003 - December 31, 2003
P.O. Box 42560
Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Pesticide Management Division						
WAC 16-200-750 through 16-200-887	Rules relating to commercial feeds.	Ali Kashani Assistant Program Manager phone (360) 902-2028	11/6/02	9/17/03	11/19/03	<p>(1) As part of the department's Executive Order 97-02 rule review process, the department is proposing to repeal WAC 16-200-750 through 16-200-950 and replace them with three new WAC chapters, each addressing the needs of a specific segment of the commercial feed industry. The department will propose:</p> <ul style="list-style-type: none"> • Chapter 16-250 WAC, Commercial feed rules. • Chapter 16-252 WAC, Commercial feed rules: Pet food and specialty pet food. • Chapter 16-256 WAC, Commercial feed rules: Processed animal waste. <p>(2) The new chapters will:</p> <ul style="list-style-type: none"> • Be written in a clear and readable style. • Increase the safety of animal feed by adapting applicable sections of Part 589.2000 of Title 21 of the Code of Federal Register [Regulations] (Animal proteins prohibited in ruminant feed) to WSDA feed rules. • Increase consistency between WSDA feed rules and the feed rules of many other states as well as the Association of American Feed Control (AAFCO) model regulations by incorporating applicable parts of the AAFCO commercial feed rules into WSDA feed rules. In addition to improving consistency between states the new WSDA rules will improve free trade between states. <p>(3) In order to mitigate any potential adverse economic impact of these new commercial feed chapters upon the commercial feed industry, the department will delay the effective date of its proposed amendments until July 1, 2004.</p>

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-228 WAC WAC 16-219-010 WAC 16-219-016 WAC 16-230-250 through 16-230-290	General pesticide rules. Ziram—Bosc pears. Restricted use pesticides—Mevinphos (phosdrin). Microencapsulated methyl parathion.	Ann Wick Program Manager phone (360) 902-2051	11/6/02	8/20/03	10/22/03	As part of its regular four-year Executive Order 97-02 rule review, WSDA is proposing modifications to chapter 16-228 WAC, including incorporating WAC 16-219-010 into the chapter. WAC 16-219-016 and 16-230-250 through 16-230-290 will be repealed.
WAC 16-228-1460	Experimental use permits.	Ted Maxwell Program Manager phone (360) 902-2026	9/4/02	8/20/03	10/22/03	WAC 16-228-1460 will be amended to: (1) Clarify the requirements and restrictions that apply to individual experimental use permits. (2) Expand the definition of "collective experimental use permits[]" to include "organizations, pesticide registrants, or persons licensed by the department to conduct demonstration and research activities" on land they own or control. (3) Define the term "control." (4) Require that any unused experimental use pesticide that does not have a registered use in Washington state must be returned to the manufacturer or disposed of properly.
WAC 16-200-715	Fertilizer labels.	Ted Maxwell Program Manager phone (360) 902-2026	6/18/03	9/17/03	12/1/03	(1) The department will propose amendments to WAC 16-200-715 Fertilizer label information, to implement chapter 15, Laws of 2003 (HB 1117), which unanimously passed the 2003 legislature and was signed by Governor Locke April 16, 2003. HB 1117 amends RCW 15.54.340 [(1)](f) and is effective on January 1, 2004. (2) HB 1117 amends RCW 15.54.340 [(1)](f) by requiring the department to adopt, in rule, a statement on a fertilizer label referring people to the department's uniform resource location (URL or web address) where data regarding the metals content of the product is located. The department intends to propose for adoption the three options that are currently in RCW 15.54.340 [(1)](f) with the only change being the citation of the new URL. In addition, the department is considering adopting a fourth option that would cite the Association of American Plant Food Control Official's (AAPFCO) website, which in turn would direct persons to the department's website. Language allowing this fourth option has been tentatively adopted by the

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
						AAPFCO and will be voted on in early August for permanent adoption. (3) In order to mitigate any potential adverse economic impact of these new label requirements upon the regulated industry, the department's proposed amendments will allow industry to continue to use the URL currently in RCW 15.54.340 [(1)](f) until July 1, 2006.
WAC 16-201-010(20) WAC 16-201-180	Definitions-"temporary field storage." Primary containment of liquid bulk fertilizers—Temporary field storage.	Ted Maxwell Program Manager phone (360) 902-2026	7/23/03	TBD	TBD	The department is considering amending chapter 16-201 WAC, Fertilizer bulk storage and operational containment rules, to permanently allow temporary field storage to be kept in place for twenty-one days. Current rule allows for twenty-one days but beginning March 1, 2004, this time period is reduced to fourteen days. The department will solicit industry comment regarding repealing the fourteen day time period and making twenty-one days permanent.
NEW	Labeling rules for nursery stock.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	12/19/02	9/03	12/03	Proposed rules would implement statutory requirement that nursery stock offered for sale in Washington state be labeled with the botanical name of the stock.
Yellow nutsedge WAC 16-752-300 WAC 16-752-305 WAC 16-752-315 WAC 16-752-320	Establishing quarantines. Quarantine area. Regulations. Costs of quarantine.	Mary Toohey Assistant Director Plant Protection Division phone (360) 902-1907	5/21/03 (CR-105)	Expedited Adoption	7/23/03	The department proposes lifting the yellow nutsedge quarantine at the Port of Kalama by amending the following sections of rule as requested by the Cowlitz County Noxious Weed Control Board: WAC 16-752-300 Establishing quarantine, 16-752-305 Quarantine area, 16-752-315 Regulations, and 16-752-320 Costs of quarantine. In 1989, the department originally adopted the quarantine of the Port of Kalama in Cowlitz County for yellow nutsedge. The quarantine was initiated to prevent the movement of soil containing yellow nutsedge outlets off-site. The quarantine was necessary because of the invasive nature of the weed - yellow nutsedge propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. Since that time an effective method of containment of the contaminated soil has been found that will prevent the yellow nutsedge from spreading, thus making the quarantine at the Port of Kalama unnecessary.

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-657 WAC	Retail pricing of motor and heating fuel.	Jerry Buendel Weights and Measures Program Manager phone (360) 902-1856	1/22/03	8/20/03	11/03	Executive Order 97-02 review of chapter 16-657 WAC with the intent to combine this chapter with chapter 16-659 WAC. Rewrite the chapter for clarity and possibly propose amendments based upon industry recommendations.
Chapter 16-659 WAC	Weights and measures—Liquefied petroleum gas.	Jerry Buendel Weights and Measures Program Manager phone (360) 902-1856	1/22/03	8/20/03	11/03	Executive Order 97-02 review of chapter 16-659 WAC with the intent to combine this chapter with chapter 16-657 WAC. Rewrite the chapter for clarity and possibly propose amendments based upon industry recommendations.
WAC 16-401-050 WAC 16-350-045	Annual assessment—Fruit tree material. Application and fees.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	7/2/03	9/3/03	10/03	During the 2003 legislative session, the Washington state legislature passed legislation (chapter 25, Laws of 2003 (ESSB 5404)), which was signed by Governor Locke on June 26, 2003, authorizing the department to sufficiently increase department fees to ensure that department programs will be able cover the full cost of providing program services. As a result, the department, with the support of Washington state fruit tree nursery industry, plans to amend WAC 16-401-050 to increase the annual assessment on fruit tree material. The department also plans to amend WAC 16-401-050 to require that licensed nurseries maintain accurate records of fruit tree sales. The department will also propose amending WAC 16-350-045 Application and fees, to delete the fruit tree material assessment amount, since it is already specified in WAC 16-401-050, and to correct an RCW reference in WAC 16-350-045.
Food Safety, Animal Health and Consumer Services Division						
Chapter 16-100 WAC	Refrigerated locker establishments—Recording thermometers.	Claudia Coles Food Safety Program Manager phone (360) 902-1905	6/18/03 (CR-105)	Expedited Repeal	8/20/03	As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to repeal a rule chapter that is no longer needed. Content is covered by 21 C.F.R., Part 110, chapters 19.32, 69.04, 69.07, and 69.10 RCW, and chapters 16-139, 16-142, 16-165, and 16-167 WAC.
Chapter 16-600 WAC	Honey.	Claudia Coles Food Safety Program Manager phone (360) 902-1905	6/18/03 (CR-105)	Expedited Repeal	8/20/03	As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to repeal a rule chapter that is no longer needed. 32 F.R. 7565 and 50 F.R. 15861 cover chapter content.

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-101 WAC	Milk and milk products.	Jim Pressley Food Safety Assistant Program Manager phone (360) 902-1860	8/6/03	10/22/03	12/17/03	As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to combine its dairy rules into one, clearly written and easy to use chapter.
Chapter 16-101X WAC	Degrades, license suspensions and revocations for dairy producers and processors.					
Chapter 16-102 WAC	Butterfat testing of milk.					
Chapter 16-103 WAC	Milk processing assessments and collections.					
Chapter 16-124 WAC	Licensed testers, weighers, samplers and graders.					
Chapter 16-125 WAC	Farm milk storage tanks and bulk milk tanker—Requirements.					
Chapter 16-129 WAC	Labeling and advertising of products resembling genuine dairy products.					
Chapter 16-144 WAC	Processing frozen desserts.					
Chapter 16-607 WAC	Inspection and identification of livestock.	Leslie Alexander Livestock Identification Assistant Program Manager phone (360) 902-1855 or (509) 545-8816	6/18/03	10/1/03	11/25/03	The department is planning to initiate rule making to implement chapter 326, Laws of 2003 (SSB 5891) requirements that were unanimously passed by the 2003 legislature and signed by Governor Locke on May 16, 2003. In addition, the department, in response to Executive Order 97-02, will rewrite chapter 16-607 WAC by replacing it with chapter 16-610 WAC, which will incorporate rule amendments required by SSB 5891 and be written in a clear and readable format based upon clear rule-writing principles.
WAC 16-54-155	Exotic Newcastle Disease (END) emergency quarantine.	Dr. Kathleen M. Connell, DVM Acting State Veterinarian phone (360) 902-1878	N/A	Emergency Rule	5/28/03	Extended previously adopted emergency rule to prevent the introduction or spread of Exotic Newcastle Disease (END) into Washington state. The virus that causes END is highly contagious and is readily spread by contact with infected birds or materials contaminated by the virus.
WAC 16-54-155	Exotic Newcastle Disease (END) emergency quarantine.	Dr. Kathleen M. Connell, DVM Acting State Veterinarian phone (360) 902-1878	5/28/03	7/23/03	9/3/03	Permanent rule making to replace the emergency END quarantine rules.

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Implementing Chapter 397, Laws of 2003 (ESHB 1754)	Special temporary permit—Poultry slaughter.	Jim Pressley Food Safety Assistant Program Manager phone (360) 902-1860	6/4/03	10/1/03	11/19/03	<p>The department, working with industry stakeholders and other interested parties, will develop rules to implement chapter 397, Laws of 2003 (ESHB 1754), which relates to the slaughter of chickens (<i>Gallus domesticus</i>). ESHB 1754 requires that the department issue a special temporary permit regulating "the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm, and for such sale." ESHB 1754, which was passed unanimously by the 2003 legislature and signed by the governor on May 20, 2003, specifically directs the department to develop rules generally patterned after those established by WAC 246-215-190 Temporary food service establishments, but must be tailored specifically to the slaughter, preparation and sale activities identified in the bill. The department's rule requirements must include, but are not limited to:</p> <ul style="list-style-type: none"> • Cooling procedures, when applicable; • Sanitary facilities, equipment and utensils; • Clean water; • Washing and other hygienic practices; and • Waste water disposal. <p>The department's special temporary rules must also identify the length of time the permit is valid.</p>
Commodity Inspection Division						
Chapter 16-403 WAC	Standards for apples marketed within Washington.	Jim Quigley Program Manager Fruit and Vegetable Inspection Program Commodity Inspection Division phone (360) 902-1883	7/23/02	9/17/03	11/03	<p>Amendments may be necessary to accommodate changes in United States standards for apples. WSDA, with industry involvement, is reviewing chapter 16-403 WAC to make sure that department apple standards are at-least-as-effective-as new United States standards for apples.</p>
Chapter 16-400 WAC	Fruit and vegetable inspection fees.	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	5/7/03	9/17/03	11/03	<p>The department will propose rules that:</p> <p>(1) Increase fruit and vegetable inspection program hourly inspection rates (regular and overtime). These hourly rate increases are necessary to recover the department's actual costs of providing inspection services. RCW 15.17.150 mandates that the department establish fees to recover the costs of providing inspection and/or certification</p>

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
						<p>or other requested services. To comply with this mandate, the department will propose a fee schedule that provides for the recovery of hourly inspection costs, both regular and overtime. Currently, hourly inspection rates are below the cost of providing inspection services.</p> <p>(2) Adopt federal terminal hourly rates established by USDA/AMS/FPB. Since there is no department rule for fresh produce audit verification of fruits and vegetables, the department will propose adopting the federal terminal market hourly inspection rate for such services. Adopting the federal terminal market hourly inspection rate would make the state and federal fees equal for this federal/state program.</p> <p>(3) Establish fees for fresh produce audit verification program for good agricultural practices (GAP) and good handling practices (GHP). The department will propose adopting federal market inspection fees for GAP and GHP audit certifications performed by federal/state-licensed auditors for the USDA fresh produce audit verification program.</p>
<p>Chapter 16-449 WAC</p> <p>Chapter 16-459 WAC</p> <p>Chapter 16-690 WAC</p>	<p>Washington controlled atmosphere storage requirements for winter pears.</p> <p>Controlled atmosphere storage.</p> <p>Fruit storage.</p>	<p>Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883</p>	<p>7/2/03</p>	<p>9/17/03</p>	<p>11/03</p>	<p>Combine the three chapters into one chapter containing the controlled atmosphere requirements for fruits and vegetables.</p>
<p>Chapter 16-461 WAC</p>	<p>Inspection requirements for fruits and vegetables.</p>	<p>Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883</p>	<p>8/20/03</p>	<p>10/22/03</p>	<p>12/03</p>	<p>The department will consider amending chapter 16-461 WAC because current rule language does not address movement of controlled commodities to out-of-state facilities for packing and shipping for fresh market sales. Current language only addresses requirements for intrastate movement. Rule language will be revised to specifically define the requirements for interstate movement of controlled commodities. Such amendments are necessary because of recent problems a Washington state asparagus handler encountered when requesting to ship asparagus to a California packer/shipper for packing and shipping for fresh market. Also, the department will repeal WAC 16-461-015 because it is no longer needed.</p>

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-301-005	General seed standards—Definitions.	Bob Gore Assistant Director Commodity Inspection Division phone (360) 902-1827	6/4/03	7/23/03	9/03	<p>Proposed amendments will:</p> <ul style="list-style-type: none"> Amend the "official seed laboratory" definition in WAC 16-301-005 to include accredited seed laboratories; Amend WAC 16-301-010 and 16-301-055 to update Association of Official Seed Certifying Agencies (AOSCA) and Association of Official Seed Analysts (AOSA) adoption dates; Amend WAC 16-302-110(1) to read that certification tags "must be" attached to a container of certified seed before it is distributed; Amend WAC 16-302-110(2) by replacing the words "under the supervision of the certifying agency" with "in accordance with the certifying agencies rules"; Amend WAC 16-302-150(3) and 16-302-155 (2)(b) to delete the references to "Part C" because there isn't a Part "C" on the Interagency Certified Seed Report form; Amend WAC 16-302-255(1) by replacing "preceding three years" with "preceding one year"; Amend WAC 16-302-385 by adding minimum purity requirements for "turf type" fescue and "range/reclamation type" fescue to the fescue section of the table; Amend WAC 16-302-410(3) to delete "a ten gram Poa annua check"; and Any other clarifying amendments to these sections that might be necessary.
WAC 16-301-010	What publications are adopted in chapters 16-301, 16-302 and 16-303 WAC and where can they be obtained?					
WAC 16-301-055	Tolerances for seed law enforcement.					
WAC 16-302-110	Completion of seed certification—When may seed be labeled with a seed certification tag, label or seal?					
WAC 16-302-150	Eligibility for inter-agency certification.					
WAC 16-302-155	Interagency seed certification procedure.					
WAC 16-302-255	Land requirements for bean seed certification.					
WAC 16-302-385	Grass seed standards for certification.					
WAC 16-302-410	Standards for sod quality seed.					
WAC 16-303-200	Seed program testing fees.	Bob Gore Assistant Director Commodity Inspection Division phone (360) 902-1827	6/4/03	7/23/03	9/03	<p>Proposed rule amendments will restructure the seed program's fee schedule and increase fees charged for services to a sufficient level to recover current operating costs, finance two additional seed analysts and enhance the program's ability to address future testing requirements of new technology and crops being raised in Washington state. Chapter 308, Laws of 2003 (HB 1126), which was signed by the governor on May 14, 2003, authorizes the department to increase seed certification fees, laboratory analysis fees and miscellaneous fees for alfalfa,</p>
WAC 16-303-210	Fees for special seed tests.					
WAC 16-303-220	Inventory testing for seed germination.					
WAC 16-303-240	Official seed sampling or similar service.					
WAC 16-303-250	Fees for blending seed.					
WAC 16-303-300	Miscellaneous charges for seed services.					
WAC 16-303-310	Phytosanitary certification of seed—Fees.					

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
<p>WAC 16-303-315</p> <p>WAC 16-303-317</p> <p>WAC 16-303-320</p> <p>WAC 16-303-330</p>	<p>Organization for economic cooperation and development scheme for varietal certification (OECD) fees. Service fee for sod quality seed tags and tagging.</p> <p>Annual and rough bluegrass quarantine fees.</p> <p>Certification fees for seed certified by the department except grasses.</p> <p>Certification fees for grass seed.</p>					<p>grasses, vegetables and other minor seed crops sufficiently to cover the cost of operating the seed program and provide expanded services to effectively meet the needs of the industry. In addition, some sections in chapter 16-303 WAC will either be repealed or combined.</p>
<p>WAC 16-237-170</p>	<p>Emergency storage situation.</p>	<p>Don Michelbook Grain Warehouse Audit Program Manager phone (509) 533-2488</p>	<p>6/4/03</p>	<p>7/23/03</p>	<p>8/28/03</p>	<p>The purpose of this rule making is to implement chapter 13, Laws of 2003 (HB 1101), which amended RCW 22.09.660, and was unanimously passed by the 2003 legislature and signed by Governor Locke on April 14, 2003. The department will implement HB 1101 by amending WAC 16-237-170 to:</p> <ul style="list-style-type: none"> • Extend the time period from thirty to one hundred twenty days that grain covered by negotiable receipts can be forwarded during emergency storage situations without canceling or reissuing the negotiable receipt. The one hundred twenty day time period aligns the department's rule with USDA requirements under the uniform grain and rice storage agreement. • Allow for possible extensions of the one hundred twenty day time period. Again, this aligns the department rule with USDA requirements. • Require written permission from the depositor and/or the holder of the warehouse receipt before the grain is shipped. <p>The department will also rewrite WAC 16-237-170 according to clear rule-writing principles that comply with the "clarity" criteria in Executive Order 97-02.</p>

MISC.

George Huffman
Rules Coordinator

WSR 03-16-002
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2003, 4:04 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-56 MAA.
 Subject: Prescription drug program updates—MAC list.
 Effective Date: August 2003.

Document Description: Effective for dates of service on and after August 1, 2003, the Medical Assistance Administration (MAA) will implement adjustments to the prescription drug program's maximum allowable cost (MAC) list. This memorandum lists the details.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 18, 2003

E. A. Myers, Manager
 Rules and Publications Section

- Implementation of the Limited casualty program—Psychiatric indigent inpatient (PII) for inpatient treatment of psychiatric indigent clients.
- Revision of medically indigent disproportionate share hospital (MIDSH) program.
- Revision of the small rural hospital assistance program disproportionate share hospital (SRHAPDSH) adding a profitability factor to the payment calculation.
- Clarification of CMS 2552 Medicare cost reports reporting requirements set by the department, and authorized action if reports are not forwarded to the department timely.

Written comments may be sent to Doug Porter, Assistant Secretary, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45080, Olympia, WA 98504-5080.

For more information regarding this clarification of language, please write to Larry Linn, Rates Analysis Section, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone and web link: (360) 725-1345, [weblink http://maa.dshs.wa.gov](http://maa.dshs.wa.gov), TDD (800) 848-5429, fax (360) 586-9727, e-mail Myersea@dshs.wa.gov.

July 21, 2003
 E. A. Myers

WSR 03-16-003
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2003, 4:05 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public Notice.
 Subject: Medicaid state plan amendment 03-011.
 Effective Date: July 1, 2003.

Document Description: The Department of Social and Health Services (department), Medical Assistance Administration (MAA), is updating the Medicaid state plan through state plan amendment (SPA) 03-011 to further describe policy and methods for hospital payment explained in Attachment 4.19-A, Part I of the plan. This is an updated public notice providing additional information to that provided in the public notice on June 18, 2003, in the State Register for SPA 03-011.

This update lists programs where changes to the plan are being made. Significant changes include:

- Elimination of the acute physical medicine and rehabilitation (PM&R) Level B program.
- Adding graduate medical education information about direct payments related to managed care.
- Implementation of the nonrural hospital indigent adult assistance program disproportionate share hospital (NRHIAAPDSH).

WSR 03-16-004
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2003, 4:06 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public Notice.
 Subject: Medicaid state plan amendments.
 Effective Date: August 11, 2003.

Document Description: The Department of Social and Health Services (department), Medical Assistance Administration (MAA), is updating the Medicaid state plan to further describe: (1) Service programs described in Attachments 3.1-A and 3.1-B to the plan; and (2) payment methods used to pay for service programs that are described in Attachment 4.19-B of the plan.

These updates clarify some service programs and their payment methods that already exist in the State Plan and describe some service programs and their payment methods not previously identified in the Medicaid State Plan. The department currently administers all programs described and has for some time. These updates are made to identify and/or clarify all service programs administered by MAA in the department. Clarifying language exists for the following service programs:

*Attachment 3.1-A (Categorically Needy Services)

** Attachment 3.1-B (Medically Needy Services)
 \$ Attachment 4.19-B (Other Institutional and Non-institutional Services Payment Methods)

- Inpatient Hospital**,**
- Outpatient Hospital**,**,\$
- Freestanding Ambulatory Surgery Centers**,**,\$
- Freestanding Birthing Centers**,**,\$
- Freestanding Alcohol/Drug Treatment Centers**,**,\$
- Indian Health Services and Tribal Facilities**,**,\$
- Rural Health Clinics**,**,\$
- Federally Qualified Health Centers (FQHCs)**,**,\$
- Laboratory Services**,**
- Radiology Services**,**
- Nursing Facilities for Clients Under Age 21**,**
- Early Periodic Screening, Diagnosis, and Treatment (EPSDT)**,**
- Physicians Services**,**
- Medical Care & Other Remedial Care**,**,\$
- Medical Nutrition and Medical Nutrition Therapy**,**,\$
- Home Health Care**,**
- Private Duty Nursing**,**,\$
- Clinic Services**,**,\$
- Dental Services**,**
- Physical Therapy, Occupational Therapy, Services for speech, hearing, language disorders**,**,\$
- Dentures**,**,\$
- Prosthetic Devices**,**,\$
- Eyeglasses**,**,\$
- Diagnostic Services**,**

- Intermediate Care Facilities/Skilled Nursing Facilities **,**
- Inpatient Psychiatric Care for Clients under 21 years**,**,\$
- Nurse Mid-wife Services**,**,\$
- Non-nurse Mid-wife Services**,**,\$
- Hospice**,**
- Extended Services for Pregnant Women**
- Respiratory Care**,**
- Transportation [Transportation]**,**,,\$
- Interpreter Services**,**,\$
- Planned Home Births**,**,\$

Written comments may be sent to Doug Porter, Assistant Secretary, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45080, Olympia, WA 98504-5080.

For more information regarding this clarification of language, please write to Larry Linn, Rates Analysis Section, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, weblink <http://maa.dshs.wa.gov>, TDD 1-800-848-5429, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

July 22, 2003
 E. A. Myers

WSR 03-16-007

AGENDA

HEALTH CARE AUTHORITY

[Filed July 24, 2003, 11:16 a.m.]

Washington State Health Care Authority
Melodie Bankers, Rules Coordinator, (360) 923-2728

July 31, 2003, Semi-Annual Rule-Making Agenda

Approximate Preproposal			
1. Date	Purpose of the Rule	Rule(s)	Other Agencies who
2. Subject Area	Why is this Significant?	Mandate	may have Interest in
3. Contact/Telephone Number			the Subject of Rule(s)
1. Winter 2003-4	Required to implement inter-agency prescription drug project and effectuate SB 6088.		DSHS/MAA, L&I
2. Prescription drug programs			
3. Duane Thurman, (206) 521-2036			
1. September 2003	Define criteria for approving extended payment schedules for Basic Health members who are billed for a subsidy overpayment.	No mandate	Department of Social and Health Services
2. Recoupment of subsidy overpayment			
3. Rosanne Reynolds, (360) 923-2948			

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have Interest in the Subject of Rule(s)
1. November 2003 2. Twelve month wait to reenroll after disenrollment 3. Rosanne Reynolds, (360) 923-2948	Revise rules that require former members who are disenrolled from Basic Health to wait at least twelve months before reenrolling.	No mandate	Department of Social and Health Services
1. September 2003 2. Limitations on award 3. Bob Blacksmith, (360) 923-2755	Limitations on award per chapter 25, Laws of 2003, E1 for non-profit community clinics funded under the community health services program.	Chapter 25, Laws of 2003, E1	None
1. July 2003 2. PEBB program 3. Barbara Scott, (360) 923-2642	HCA plans to review and possibly amend sections of chapters 182-08 and 182-12 WAC for clarity and to update procedures and requirements.	No mandate	State agencies, state institutions of higher education, state K-12 school districts
1. CR-102 (AO #02-07) filed June 18, 2003 2. Chapters 182-08 and 182-12 WAC 3. Barbara Scott, (360) 923-2642	HCA completed an annual review of chapters 182-08 and 182-12 WAC and filed proposed amendments to clarify eligibility rules affecting PEBB-sponsored coverage for active and retired public employees.	No mandate	State agencies, state institutions of higher education, state K-12 school districts and state political subdivisions that participate in the PEBB program.
	Proposed amendments to chapter 182-08 WAC will clarify employee enrollment options, the consequences for late payment of employer or member premium payment, the member's responsibility for reporting eligibility changes and the HCA's policy for refunding premium payments.	No mandate	
	Proposed amendments to WAC 182-12-111 effectuate statutory changes passed by the 2003 legislature, affecting health care premium cost sharing between K-12 school districts or educational service districts and their employees who participate in the PEBB-sponsored benefit program.	Chapter 158, Laws of 2003	
	Proposed amendments to WAC 182-12-117 will clarify retiree enrollment election and premium payment requirements and clarify the retiree's responsibility for providing requested information such as would affect their and/or their dependents eligibility.	No mandate	

MISC.

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have Interest in the Subject of Rule(s)
	Proposed amendments to WAC 182-12-119 simplify the eligibility for dependent children, making it less of an administrative burden for the member and produces efficiency for the HCA.	No mandate	
	Proposed amendment to WAC 182-12-132 will modify retiree eligibility to allow for deferral or waiving of enrollment in PEBB retiree coverage while the member is enrolled in retirement coverage through their and/or their spouses employer.	No mandate	

Melodie Bankers
Rules Coordinator

WSR 03-16-008
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

[Memorandum—July 24, 2003]

Per WAC 222-08-040, the Forest Practices Board will hold a special meeting on October 15, 2003, at 9 a.m. - 5 p.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia.

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. To be added to this distribution list, please contact Board Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1758, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

To view this and other board related information on-line, log on to the Forest Practices Board's web site at www.wa.gov/dnr.

WSR 03-16-008A
AGENDA
FOREST PRACTICES BOARD

[Filed July 24, 2003, 1:02 p.m.]

Rule Development Agenda
July - December 2003

The board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period.

1. Procedural and Ethics Rules. At the May 14, 2003, meeting, the board reengaged with permanent rule making on its rules for procedure and ethics, which will update the board's administrative procedures, and provide new rules on public record requests and executive ethics. The board will consider the proposed rules at the November 2003 meeting.

2. Editorial and Minor Rule Changes. The current permanent rules are being reviewed for editorial and minor clarification changes. This may result in a rule proposal.

3. Marbled Murrelet Rules. The board will consider a rule proposal at the August 2003 meeting. The rules would reflect an updated survey protocol.

4. Cultural Resources. The TFW Cultural Resources Committee has developed a watershed analysis module and associated rules for cultural resources. The board will consider rule making at the August 2003 meeting.

5. Other Legislative Mandated Changes. Legislation that passed during the 2003 session will be reviewed to determine if new rule making will need to occur. Legislation passed during the 2001 and 2002 session that will require new rule making includes SSB 6241 pertaining to Christmas trees and SB 5497 relating to forestland definition.

6. Road Maintenance and Abandonment Plans. At the May 14, 2003, board meeting, the board initiated permanent rule making to implement changes to the small forest landowner road maintenance and abandonment planning requirements contained in 2SHB 1095 passed by the 2003 legislature. The board will conduct public hearings on September 23 and September 25 to receive public testimony prior to adopting an emergency rule on October 15, 2003.

7. Salmonid Adaptive Management. The Forests and Fish Policy Committee will be reviewing results from scientific projects for possible rule modifications. The board may consider permitting requirements for such projects.

MISC.

8. Upland Wildlife. The Department of Fish and Wildlife is conducting a comprehensive review of the forest practices rules and science for wildlife protection and development of cooperative management planning processes. This may result in a rule proposal.

Contact Person: Patricia Anderson, FPB, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov.

WSR 03-16-014

NOTICE OF PUBLIC MEETINGS

COMMISSION ON HISPANIC AFFAIRS

[Memorandum—July 22, 2003]

The Commission on Hispanic Affairs has found it necessary to change the meeting dates for its September 12th study session and September 13th public meeting in Brewster. The meetings have been changed to the following weekend: Friday, September 19th and Saturday, September 20th. The change was necessitated by conflicts with the various regional Fiestas Patrias occurring on the weekend of the 13th, festivities celebrating Mexican Independence Day.

WSR 03-16-017

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 28, 2003, 4:05 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 236.

Subject: Transition to NewSEMS and New FormsGen.

Effective Date: July 24, 2003.

Document Description: This notice explains to DCS staff how to manage case computer records until the conversion to the new Windows-based DCS support enforcement management system and forms generation programs are completed.

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 sshille@dshs.wa.gov.

July 24, 2003

Stephanie E. Schiller

WSR 03-16-036

NOTICE OF PUBLIC MEETINGS COMMISSION ON JUDICIAL CONDUCT

[Memorandum—July 28, 2003]

By direction of the Commission on Judicial Conduct, the 11:00 a.m., Friday, October 3, 2003, business meeting of the commission, previously scheduled at the Holiday Inn Express Hotel and Suites, 19621 International Boulevard, SeaTac, WA 98188, will now be held at 11:00 a.m. at the Red Lion Silverdale Hotel, 3073 N.W. Bucklin Hill Road, Silverdale, WA 98383.

WSR 03-16-037

NOTICE OF PUBLIC MEETINGS COMMISSION ON JUDICIAL CONDUCT

[Memorandum—July 28, 2003]

NOTICE OF SPECIAL MEETING

By direction of the Commission on Judicial Conduct, the commission will hold a special meeting commencing at 6:00 p.m. on Wednesday, October 1, 2003, and continuing until approximately 9:00 p.m. on October 2, 2003. The meeting will be conducted at the Red Lion Silverdale Hotel, 3073 N.W. Bucklin Hill Road, Silverdale, WA 98383 for the purpose of providing an education program for its members.

WSR 03-16-048

AGENDA DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed July 31, 2003, 1:15 p.m.]

Department of Financial Institutions Semi-Annual Agenda for Rules Under Development July 1, 2003 - December 31, 2003

DIVISION OF CONSUMER SERVICES

1. Develop rules to implement the new Money Transmitters Act, chapter 287, Laws of 2003.

2. Amendments to chapter 208-630 WAC, to implement the amended check cashers and sellers statute (chapter 31.45 RCW), chapter 86, Laws of 2003.

3. Amendments to chapter 208-680 WAC, Escrow Agent Registration Act, to amend trust accounting requirements and collections activity.

DIVISION OF CREDIT UNIONS

1. Amendments to chapter 208-418 WAC, Fees charged to credit unions and other persons, to decrease the asset assessment fees for fiscal years 2004 and 2005 for credit unions under \$22 million total assets. The flat fee rate will be reduced to a rate based on a multiplier of total assets.

2. Amendments to chapter 208-460 WAC, Member business loans, to modernize the rules for credit unions to make

member business loans. Before beginning the rule-making process, the division will apply to the National Credit Union Administration (NCUA) board for approval of the proposed changes to chapter 208-460 WAC due to the requirement of the Credit Union Membership Access Act of 1998, which stipulates all state regulators obtain NCUA board approval on state rules for member business lending. DCU will be working with the credit union industry as part of the process.

3. The Divisions of Banks and Credit Unions are in the process of meeting with an industry debt cancellation contracts task force. The task force may suggest guidance for debt cancellation contracts. Subsequently, rule making may be initiated on debt cancellation.

DIVISION OF SECURITIES

1. The division may amend WAC 460-42A-081 to recognize the Toronto Stock Exchange for purposes of secondary trading.

WSR 03-16-049

AGENDA

PUBLIC DISCLOSURE COMMISSION

[Filed July 31, 2003, 2:07 p.m.]

Agenda for Rules Under Development June 2003 - January 2004

Agency Contact: Doug Ellis, Director of Public Outreach, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov.

At present, the Public Disclosure Commission has twenty-six rules under development:

1. **Topic:** Revising language in chapter 390-37 WAC to conform to Administrative Procedure Act (ADA).

Status: The commission has filed a preproposal statement with the code reviser giving notice that it is considering adjustments to chapter 390-37 WAC to bring all enforcement rules under the section into conformity with the APA. A public hearing on this issue may occur on October 28, 2003. If new language is established by rule, it will likely go into effect on or before January 1, 2004.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: Chapter 42.17 RCW.

WAC Cite: WAC 390-37-000 Enforcement cases—Jurisdiction, 390-37-010 Enforcement procedures—Policy, 390-37-020 Enforcement procedures—Initiation of complaint, 390-37-030 Enforcement procedures—Status of citizen complainant and others, 390-37-040 Enforcement procedures—Procedures for filing citizen complaints, 390-37-050 Enforcement procedures—Respondent's notice of complaint, 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing, 390-37-063 Enforcement procedures—Demand for information—Subpoenas, 390-37-070 Enforcement procedures—Complaints dismissible by executive director, 390-37-090 Informal settlement—Cases resolvable by stipulation, 390-37-100 Enforcement procedures—Conduct of hearings, 390-37-105 Prehearing conference—Rule, 390-37-120 Enforcement hearings—Subpoenas—Dis-

covery—Hearings, 390-37-130 Enforcement hearings—Depositions and interrogatories—Right to take, 390-37-132 Enforcement hearings—Depositions and interrogatories—Notice, 390-37-134 Depositions and interrogatories in enforcement hearings—Protection of parties and deponents, 390-37-136 Production of documents and use at hearing, 390-37-140 Brief enforcement hearings—Authority, 390-37-142 Brief enforcement hearing—Procedure, 390-37-144 Brief enforcement hearing—Administrative review procedures, and 390-37-150 Reconsideration and review of decisions.

2. **Topic:** Out-of-state or federal political committee contributions.

Status: Development of rule amendments to clarify reporting requirements for out-of-state or federal political committees to conform with legislative action in the passage of SHB 1294. A preproposal statement has been filed with the code reviser.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.090 (1)(l).

WAC Cite: WAC 390-16-055 and 390-16-050.

3. **Topic:** Electronic filing of campaign finance reports.

Status: Possible rule amendments are needed to clarify that electronic filing is an annual mandate, to establish an additional threshold level to determine when a filer can reasonably "expect to expend" an amount over the threshold and to develop electronic guidelines for candidates and political committees involved in special elections. A preproposal statement has been filed with the code reviser.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.3691.

WAC Cite: Chapter 390-19 WAC.

4. **Topic:** New rule on disclosure of small contributors.

Status: On February 12, 2003, King County Superior Court Judge Richard McDermott issued a permanent injunction enjoining the commission from taking action to enforce RCW 42.17.680(4) by requiring employers to disclose the names or signatures of such individuals who have made contributions in the amount of \$25 or less during the year. Possible new rule may be needed to assist in implementing the requirements of the permanent injunction. A preproposal statement has been filed with the code reviser.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.680(4).

WAC Cite: New.

5. **Topic:** New rules on caucus political committee reporting requirements.

Status: Possible new rule amendments are needed to clarify the reporting requirements of agents working with more than one political committee and activities jointly shared by more than one political committee. A preproposal statement has been filed with the code reviser.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.065, [42.17].080 and [42.17].090.

WAC Cite: New.

A complete listing of rule-making activity from 1999 to present can be found on the Public Disclosure Commission website at www.pdc.wa.gov under rule-making activity.

July 31, 2003
 Douglas J. Ellis
 Director of Public Outreach

WSR 03-16-051
OFFICE OF
REGULATORY ASSISTANCE

[Filed July 31, 2003, 3:38 p.m.]

Designation as a "Qualifying Project"
under Chapter 393, Laws of 2003

Chapter 393, Laws of 2003, allows a project to request a designation as a "qualifying project" for purposes of appeal and review of permit decisions. Section 4 of the act requires the Office of Permit Assistance, now the Office of Regulatory Assistance, to provide notice of such designation to the code reviser for publication in the Washington State Register.

The following project has requested and been granted a designation as a qualifying project: Links at Half Moon Bay Project, Mox-Chehalis LLC, Chuck Maples, 1001 Cooper Point Road S.W., Suite 140-357, Olympia, WA 98502.

Claire Hesselholt
 Director

WSR 03-16-052
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE

[Memorandum—July 28, 2003]

You were notified in March that our board of trustees would be holding an all-day workshop on August 20, 2003, beginning at 9:00 a.m. at 650 Smith Road, Toutle, WA. However, the date has been changed to Tuesday, August 26, 2003.

WSR 03-16-053
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE

[Memorandum—July 30, 2003]

The board of trustees of Peninsula College will change the date of their regular November 11, 2003, meeting due to Veteran's Day Holiday. The rescheduled date will be November 18, 2003, at 2:00 p.m. on the campus of Peninsula College, Port Angeles.

WSR 03-16-060

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 1, 2003, 12:38 p.m.]

The Employment Security Department Rule-Making Agenda for July 2003 is submitted for filing in accordance with E2SHB 1032, Section 206.

Employment Security Department
Semi-Annual Rule-Making Agenda (July 31, 2003 - January 31, 2004)

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Title 192 WAC	Chapter 192-330 WAC, collections and refunds.	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 8/03 Hearing - 9/03	Adopt rules clarifying the action that will be taken regarding tribal entities in default of their unemployment insurance taxes. Clarify tax rate for delinquent nonprofit entities who change payment method from reimbursement to contribution-paying (taxable).
Chapter 192-210 WAC	Special category occupations (referral union members).	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 10/03 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individual members of full referral unions. Clarify requirements of unions participating in the referral union program.
Chapters 192-170 192-180 WAC	Availability to accept work; job search requirements.	Karen Malo (360) 902-0918	CR-101 - 8/02 CR-102 - 10/03 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individuals who leave work to protect themselves or a member of their immediate family from domestic violence or stalking.

MISC.

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Title 192 WAC	Benefits rules.	Juanita Myers (360) 902-9665	CR-101 - 7/03 CR-102 - 12/03	Amend existing rules and adopt new rules as needed to implement unemployment benefits provisions of 2ESB 6097. Topics include job separations, penalties, job search requirements, calculation of benefits, and part-time workers.
Title 192 WAC	Tax rules.	Juanita Myers (360) 902-9665	CR-101 - 7/03 CR-102 - 3/04	Amend existing rules and adopt new rules as needed to implement unemployment tax provisions of 2ESB 6097. Topics include voluntary contributions, benefit charging, penalties, and successor employers.
Chapter 192-110 WAC	Applying for unemployment benefits.	Juanita Myers (360) 902-9665	CR-105 - 9/03	Amend WAC 192-270-005 to reflect current procedures for applying for unemployment benefits.
Chapter 192-270 WAC	Training benefits for dislocated workers.	Juanita Myers (360) 902-9665	CR-101 - 1/04	Amend WAC 192-270-035 to clarify application and enrollment deadlines. Amend WAC 192-270-050 to clarify the requirement that having a current benefit year is a prerequisite for having a training plan approved.
Title 192 WAC	Various.	Juanita Myers (360) 902-9665	CR-105 - 1/04	Expedited adoption of various housekeeping measures, correcting typographical errors or editing for clarity.

July 31, 2003

Larry Oline

Rules Coordinator

WSR 03-16-062
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 1, 2003, 1:05 p.m.]

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was distributed to all state and local agencies, other interested parties, and posted on the internet on August 1, 2003, the industrial statistician has determined the state-wide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after August 31, 2003.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our website at www.lni.wa.gov/prevailing-wage or call (360) 902-5335.

Josh Swanson
 Legislative and Rules Manager

WSR 03-16-066
 AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed August 1, 2003, 4:20 p.m.]

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 03-17 issue of the Register.

WSR 03-16-069
 NOTICE OF PUBLIC MEETINGS
CENTER FOR
INFORMATION SERVICES
 [Memorandum—August 1, 2003]

Center for Information Services (CIS)

Meetings scheduled at this time:

9 - 11 a.m.
 July 24, 2003
 Port Ludlow
 9 - 11 a.m.
 September 25, 2003
 Wenatchee Valley College
 9 - 11 a.m.
 October 30, 2003
 Peninsula College

9 - 11 a.m.
 November 20, 2003
 Pierce College - Fort Steilacoom
 9 - 11 a.m.
 January 22, 2004
 SBCTC
 9 - 11 a.m.
 February 26, 2004
 South Puget Sound Community College
 9 - 11 a.m.
 March 12, 2004
 South Puget Sound Community College
 9 - 11 a.m.
 April 29, 2004
 Green River Community College
 9 - 11 a.m.
 May 27, 2004
 Walla Walla Community College

These meetings are scheduled as part of WACTC.

WSR 03-16-070
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—August 1, 2003]

The board of directors of the Washington State Convention and Trade Center will meet for a planning retreat **August 8 and 9, 2003**. The retreat will take place at Willows Lodge, 14580 N.E. 145th Street, Woodinville, WA 98072. No final action will be taken at this meeting.

The Friday program, August 8, will begin with meetings 8:30 a.m. through noon. Following a lunch break, meetings will continue 1:00 p.m. through 5:00 p.m. The agenda for Friday will include a discussion of the hospitality industry and operating procedures for the Convention Center.

The Saturday program, August 9, will consist primarily of a work session beginning at 8:30 a.m. and concluding at noon. Board members will review the WSCTC corporate mission statement and establish future operating goals.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 03-16-072
DEPARTMENT OF CORRECTIONS

[Filed August 4, 2003, 2:57 p.m., effective September 4, 2003]

The Department of Corrections' rules shown below amend chapter 137-91 WAC, Adult correctional institutions—Medical care—Health care; chapter 137-96 WAC, Prerelease programs; and chapter 137-104 WAC, Community custody violation hearings. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Chapter 137-91 WAC, Adult correctional institutions—Medical care—Health care; chapter 137-96 WAC, Prerelease programs; and chapter 137-104 WAC, Community custody violation hearings, are amended and adopted as of August 4, 2003.

2. The effective date of these amended rules shall be September 4, 2003.

3. I certify pursuant to RCW 34.05.030 that the rules as stated above are excluded from the Administrative Procedure Act.

4. The amendments update the titles of agency executive management, the names of agency subdivisions, addresses, statutory references that have changed and other changes of a similar nature.

Patria Robinson-Martin
 for Joseph D. Lehman
 Secretary

AMENDATORY SECTION (Amending WSR 97-22-057, filed 11/3/97, effective 10/22/97)

WAC 137-91-100 Health record. The health record shall be maintained at the facility where an offender is housed. Health records of offenders housed at work release facilities shall be maintained at a location(s) designated by the ~~((director, division of community corrections))~~ regional administrator for the region in which the facility is located. Upon transfer of the offender between state facilities, that offender's record shall be transferred along with the offender. The health record shall be archived ninety days following the offender's release from the department's jurisdiction. The health record shall include:

- (1) Detailed reports of admission, medical, dental and mental health evaluations and recommendations;
- (2) All primary encounter and progress notes regarding continuing health status including illnesses, hospitalization, surgery, results of consultations and examinations, reports of tests done, immunizations, and problem lists;
- (3) Reports completed by outside consultants.

Information contained in the offender health record is **confidential**. Access to and release of information contained in the offender health record shall be in strict compliance with chapter 70.02 RCW.

AMENDATORY SECTION (Amending WSR 95-22-059, filed 10/30/95, effective 12/1/95)

WAC 137-96-020 Definitions. (1) "Secretary" is the secretary of the department of corrections.

(2) (~~("Director")~~) "Deputy secretary" is the ~~((director, division of community corrections))~~ deputy secretary, office of correctional operations, department of corrections.

(3) (~~("Assistant director")~~) "Assistant deputy secretary" is the assistant ~~((director of the division of community corrections))~~ deputy secretary, office of correctional operations.

(4) "Superintendent" is the individual responsible for the planning, organizing, and implementation of programs at a prerelease facility.

MISC.

(5) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide programming for offenders at prerelease.

(6) "Prerelease offender" is an offender who has been approved and placed in prerelease.

(7) "Volunteer escort" is a responsible citizen who has been screened, trained, and assigned to escort and supervise offenders during official and approved activities outside of the facility or to participate in approved activities inside the facility.

(8) "Prerelease" is a total confinement facility approved for housing and supervision of offenders under the jurisdiction of the department of corrections. The program provides the transitional services necessary to assist offenders in their successful return into the community.

AMENDATORY SECTION (Amending WSR 95-22-059, filed 10/30/95, effective 12/1/95)

WAC 137-96-110 Earned time, granting, and denial.

An offender may receive earned time sentence reduction for participating or attempting to participate in facility work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the offender. Should the offender wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the offender has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent, pursuant to WAC ((137-95-170)) 137-56-175. The offender shall be provided a written statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC ((137-95-210)) 137-56-180. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state offenders shall be handled in substantial accord with this rule.

AMENDATORY SECTION (Amending WSR 95-22-059, filed 10/30/95, effective 12/1/95)

WAC 137-96-130 Infractions—On-site adjustment.

(1) In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(a) Counseling, warning, or reprimanding the offender; and/or

(b) Causing the offender to remove himself/herself from the situation immediately involved in the violation.

(2) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether an 877 serious infraction under WAC ((137-95-090)) 137-56-110 has occurred.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 137-96-140	Purpose.
WAC 137-96-150	Authority.
WAC 137-96-160	Definitions.

AMENDATORY SECTION (Amending WSR 01-04-044, filed 2/1/01, effective 3/1/01)

WAC 137-104-020 Definitions. For purposes of this chapter, the following words have the following meanings:

(1) "Appeals panel" means three reviewing officers designated by the secretary with the authority to review hearing officers' decisions, and to affirm, reverse, or modify decisions and sanctions in accordance with RCW ((9-94A-205)) 9.94A.737.

(2) "Community corrections officer" means an employee of the department responsible for carrying out specific duties concerning the supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time served in the community subject to controls placed on the offender's movement and activities by the department. Offenders supervised on community custody include those subject to community placement (as defined in RCW 9.94A.-030), drug offender sentencing alternative (as described in RCW ((9-94A-120)) 9.94A.505), community custody for a sex offense (as described in RCW ((9-94A-120)) 9.94A.505), community custody max, first-time offender waiver (as described in RCW ((9-94A-120)) 9.94A.505), or a work ethic camp program (as defined in RCW 9.94A.030), and those sentenced to community custody by the court for crimes committed on or after July 1, 2000, whose sentence is less than one year of confinement. For purposes of this subsection, "community custody max" means a term of community custody for certain sex offenders who have completed their maximum sentences of confinement.

(4) "Department" means the Washington state department of corrections.

(5) "Deputy secretary" means the deputy secretary of the office of correctional operations of the department, or the deputy secretary's designee.

(6) "Graduated sanction system" means structured incremental responses designed to reduce risk to the public, effectively intervene in noncompliant behavior, where possible, repair harm to the community, and make efficient use of limited state resources. Sanctions may include, but are not limited to, partial or total confinement; home detention with electronic monitoring; work crew; community service; inpatient treatment; daily reporting; curfew; educational or counseling sessions; supervisions enhanced through electronic monitoring; or any other sanctions available in the community.

(7) "Hearing officer" means an employee of the department authorized to conduct department hearings.

(8) "Hearings program manager" means the manager of the hearings unit of the department, or the hearings program manager's designee.

(9) "Offender" means any person in the custody of or subject to the jurisdiction of the department.

(10) "Partial confinement" means confinement in a facility or institution operated or utilized under contract by the state or by any other unit of government, to include, but not be limited to, work release, treatment center, residential facility, or home detention with electronic monitoring.

(11) "Probable cause" means a determination, made by a hearing officer, that there is cause to believe a violation has occurred.

(12) "Secretary" means the secretary of the department, or the secretary's designee.

(13) "Stipulated agreement" means an agreement between the offender and the department in which the offender admits violations and agrees to comply with intermediate sanctions. For the purposes of this subsection, "intermediate sanction" means department-imposed sanctions that are served in the community rather than total confinement.

(14) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, to include, but not be limited to, adult correctional facilities, camp and pre-release facilities or a county or municipal jail.

(15) "Working day" means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington.

WSR 03-16-075

NOTICE OF PUBLIC MEETINGS WASHINGTON SCHOOL FOR THE DEAF

[Memorandum—July 31, 2003]

The Washington School for the Deaf board of trustees will meet via a conference call (rather than physically meeting at the school) on Wednesday, August 6, 2003.

WSR 03-16-076

NOTICE OF PUBLIC MEETINGS BATES TECHNICAL COLLEGE

[Memorandum—July 30, 2003]

The board of trustees of Bates Technical College will have a study session on August 5, 2003. The purpose of the study session will be to discuss the facilities master planning for Bates Technical College with Mithun Architectural firm. The study session will begin at 1:00 p.m. and end at approximately 5:00 p.m. and will be held in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board will also go into executive session at approximately 4:30 p.m. for the purpose of discussing personnel matters. No action will be taken during executive session.

WSR 03-16-078

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 4, 2003, 4:49 p.m.]

Notice of Grant Application

The public is invited to review the year 2004 Washington state application for federal substance abuse prevention and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2004 application will result in approximately \$37 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment.

A public hearing to review the application and consider questions or comments will be held September 18, 2003, at 1:00 p.m. **The location of the public hearing is the SeaTac Radisson Hotel located at 17001 Pacific Highway South, Seattle, WA 98188.** The hearing is sponsored by The Citizens Advisory Council on Alcoholism and Drug Addiction, a statutorily empowered body charged with the role of advising the Department of Social and Health Services on matters relating to the state substance abuse program.

The application is being prepared by the Department of Social and Health Services, Division of Alcohol and Substance Abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Vince Collins, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8226, fax (360) 438-8078, e-mail colliv1@dshs.wa.gov.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-16-079

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 4, 2003, 4:50 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 03-004.

Subject: Determining the NCP's medical support premium limit in orders issued by other states.

Effective Date: July 31, 2003.

Document Description: This notice explains to DCS staff how to apply medical support premium limits to NCPs in other states.

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.

July 31, 2003
Stephanie E. Schiller

WSR 03-16-088
POLICY STATEMENT
DEPARTMENT OF ECOLOGY

[Filed August 5, 2003, 4:05 p.m.]

Purpose: In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following:

Document Title: Administrative Policy for Recording the Agreed Division of Water Rights Among Multiple Property Owners.

Subject: Recording the agreed-upon division of water rights which are held by more than one property owner.

Document Description: This policy documents the generally applicable procedures that the Department of Ecology uses to track and record the agreed division of a water right where multiple property owners own land to which the water is appurtenant. This is intended to assist in correlating water right ownership information with real property information, for such purposes as notification of proposed actions by the agency, facilitating water marketing, and improving public access to information about water right ownership.

Effective Date: July 3, 2003.

To receive a copy of the policy statement contact Jeff Marti, Water Resources, Department of Ecology, P.O. Box 47600, 98504-7600, phone (360) 407-6636, fax (360) 407-6574, e-mail jema461@ecy.wa.gov, TDD: If you have special accommodation needs or require this document in an alternate format, please contact Water Resources reception at (360) 407-6600 (voice) or 711 (TTY) or 1-800-33-6388 [1-800-833-6388] (TTY).

Responsible Official: Joe Stohr, Program Manager.

August 4, 2003

Joe Stohr, Program Manager
Water Resources Program

MISC.

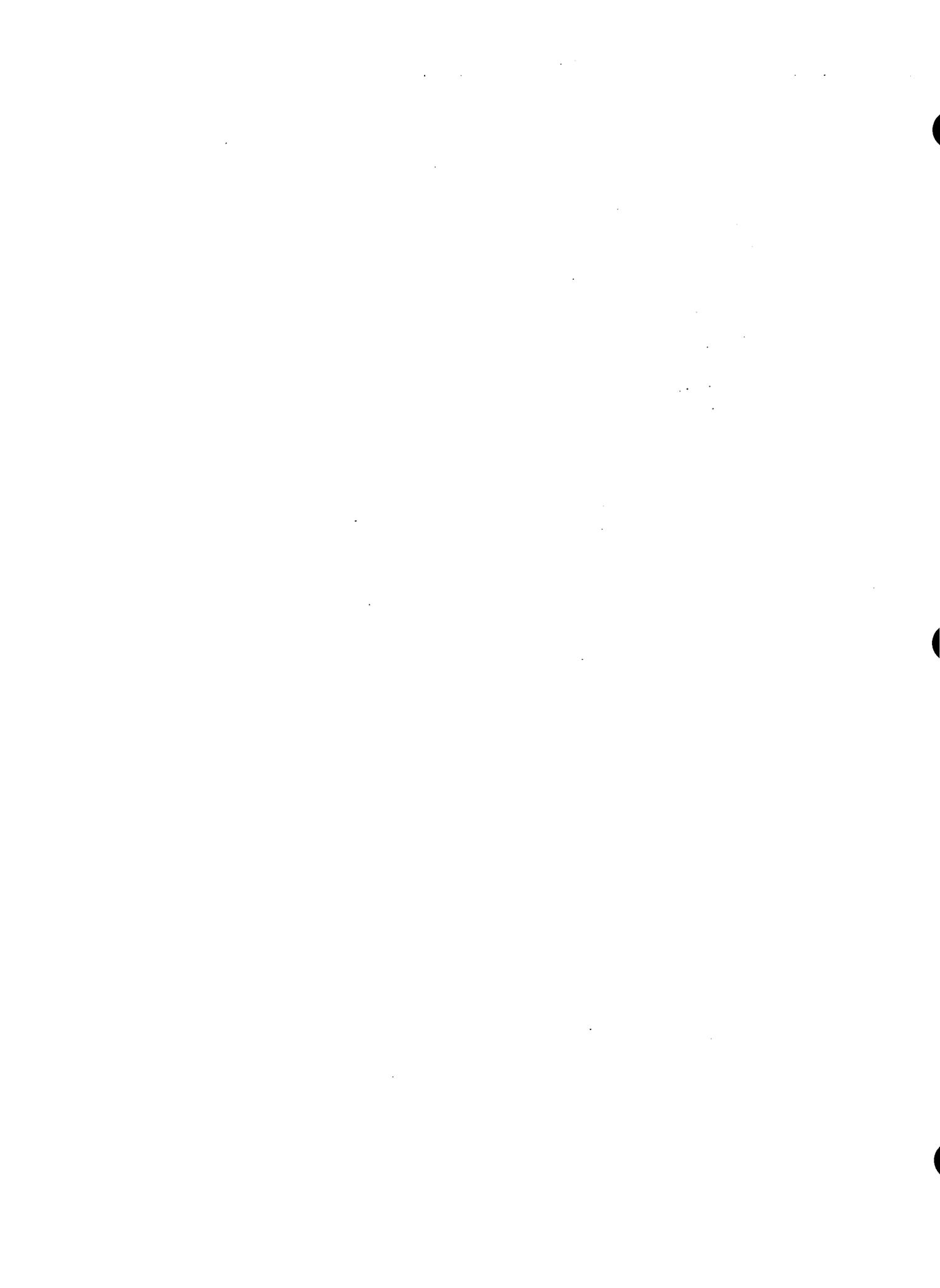


Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - X = Expedited rule making
 - XA = Expedited adoption
 - XR = Expedited repeal
 - No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3- 20-100	REP-P	03-05-101	16-200-715	PREP	03-13-114	16-238-090	REP	03-12-040
3- 20-100	REP	03-09-144	16-200-7401	NEW	03-02-100	16-238-100	REP-P	03-07-082
3- 20-200	NEW-P	03-05-101	16-200-7402	NEW	03-02-100	16-238-100	REP	03-12-040
3- 20-200	NEW	03-09-144	16-200-7403	NEW	03-02-100	16-238-110	REP-P	03-07-082
3- 20-300	NEW-P	03-05-101	16-200-7404	NEW	03-02-100	16-238-110	REP	03-12-040
3- 20-300	NEW	03-09-144	16-200-7405	NEW	03-02-100	16-239-010	NEW-P	03-07-082
4- 25	PREP	03-12-052	16-200-7406	NEW	03-02-100	16-239-010	NEW	03-12-040
4- 25-622	PREP	03-12-083	16-200-7407	NEW	03-02-100	16-239-020	NEW-P	03-07-082
4- 25-720	AMD-P	03-09-051	16-201	PREP	03-16-102	16-239-020	NEW	03-12-040
4- 25-720	AMD-S	03-10-036	16-219-016	REP-X	03-09-088	16-239-030	NEW-P	03-07-082
4- 25-721	PREP	03-05-012	16-219-016	REP	03-14-044	16-239-030	NEW	03-12-040
4- 25-721	AMD-P	03-09-052	16-228-1231	AMD-P	03-02-099	16-239-040	NEW-P	03-07-082
16- 54-155	NEW-E	03-03-085	16-228-1231	AMD	03-05-034	16-239-040	NEW	03-12-040
16- 54-155	PREP	03-12-020	16-228-1262	NEW-P	03-02-098	16-239-050	NEW-P	03-07-082
16- 54-155	NEW-E	03-12-021	16-228-1262	NEW	03-05-033	16-239-050	NEW	03-12-040
16- 54-155	NEW-P	03-15-139	16-228-1264	NEW-P	03-02-098	16-239-060	NEW-P	03-07-082
16-100-001	REP-X	03-13-130	16-228-1264	NEW	03-05-033	16-239-060	NEW	03-12-040
16-100-010	REP-X	03-13-130	16-228-1266	NEW-P	03-02-098	16-239-061	NEW-P	03-07-082
16-100-020	REP-X	03-13-130	16-228-1266	NEW	03-05-033	16-239-061	NEW	03-12-040
16-157-020	AMD	03-03-044	16-229-010	AMD-P	03-05-075	16-239-062	NEW-P	03-07-082
16-157-030	AMD	03-03-044	16-229-010	AMD	03-09-034	16-239-062	NEW	03-12-040
16-157-100	REP	03-03-044	16-229-200	AMD-P	03-05-075	16-239-063	NEW-P	03-07-082
16-157-110	REP	03-03-044	16-229-200	AMD-W	03-09-035	16-239-063	NEW	03-12-040
16-157-200	REP	03-03-044	16-231-107	AMD-X	03-07-037	16-239-064	NEW-P	03-07-082
16-157-220	AMD	03-03-044	16-231-107	AMD	03-11-097	16-239-064	NEW	03-12-040
16-157-230	AMD	03-03-044	16-237-170	PREP	03-12-086	16-239-065	NEW-P	03-07-082
16-157-240	AMD	03-03-044	16-237-170	AMD-P	03-15-090	16-239-065	NEW	03-12-040
16-157-245	NEW	03-03-044	16-238-010	REP-P	03-07-082	16-239-070	NEW-P	03-07-082
16-157-250	AMD	03-03-044	16-238-010	REP	03-12-040	16-239-070	NEW	03-12-040
16-157-255	AMD	03-03-044	16-238-020	REP-P	03-07-082	16-239-071	NEW-P	03-07-082
16-157-260	AMD	03-03-044	16-238-020	REP	03-12-040	16-239-071	NEW	03-12-040
16-157-270	AMD	03-03-044	16-238-030	REP-P	03-07-082	16-239-072	NEW-P	03-07-082
16-157-280	REP	03-03-044	16-238-030	REP	03-12-040	16-239-072	NEW	03-12-040
16-157-290	AMD	03-03-044	16-238-060	REP-P	03-07-082	16-239-073	NEW-P	03-07-082
16-160-010	AMD	03-03-045	16-238-060	REP	03-12-040	16-239-073	NEW	03-12-040
16-160-020	AMD	03-03-045	16-238-070	REP-P	03-07-082	16-239-074	NEW-P	03-07-082
16-160-025	REP	03-03-045	16-238-070	REP	03-12-040	16-239-074	NEW	03-12-040
16-160-035	AMD	03-03-045	16-238-082	REP-P	03-07-082	16-239-075	NEW-P	03-07-082
16-160-060	AMD	03-03-045	16-238-082	REP	03-12-040	16-239-075	NEW	03-12-040
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Table of WAC Sections Affected

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16-239-079	NEW	03-12-040	16-239-1030	NEW	03-12-040	16-303-330	REP-P	03-15-144
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16-239-080	NEW	03-12-040	16-301-005	AMD-P	03-15-145	16-319-041	AMD	03-06-006
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16-239-0801	NEW	03-12-040	16-301-010	AMD-P	03-15-145	16-321-001	REP	03-08-018
16-239-0802	NEW-P	03-07-082	16-301-055	PREP	03-12-085	16-321-010	REP-X	03-03-124
16-239-0802	NEW	03-12-040	16-301-055	AMD-P	03-15-145	16-321-010	REP	03-08-018
16-239-0803	NEW-P	03-07-082	16-302-045	PREP	03-12-085	16-321-020	REP-X	03-03-124
16-239-0803	NEW	03-12-040	16-302-045	AMD-P	03-15-145	16-321-020	REP	03-08-018
16-239-0804	NEW-P	03-07-082	16-302-110	PREP	03-12-085	16-321-030	REP-X	03-03-124
16-239-0804	NEW	03-12-040	16-302-110	AMD-P	03-15-145	16-321-030	REP	03-08-018
16-239-0805	NEW-P	03-07-082	16-302-150	PREP	03-12-085	16-321-040	REP-X	03-03-124
16-239-0805	NEW	03-12-040	16-302-150	AMD-P	03-15-145	16-321-040	REP	03-08-018
16-239-0806	NEW-P	03-07-082	16-302-155	PREP	03-12-085	16-321-050	REP-X	03-03-124
16-239-0806	NEW	03-12-040	16-302-155	AMD-P	03-15-145	16-321-050	REP	03-08-018
16-239-0807	NEW-P	03-07-082	16-302-255	PREP	03-12-085	16-321-060	REP-X	03-03-124
16-239-0807	NEW	03-12-040	16-302-255	AMD-P	03-15-145	16-321-060	REP	03-08-018
16-239-0808	NEW-P	03-07-082	16-302-385	PREP	03-12-085	16-321-070	REP-X	03-03-124
16-239-0808	NEW	03-12-040	16-302-385	AMD-P	03-15-145	16-321-070	REP	03-08-018
16-239-0809	NEW-P	03-07-082	16-302-410	PREP	03-12-085	16-321-080	REP-X	03-03-124
16-239-0809	NEW	03-12-040	16-302-410	AMD-P	03-15-145	16-321-080	REP	03-08-018
16-239-0810	NEW-P	03-07-082	16-303-200	AMD-P	03-03-130	16-321-090	REP-X	03-03-124
16-239-0810	NEW	03-12-040	16-303-200	AMD	03-08-005	16-321-090	REP	03-08-018
16-239-0811	NEW-P	03-07-082	16-303-200	PREP	03-12-084	16-321-100	REP-X	03-03-124
16-239-0811	NEW	03-12-040	16-303-200	AMD-P	03-15-144	16-321-100	REP	03-08-018
16-239-0812	NEW-P	03-07-082	16-303-210	AMD-P	03-03-130	16-321-110	REP-X	03-03-124
16-239-0812	NEW	03-12-040	16-303-210	AMD	03-08-005	16-321-110	REP	03-08-018
16-239-0813	NEW-P	03-07-082	16-303-210	PREP	03-12-084	16-321-120	REP-X	03-03-124
16-239-0813	NEW	03-12-040	16-303-210	AMD-P	03-15-144	16-321-120	REP	03-08-018
16-239-090	NEW-P	03-07-082	16-303-220	PREP	03-12-084	16-328-008	AMD-P	03-07-090
16-239-090	NEW	03-12-040	16-303-220	REP-P	03-15-144	16-328-008	AMD	03-10-080
16-239-0901	NEW-P	03-07-082	16-303-230	AMD-P	03-03-130	16-328-010	PREP	03-03-121
16-239-0901	NEW	03-12-040	16-303-230	AMD	03-08-005	16-328-010	REP-P	03-07-090
16-239-0902	NEW-P	03-07-082	16-303-230	PREP	03-12-084	16-328-010	REP	03-10-080
16-239-0902	NEW	03-12-040	16-303-230	AMD-P	03-15-144	16-328-011	PREP	03-03-121
16-239-0903	NEW-P	03-07-082	16-303-240	PREP	03-12-084	16-328-011	AMD-P	03-07-090
16-239-0903	NEW	03-12-040	16-303-240	AMD-P	03-15-144	16-328-011	AMD	03-10-080
16-239-0904	NEW-P	03-07-082	16-303-250	AMD-P	03-03-130	16-333-010	AMD-P	03-07-089
16-239-0904	NEW	03-12-040	16-303-250	AMD	03-08-005	16-333-010	AMD	03-10-081
16-239-0905	NEW-P	03-07-082	16-303-250	PREP	03-12-084	16-333-040	PREP	03-03-120
16-239-0905	NEW	03-12-040	16-303-250	AMD-P	03-15-144	16-333-040	REP-P	03-07-089
16-239-0906	NEW-P	03-07-082	16-303-300	AMD-P	03-03-130	16-333-040	REP	03-10-081
16-239-0906	NEW	03-12-040	16-303-300	AMD	03-08-005	16-333-041	PREP	03-03-120
16-239-0907	NEW-P	03-07-082	16-303-300	PREP	03-12-084	16-333-041	AMD-P	03-07-089
16-239-0907	NEW	03-12-040	16-303-300	AMD-P	03-15-144	16-333-041	AMD	03-10-081
16-239-0908	NEW-P	03-07-082	16-303-310	AMD-P	03-03-130	16-400-040	AMD-P	03-07-081
16-239-0908	NEW	03-12-040	16-303-310	AMD	03-08-005	16-400-040	AMD-W	03-10-062
16-239-0909	NEW-P	03-07-082	16-303-310	PREP	03-12-084	16-400-100	AMD-P	03-07-081
16-239-0909	NEW	03-12-040	16-303-310	AMD-P	03-15-144	16-400-100	AMD-W	03-10-062
16-239-0910	NEW-P	03-07-082	16-303-315	PREP	03-12-084	16-400-210	AMD-P	03-07-081
16-239-0910	NEW	03-12-040	16-303-315	AMD-P	03-15-144	16-400-210	AMD-W	03-10-062
16-239-0911	NEW-P	03-07-082	16-303-317	AMD-P	03-03-130	16-400-215	NEW-P	03-07-081
16-239-0911	NEW	03-12-040	16-303-317	AMD	03-08-005	16-400-215	NEW-W	03-10-062
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16-239-0912	NEW	03-12-040	16-303-317	AMD-P	03-15-144	16-401-021	AMD-P	03-07-091
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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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16-401-026	REP	03-10-083	36- 12-170	AMD-W	03-06-072	132A-116-011	AMD-P	03-08-056
16-401-027	AMD-P	03-07-091	36- 14-120	NEW-W	03-06-072	132A-116-011	AMD	03-13-133
16-401-027	AMD	03-10-083	51- 04	PREP	03-08-027	132A-150-010	AMD-P	03-08-056
16-401-031	REP-P	03-07-091	51- 04	PREP	03-12-017	132A-150-010	AMD	03-13-133
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16-401-032	AMD-P	03-07-091	82- 04-020	NEW-X	03-16-039	132A-320-010	AMD	03-13-133
16-401-032	AMD	03-10-083	82- 04-030	NEW-X	03-16-039	132B-120	PREP	03-15-140
16-401-041	AMD-P	03-07-091	82- 04-040	NEW-X	03-16-039	132F- 01	AMD-C	03-10-078
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16-401-060	NEW-P	03-06-102	82- 04-060	NEW-X	03-16-039	132F- 01-010	AMD	03-16-015
16-401-060	NEW	03-09-112	82- 04-070	NEW-X	03-16-039	132F- 01-020	REP-P	03-06-067
16-403-280	PREP	03-15-120	82- 50-021	AMD-X	03-07-083	132F- 01-020	REP	03-16-015
16-406-001	PREP	03-15-118	82- 50-021	AMD	03-11-073	132F-104	AMD-C	03-10-078
16-406-025	PREP	03-15-118	98- 70-010	PREP	03-04-077	132F-104-010	AMD-P	03-06-067
16-449	PREP	03-14-142	98- 70-010	AMD-P	03-08-009	132F-104-010	AMD	03-16-015
16-459	PREP	03-14-142	98- 70-010	AMD	03-11-020	132F-104-020	AMD-P	03-06-067
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16-465-001	REP	03-05-079	118- 65-020	REP-P	03-04-108	132F-104-030	REP	03-16-015
16-465-060	REP	03-05-079	118- 65-020	REP	03-10-014	132F-104-801	REP-P	03-06-067
16-470-905	AMD-P	03-07-092	118- 65-030	REP-P	03-04-108	132F-104-801	REP	03-16-015
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16-470-917	AMD-P	03-07-092	118- 65-070	REP-P	03-04-108	132F-104-813	REP	03-16-015
16-470-917	AMD	03-10-082	118- 65-070	REP	03-10-014	132F-104-814	REP-P	03-06-067
16-470-921	AMD-P	03-07-092	118- 65-081	REP-P	03-04-108	132F-104-814	REP	03-16-015
16-470-921	AMD	03-10-082	118- 65-081	REP	03-10-014	132F-104-815	REP-P	03-06-067
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16-600-010	REP-X	03-13-129	118- 66-010	NEW	03-10-014	132F-104-817	REP-P	03-06-067
16-603-010	AMD-X	03-08-088	118- 66-020	NEW-P	03-04-108	132F-104-817	REP	03-16-015
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16-659	PREP	03-03-122	118- 66-040	NEW-P	03-04-108	132F-104-819	REP	03-16-015
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16-662-100	AMD	03-08-017	118- 66-042	NEW-P	03-04-108	132F-108	AMD-C	03-10-078
16-662-105	AMD-X	03-03-123	118- 66-042	NEW	03-10-014	132F-108	AMD	03-16-015
16-662-105	AMD	03-08-017	118- 66-045	NEW-P	03-04-108	132F-108-020	AMD-P	03-06-067
16-662-110	AMD-X	03-03-123	118- 66-045	NEW	03-10-014	132F-108-020	AMD	03-16-015
16-662-110	AMD	03-08-017	118- 66-050	NEW-P	03-04-108	132F-108-050	AMD-P	03-06-067
16-662-115	AMD-X	03-03-123	118- 66-050	NEW	03-10-014	132F-108-050	AMD	03-16-015
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132F-120-020	REP	03-16-015	132F-121-080	NEW	03-16-015	132H-155-010	NEW-P	03-08-020
132F-120-030	REP-P	03-06-067	132F-121-090	NEW-P	03-06-067	132H-155-010	NEW	03-14-013
132F-120-030	REP	03-16-015	132F-121-090	NEW	03-16-015	132H-155-020	NEW-P	03-08-020
132F-120-040	REP-P	03-06-067	132F-121-100	NEW-P	03-06-067	132H-155-020	NEW	03-14-013
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132F-120-041	REP	03-16-015	132F-121-110	NEW	03-16-015	132H-155-040	NEW-P	03-08-020
132F-120-042	REP-P	03-06-067	132F-121-120	NEW-P	03-06-067	132H-155-040	NEW	03-14-013
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132F-120-050	REP	03-16-015	132F-121-140	NEW	03-16-015	132H-155-060	NEW	03-14-013
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132F-120-060	REP	03-16-015	132F-121-150	NEW	03-16-015	132H-155-070	NEW	03-14-013
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132F-120-070	REP	03-16-015	132F-121-170	NEW	03-16-015	132Q- 02-030	NEW-P	03-13-081
132F-120-080	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067	132Q- 02-040	NEW-P	03-13-081
132F-120-080	REP	03-16-015	132F-121-180	NEW	03-16-015	132Q- 02-050	NEW-P	03-13-081
132F-120-090	REP-P	03-06-067	132F-121-190	NEW-P	03-06-067	132Q- 02-060	NEW-P	03-13-081
132F-120-090	REP	03-16-015	132F-121-190	NEW	03-16-015	132Q- 02-070	NEW-P	03-13-081
132F-120-100	REP-P	03-06-067	132F-121-200	NEW-P	03-06-067	132Q- 02-080	NEW-P	03-13-081
132F-120-100	REP	03-16-015	132F-121-200	NEW	03-16-015	132Q- 02-090	NEW-P	03-13-081
132F-120-110	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067	132Q- 02-100	NEW-P	03-13-081
132F-120-110	REP	03-16-015	132F-121-210	NEW	03-16-015	132Q- 02-110	NEW-P	03-13-081
132F-120-120	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067	132Q- 02-120	NEW-P	03-13-081
132F-120-120	REP	03-16-015	132F-121-220	NEW	03-16-015	132Q- 02-130	NEW-P	03-13-081
132F-120-130	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067	132Q- 02-140	NEW-P	03-13-081
132F-120-130	REP	03-16-015	132F-121-230	NEW	03-16-015	132Q- 02-150	NEW-P	03-13-081
132F-120-140	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067	132Q- 02-160	NEW-P	03-13-081
132F-120-140	REP	03-16-015	132F-121-240	NEW	03-16-015	132Q- 02-170	NEW-P	03-13-081
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132F-120-150	REP	03-16-015	132F-121-250	NEW	03-16-015	132Q- 02-190	NEW-P	03-13-081
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132F-120-160	REP	03-16-015	132F-121-260	NEW	03-16-015	132Q- 02-210	NEW-P	03-13-081
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132F-120-180	REP	03-16-015	132H-120-020	AMD	03-14-015	132Q- 02-250	NEW-P	03-13-081
132F-120-190	REP-P	03-06-067	132H-120-030	AMD-P	03-08-021	132Q- 02-260	NEW-P	03-13-081
132F-120-190	REP	03-16-015	132H-120-030	AMD	03-14-015	132Q- 02-270	NEW-P	03-13-081
132F-120-200	REP-P	03-06-067	132H-120-040	AMD-P	03-08-021	132Q- 02-280	NEW-P	03-13-081
132F-120-200	REP	03-16-015	132H-120-040	AMD	03-14-015	132Q- 02-290	NEW-P	03-13-081
132F-120-210	REP-P	03-06-067	132H-120-050	AMD-P	03-08-021	132Q- 02-300	NEW-P	03-13-081
132F-120-210	REP	03-16-015	132H-120-050	AMD	03-14-015	132Q- 02-310	NEW-P	03-13-081
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132F-121-050	NEW-P	03-06-067	132H-132-010	REP-P	03-08-019	132Q- 02-400	NEW-P	03-13-081
132F-121-050	NEW	03-16-015	132H-132-010	REP	03-14-014	132Q- 02-410	NEW-P	03-13-081
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132Q-03-010	REP-P	03-13-082	132Q-07-060	NEW-P	03-13-082	132R-04-040	AMD-P	03-11-006
132Q-03-020	REP-P	03-13-082	132Q-20	PREP	03-09-094	132R-04-040	AMD	03-15-063
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132Q-04	PREP	03-09-094	132Q-20-010	AMD-P	03-13-082	132R-04-042	NEW	03-15-063
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132Q-04-020	REP-P	03-13-082	132Q-20-040	AMD-P	03-13-082	132R-04-047	NEW	03-15-063
132Q-04-030	REP-P	03-13-082	132Q-20-050	AMD-P	03-13-082	132R-04-050	REP-P	03-11-006
132Q-04-031	REP-P	03-13-082	132Q-20-060	AMD-P	03-13-082	132R-04-050	REP	03-15-063
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132Q-04-077	REP-P	03-13-082	132Q-20-080	AMD-P	03-13-082	132R-04-055	REP	03-15-063
132Q-04-078	REP-P	03-13-082	132Q-20-090	AMD-P	03-13-082	132R-04-056	NEW-P	03-11-006
132Q-04-097	REP-P	03-13-082	132Q-20-110	AMD-P	03-13-082	132R-04-056	NEW	03-15-063
132Q-04-100	REP-P	03-13-082	132Q-20-120	AMD-P	03-13-082	132R-04-057	NEW-P	03-11-006
132Q-04-105	REP-P	03-13-082	132Q-20-130	AMD-P	03-13-082	132R-04-057	NEW	03-15-063
132Q-04-110	REP-P	03-13-082	132Q-20-140	AMD-P	03-13-082	132R-04-060	REP-P	03-11-006
132Q-04-120	REP-P	03-13-082	132Q-20-150	AMD-P	03-13-082	132R-04-060	REP	03-15-063
132Q-04-130	REP-P	03-13-082	132Q-20-170	AMD-P	03-13-082	132R-04-063	NEW-P	03-11-006
132Q-04-140	REP-P	03-13-082	132Q-20-180	AMD-P	03-13-082	132R-04-063	NEW	03-15-063
132Q-04-150	REP-P	03-13-082	132Q-20-190	AMD-P	03-13-082	132R-04-064	NEW-P	03-11-006
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132Q-04-170	REP-P	03-13-082	132Q-20-210	AMD-P	03-13-082	132R-04-067	NEW-P	03-11-006
132Q-04-180	REP-P	03-13-082	132Q-20-220	AMD-P	03-13-082	132R-04-067	NEW	03-15-063
132Q-04-190	REP-P	03-13-082	132Q-20-230	AMD-P	03-13-082	132R-04-070	REP-P	03-11-006
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132Q-04-230	REP-P	03-13-082	132Q-20-265	AMD-P	03-13-082	132R-04-090	REP-P	03-11-006
132Q-04-240	REP-P	03-13-082	132Q-20-270	AMD-P	03-13-082	132R-04-090	REP	03-15-063
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132Q-04-260	REP-P	03-13-082	132Q-94-010	AMD-P	03-13-082	132R-04-100	AMD	03-15-063
132Q-04-270	REP-P	03-13-082	132Q-94-020	AMD-P	03-13-082	132R-04-110	REP-P	03-11-006
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132Q-05-036	REP-P	03-13-082	132Q-108-020	AMD-P	03-13-082	132R-04-117	NEW	03-15-063
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132Q-05-060	REP-P	03-13-082	132R-01-010	AMD-P	03-11-006	132R-04-130	AMD-P	03-11-006
132Q-05-070	REP-P	03-13-082	132R-01-010	AMD	03-15-063	132R-04-130	AMD	03-15-063
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132Q-05-090	REP-P	03-13-082	132R-02-040	AMD	03-15-063	132R-04-140	AMD	03-15-063
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132Q-05-110	REP-P	03-13-082	132R-02-080	AMD	03-15-063	132R-04-150	AMD	03-15-063
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132Q-06	PREP	03-09-094	132R-04	AMD	03-15-063	132R-04-160	AMD	03-15-063
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132Q-06-015	REP-P	03-13-082	132R-04-010	AMD	03-15-063	132R-04-165	NEW	03-15-063
132Q-06-016	REP-P	03-13-082	132R-04-015	NEW-P	03-11-006	132R-04-170	AMD-P	03-11-006
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132Q-06-025	REP-P	03-13-082	132R-04-017	NEW-P	03-11-006	132R-05-010	AMD-P	03-11-006
132Q-06-030	REP-P	03-13-082	132R-04-017	NEW	03-15-063	132R-05-010	AMD	03-15-063
132Q-06-035	REP-P	03-13-082	132R-04-019	NEW-P	03-11-006	132R-12-010	AMD-P	03-11-006
132Q-06-040	REP-P	03-13-082	132R-04-019	NEW	03-15-063	132R-12-010	AMD	03-15-063
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180- 51-063	AMD-E	03-09-018	180- 82A-206	AMD-E	03-09-027	192- 36-025	PREP	03-11-072
180- 51-063	AMD-P	03-09-028	180- 82A-206	AMD	03-14-122	192-240-010	NEW	03-06-038
180- 51-063	AMD	03-14-118	180- 82A-215	PREP	03-04-021	192-240-015	NEW	03-06-038
180- 55-032	NEW-W	03-03-061	180- 82A-215	AMD-P	03-09-026	192-240-020	NEW	03-06-038
180- 55-034	PREP	03-04-112	180- 82A-215	AMD-E	03-09-027	192-240-025	NEW	03-06-038
180- 55-150	PREP	03-04-111	180- 82A-215	AMD	03-14-122	192-240-030	NEW	03-06-038
180- 57-050	AMD	03-04-055	180- 83	PREP	03-10-076	192-240-035	NEW	03-06-038
180- 57-055	AMD	03-04-055	180- 85	PREP	03-10-076	192-240-040	NEW	03-06-038
180- 57-070	AMD	03-04-055	180- 86	PREP	03-10-076	192-240-045	NEW	03-06-038
180- 72	PREP	03-10-075	180- 86-100	PREP	03-09-082	192-330-110	NEW-P	03-16-111
180- 77	PREP	03-10-076	180- 86-100	PREP	03-10-029	192-330-150	NEW-P	03-16-111
180- 77-068	AMD-P	03-10-070	180- 86-116	PREP	03-09-083	192-330-155	NEW-P	03-16-111
180- 77-068	AMD	03-14-119	180- 86-116	PREP	03-10-028	196- 09	AMD-P	03-16-112

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196-09-060	NEW-P	03-16-112	197-11-850	AMD	03-16-067	220-24-04000I	REP-E	03-13-014
196-09-100	NEW-P	03-16-112	197-11-855	AMD-P	03-03-082	220-24-04000J	NEW-E	03-14-049
196-09-110	NEW-P	03-16-112	197-11-855	AMD	03-16-067	220-24-04000J	REP-E	03-14-049
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196-12-010	AMD-P	03-16-113	197-11-904	AMD	03-16-067	220-32-05100A	REP-E	03-07-044
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196-12-030	AMD-P	03-16-113	197-11-908	AMD	03-16-067	220-32-05100B	REP-E	03-10-003
196-12-045	AMD-P	03-16-113	204-82A-060	AMD-P	03-08-089	220-32-05100B	REP-E	03-12-002
196-12-050	AMD-P	03-16-113	204-82A-060	AMD	03-12-013	220-32-05100C	NEW-E	03-12-002
196-12-055	NEW-P	03-16-113	208-690-010	NEW-E	03-16-074	220-32-05100C	REP-E	03-12-023
196-12-065	NEW-P	03-16-113	208-690-020	NEW-E	03-16-074	220-32-05100D	NEW-E	03-12-023
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196-16-006	NEW-P	03-16-113	208-690-040	NEW-E	03-16-074	220-32-05100E	NEW-E	03-15-004
196-16-007	AMD-P	03-16-113	208-690-050	NEW-E	03-16-074	220-32-05100E	REP-E	03-15-004
196-16-010	AMD-P	03-16-113	208-690-060	NEW-E	03-16-074	220-32-05100E	REP-E	03-15-042
196-16-020	AMD-P	03-16-113	208-690-070	NEW-E	03-16-074	220-32-05100F	NEW-E	03-15-042
196-16-031	AMD-P	03-16-113	208-690-080	NEW-E	03-16-074	220-32-05100F	REP-E	03-15-042
196-16-035	NEW-P	03-16-113	208-690-090	NEW-E	03-16-074	220-32-05100G	NEW-E	03-15-093
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196-21	PREP	03-09-032	208-690-110	NEW-E	03-16-074	220-32-05100G	REP-E	03-07-044
196-21-005	NEW-P	03-16-113	208-690-120	NEW-E	03-16-074	220-32-05100Z	NEW-E	03-08-047
196-21-010	AMD-P	03-16-113	208-690-130	NEW-E	03-16-074	220-32-05500F	NEW-E	03-13-017
196-21-020	AMD-P	03-16-113	208-690-140	NEW-E	03-16-074	220-32-05700S	NEW-E	03-13-017
196-21-030	AMD-P	03-16-113	208-690-150	NEW-E	03-16-074	220-32-05700S	REP-E	03-15-043
196-23-070	PREP	03-13-012	208-690-160	NEW-E	03-16-074	220-32-05700T	NEW-E	03-15-043
196-23-070	AMD-P	03-16-113	208-690-170	NEW-E	03-16-074	220-32-05700T	REP-E	03-15-043
196-24	PREP	03-09-032	212-12-200	NEW	03-06-063	220-32-05700T	REP-E	03-15-094
196-24-041	REP-P	03-16-113	212-12-210	NEW	03-06-063	220-32-05700U	NEW-E	03-15-094
196-24-080	REP-P	03-16-113	212-12-220	NEW	03-06-063	220-32-05700U	REP-E	03-15-094
196-24-085	REP-P	03-16-113	212-12-230	NEW	03-06-063	220-32-06000A	NEW-E	03-10-003
196-24-100	REP-P	03-16-113	212-12-240	NEW	03-06-063	220-32-06000A	REP-E	03-10-003
196-24-105	REP-P	03-16-113	212-12-250	NEW	03-06-063	220-33-01000A	NEW-E	03-05-036
196-24-110	REP-P	03-16-113	212-12-260	NEW	03-06-063	220-33-01000A	REP-E	03-05-036
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196-25-001	AMD-P	03-16-113	212-12-280	NEW	03-06-063	220-33-01000B	NEW-E	03-06-007
196-25-002	AMD-P	03-16-113	212-12-290	NEW	03-06-063	220-33-01000B	REP-E	03-06-007
196-25-005	AMD-P	03-16-113	212-12-300	NEW	03-06-063	220-33-01000C	NEW-E	03-08-004
196-25-010	AMD-P	03-16-113	212-12-310	NEW	03-06-063	220-33-01000C	REP-E	03-08-004
196-25-020	REP-P	03-16-113	212-12-320	NEW	03-06-063	220-33-01000D	NEW-E	03-09-080
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196-25-050	AMD-P	03-16-113	212-12-350	NEW	03-06-063	220-33-01000E	NEW-E	03-10-042
196-25-100	REP-P	03-16-113	212-12-360	NEW	03-06-063	220-33-01000E	REP-E	03-10-042
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196-27A	PREP	03-14-024	212-12-380	NEW	03-06-063	220-33-01000F	REP-E	03-16-056
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196-30	PREP	03-03-111	212-12-400	NEW	03-06-063	220-33-01000Z	NEW-E	03-04-033
197-11-070	AMD-P	03-03-082	212-12-410	NEW	03-06-063	220-33-01000Z	REP-E	03-04-033
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197-11-250	AMD	03-16-067	220-16-270	AMD-P	03-13-147	220-33-03000T	REP-E	03-11-002
197-11-310	AMD-P	03-03-082	220-16-270	AMD	03-16-097	220-33-04000S	REP-E	03-07-015
197-11-310	AMD	03-16-067	220-16-27000A	NEW-E	03-09-081	220-33-04000T	NEW-E	03-07-015
197-11-800	AMD-P	03-03-082	220-16-290	NEW	03-05-061	220-33-04000T	REP-E	03-07-015
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220-40-02100X	REP-E	03-14-086	220-52-04600T	NEW-E	03-06-020	220-56-10000A	REP-E	03-16-043
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220-40-030	AMD	03-05-062	220-52-04600V	REP-E	03-07-014	220-56-12800F	REP-E	03-10-039
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220-44-050	AMD	03-05-078	220-52-04600W	NEW-E	03-08-048	220-56-12800G	NEW-E	03-16-043
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220-44-05000S	NEW-E	03-04-058	220-52-04600X	REP-E	03-10-021	220-56-129	NEW	03-05-057
220-44-05000S	REP-E	03-05-027	220-52-04600Y	NEW-E	03-13-067	220-56-175	AMD	03-05-057
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220-44-05000U	REP-E	03-13-008	220-52-050	AMD	03-05-060	220-56-19500K	REP-E	03-10-039
220-44-05000V	NEW-E	03-13-008	220-52-051	AMD	03-05-064	220-56-19500K	REP-E	03-16-043
220-44-05000V	REP-E	03-15-064	220-52-05100A	NEW-E	03-16-023	220-56-19500L	NEW-E	03-16-043
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220-47-307	AMD-X	03-13-145	220-52-05100Q	REP-E	03-11-008	220-56-23000A	REP-E	03-07-032
220-47-311	AMD-X	03-13-145	220-52-05100R	NEW-E	03-11-008	220-56-235	AMD	03-05-057
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220-47-411	AMD-P	03-13-146	220-52-05100S	REP-E	03-13-084	220-56-23500Q	NEW-E	03-07-032
220-47-411	AMD	03-16-101	220-52-05100T	NEW-E	03-13-084	220-56-23500Q	REP-E	03-07-032
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220-47-428	AMD-X	03-13-145	220-52-05100U	NEW-E	03-14-048	220-56-23500R	NEW-E	03-09-123
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220-52-04600Q	REP-E	03-07-002	220-55-060	REP-P	03-06-079	220-56-32500E	NEW-E	03-11-003
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220-56-32500G	NEW-E	03-13-038	220-72-087	NEW	03-10-041	220-100-080	AMD	03-10-038
220-56-32500G	REP-E	03-13-107	220-72-089	NEW-P	03-06-109	220-100-095	AMD-P	03-06-080
220-56-32500H	NEW-E	03-13-107	220-72-089	NEW	03-10-041	220-100-095	AMD	03-10-038
220-56-32500H	REP-E	03-14-150	220-72-090	NEW-P	03-06-109	222-21-010	AMD	03-06-039
220-56-32500I	NEW-E	03-14-150	220-72-090	NEW	03-10-041	222-21-030	AMD	03-06-039
220-56-32500I	REP-E	03-16-005	220-72-092	NEW-P	03-06-109	222-21-035	AMD	03-06-039
220-56-32500J	NEW-E	03-16-005	220-72-092	NEW	03-10-041	222-21-040	AMD	03-06-039
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220-56-33000E	NEW-E	03-15-003	220-88C-030	AMD-P	03-08-100	230-08-017	AMD	03-05-089
220-56-33000E	REP-E	03-16-010	220-88C-030	AMD	03-13-002	230-12-305	AMD-P	03-08-001
220-56-33000F	NEW-E	03-16-010	220-88C-03000	NEW-E	03-13-036	230-12-305	AMD	03-11-041
220-56-33000R	REP-E	03-05-026	220-88C-03000	REP-E	03-13-036	230-12-315	AMD-P	03-08-002
220-56-33000S	NEW-E	03-05-005	220-88C-040	AMD-P	03-08-100	230-12-315	AMD	03-11-042
220-56-33000S	REP-E	03-06-020	220-88C-040	AMD	03-13-002	230-12-316	NEW-P	03-08-002
220-56-33000T	NEW-E	03-05-026	220-88C-04000	NEW-E	03-13-036	230-12-316	NEW	03-11-042
220-56-33000T	REP-E	03-07-003	220-88C-04000	REP-E	03-13-036	230-12-340	AMD-P	03-13-135
220-56-33000U	NEW-E	03-06-020	220-88C-04000	NEW-E	03-15-137	230-20-059	AMD-P	03-05-088
220-56-33000U	REP-E	03-10-022	220-88C-04000	NEW-E	03-11-027	230-20-059	AMD	03-11-040
220-56-33000V	NEW-E	03-07-003	220-88C-04000	REP-E	03-11-027	230-40-010	AMD-P	03-13-135
220-56-33000V	REP-E	03-08-049	220-88C-050	AMD-P	03-08-100	230-40-010	AMD-P	03-13-135
220-56-33000W	NEW-E	03-08-049	220-88C-050	AMD	03-13-002	230-40-040	AMD-P	03-13-137
220-56-33000W	REP-E	03-09-060	220-88D-010	NEW-P	03-13-140	230-40-120	AMD-P	03-13-137
220-56-33000X	NEW-E	03-09-060	220-88D-020	NEW-P	03-13-140	230-40-125	REP-P	03-13-135
220-56-33000X	REP-E	03-11-023	220-88D-030	NEW-P	03-13-140	230-40-550	AMD-P	03-05-087
220-56-33000Y	NEW-E	03-11-023	220-88D-040	NEW-P	03-13-140	230-40-550	AMD	03-09-076
220-56-33000Y	REP-E	03-11-039	220-88D-050	NEW-P	03-13-140	230-40-625	AMD-P	03-05-087
220-56-33000Z	NEW-E	03-11-039	220-100-010	AMD-P	03-06-080	230-40-625	AMD	03-09-076
220-56-33000Z	REP-E	03-12-032	220-100-010	AMD	03-10-038	230-40-803	REP-P	03-13-137
220-56-350	AMD	03-05-057	220-100-020	AMD-P	03-06-080	230-40-805	AMD-P	03-13-135
220-56-35000P	NEW-E	03-07-025	220-100-020	AMD	03-10-038	230-40-815	AMD-P	03-05-087
220-56-35000P	REP-E	03-07-025	220-100-027	NEW-P	03-06-080	230-40-815	AMD	03-09-076
220-56-370	REP-P	03-06-079	220-100-027	NEW	03-10-038	230-40-821	AMD-P	03-13-135
220-56-380	AMD	03-05-057	220-100-030	AMD-P	03-06-080	230-40-825	AMD-P	03-05-087
220-69-240	AMD	03-05-059	220-100-030	AMD	03-10-038	230-40-825	AMD	03-09-076
220-69-240	AMD	03-05-064	220-100-040	AMD-P	03-06-080	230-40-825	AMD-P	03-13-137
220-69-240	AMD-P	03-13-030	220-100-040	AMD	03-10-038	230-40-833	AMD-P	03-13-137
220-69-240	AMD-P	03-13-087	220-100-040	AMD	03-10-038	230-40-860	AMD-P	03-05-087
220-69-24000F	NEW-E	03-11-080	220-100-045	AMD-P	03-06-080	230-40-860	AMD	03-09-076
220-69-241	AMD	03-05-059	220-100-045	AMD	03-10-038	230-40-875	AMD-P	03-05-087
220-69-27300A	NEW-E	03-12-024	220-100-055	AMD-P	03-06-080	230-40-875	AMD	03-09-076
220-72-002	AMD-P	03-06-109	220-100-055	AMD	03-10-038	230-40-895	AMD-P	03-05-087
220-72-002	AMD	03-10-041	220-100-057	NEW-P	03-06-080	230-40-895	AMD	03-09-076
220-72-011	AMD-P	03-06-109	220-100-057	NEW	03-10-038	232-12-045	NEW-P	03-06-104
220-72-011	AMD	03-10-041	220-100-058	NEW-P	03-06-080	232-12-045	NEW	03-13-047
220-72-015	AMD-P	03-06-109	220-100-058	NEW	03-10-038	232-12-051	AMD-P	03-06-104
220-72-015	AMD	03-10-041	220-100-060	AMD-P	03-06-080	232-12-051	AMD	03-13-047
220-72-070	AMD-P	03-06-109	220-100-060	AMD	03-10-038	232-12-054	AMD-P	03-06-104
220-72-070	AMD	03-10-041	220-100-065	AMD-P	03-06-080	232-12-054	AMD	03-13-047
220-72-073	AMD-P	03-06-109	220-100-065	AMD	03-10-038	232-12-054	AMD	03-13-141
220-72-073	AMD	03-10-041	220-100-068	NEW-P	03-06-080	232-12-055	AMD-P	03-13-141
220-72-076	AMD-P	03-06-109	220-100-068	NEW	03-10-038	232-12-055	NEW	03-16-087
220-72-076	AMD	03-10-041	220-100-068	NEW	03-10-038	232-12-068	AMD-P	03-06-106
220-72-076	AMD	03-10-041	220-100-070	AMD-P	03-06-080	232-12-068	AMD	03-13-047
220-72-086	NEW-P	03-06-109	220-100-070	AMD	03-10-038	232-12-068	AMD-P	03-13-088
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232- 12-181	AMD	03-03-016	232- 28-02204	REP	03-06-110	232- 28-351	NEW	03-13-047
232- 12-243	AMD-P	03-13-142	232- 28-02205	REP-P	03-02-103	232- 28-352	NEW-P	03-06-114
232- 12-287	AMD-P	03-12-078	232- 28-02205	REP	03-06-110	232- 28-352	NEW	03-13-047
232- 12-287	AMD	03-16-087	232- 28-02206	REP-P	03-02-103	232- 28-426	REP-P	03-13-115
232- 12-289	NEW-P	03-02-103	232- 28-02206	REP	03-06-110	232- 28-426	REP	03-16-087
232- 12-289	NEW	03-06-110	232- 28-02220	REP-P	03-06-112	232- 28-42600C	NEW-E	03-03-102
232- 12-31500J	NEW-E	03-08-075	232- 28-02220	REP	03-13-047	232- 28-42600C	REP-E	03-03-102
232- 12-619	AMD-W	03-10-095	232- 28-02240	REP-P	03-06-112	232- 28-427	NEW-P	03-13-115
232- 12-61900S	NEW-E	03-10-039	232- 28-02240	REP	03-13-047	232- 28-427	NEW	03-16-087
232- 12-61900S	REP-E	03-10-039	232- 28-02280	REP-P	03-02-103	232- 28-515	AMD-P	03-06-107
232- 12-61900S	REP-E	03-16-043	232- 28-02280	REP	03-06-110	232- 28-515	AMD	03-13-047
232- 12-61900T	NEW-E	03-16-043	232- 28-248	AMD-P	03-06-108	232- 28-619	AMD	03-05-057
232- 12-61900T	REP-E	03-16-043	232- 28-248	AMD	03-13-047	232- 28-619	AMD-X	03-12-094
232- 12-828	AMD-P	03-06-079	232- 28-266	AMD-P	03-06-066	232- 28-619	AMD	03-16-110
232- 12-828	AMD	03-10-040	232- 28-266	AMD	03-10-009	232- 28-61900A	NEW-E	03-10-053
232- 16-600	AMD-P	03-13-115	232- 28-271	AMD	03-03-016	232- 28-61900A	REP-E	03-10-053
232- 16-600	AMD	03-16-087	232- 28-272	AMD-P	03-06-108	232- 28-61900B	REP-E	03-04-047
232- 16-660	AMD-P	03-13-115	232- 28-272	AMD	03-13-047	232- 28-61900B	NEW-E	03-11-001
232- 16-660	AMD	03-16-087	232- 28-273	AMD-P	03-06-105	232- 28-61900B	REP-E	03-11-001
232- 16-740	AMD-P	03-13-115	232- 28-273	AMD	03-13-047	232- 28-61900B	REP-E	03-13-001
232- 16-740	AMD	03-16-087	232- 28-276	REP-P	03-06-106	232- 28-61900C	NEW-E	03-03-004
232- 19-010	REP-P	03-06-080	232- 28-276	REP	03-13-047	232- 28-61900C	REP-E	03-03-004
232- 19-010	REP	03-10-038	232- 28-278	REP-P	03-06-113	232- 28-61900C	NEW-E	03-11-037
232- 19-015	REP-P	03-06-080	232- 28-278	REP	03-13-047	232- 28-61900C	REP-E	03-11-082
232- 19-015	REP	03-10-038	232- 28-279	REP-P	03-06-114	232- 28-61900D	NEW-E	03-03-098
232- 19-020	REP-P	03-06-080	232- 28-279	REP	03-13-047	232- 28-61900D	REP-E	03-03-098
232- 19-020	REP	03-10-038	232- 28-282	AMD	03-03-016	232- 28-61900D	NEW-E	03-11-051
232- 19-030	REP-P	03-06-080	232- 28-282	AMD-P	03-13-141	232- 28-61900D	REP-E	03-11-051
232- 19-030	REP	03-10-038	232- 28-282	AMD	03-16-087	232- 28-61900E	NEW-E	03-04-047
232- 19-040	REP-P	03-06-080	232- 28-291	AMD-P	03-06-105	232- 28-61900E	REP-E	03-04-047
232- 19-040	REP	03-10-038	232- 28-291	AMD-P	03-12-077	232- 28-61900E	NEW-E	03-11-082
232- 19-050	REP-P	03-06-080	232- 28-291	AMD	03-13-047	232- 28-61900E	REP-E	03-12-022
232- 19-050	REP	03-10-038	232- 28-331	NEW-P	03-02-103	232- 28-61900F	NEW-E	03-05-003
232- 19-055	REP-P	03-06-080	232- 28-331	NEW	03-06-110	232- 28-61900F	REP-E	03-05-003
232- 19-055	REP	03-10-038	232- 28-331	AMD-P	03-13-117	232- 28-61900F	NEW-E	03-12-022
232- 19-060	REP-P	03-06-080	232- 28-331	AMD	03-16-087	232- 28-61900F	REP-E	03-13-068
232- 19-060	REP	03-10-038	232- 28-332	NEW-P	03-02-103	232- 28-61900G	NEW-E	03-05-038
232- 19-070	REP-P	03-06-080	232- 28-332	NEW	03-06-110	232- 28-61900G	REP-E	03-05-038
232- 19-070	REP	03-10-038	232- 28-332	AMD-P	03-13-118	232- 28-61900G	NEW-E	03-12-041
232- 19-080	REP-P	03-06-080	232- 28-332	AMD	03-16-087	232- 28-61900G	REP-E	03-12-041
232- 19-080	REP	03-10-038	232- 28-333	NEW-P	03-02-103	232- 28-61900H	NEW-E	03-05-037
232- 19-090	REP-P	03-06-080	232- 28-333	NEW	03-06-110	232- 28-61900H	REP-E	03-05-037
232- 19-090	REP	03-10-038	232- 28-333	AMD-P	03-13-121	232- 28-61900H	REP-E	03-09-001
232- 19-100	REP-P	03-06-080	232- 28-333	AMD	03-16-087	232- 28-61900H	NEW-E	03-13-003
232- 19-100	REP	03-10-038	232- 28-333	NEW-P	03-02-103	232- 28-61900H	REP-E	03-13-003
232- 19-110	REP-P	03-06-080	232- 28-334	NEW	03-06-110	232- 28-61900I	NEW-E	03-06-009
232- 19-110	REP	03-10-038	232- 28-334	AMD-P	03-13-119	232- 28-61900I	REP-E	03-06-009
232- 19-120	REP-P	03-06-080	232- 28-334	AMD	03-16-087	232- 28-61900I	NEW-E	03-13-013
232- 19-120	REP	03-10-038	232- 28-334	NEW-P	03-02-103	232- 28-61900I	REP-E	03-13-013
232- 19-130	REP-P	03-06-080	232- 28-335	NEW	03-06-110	232- 28-61900J	NEW-E	03-06-008
232- 19-130	REP	03-10-038	232- 28-335	AMD-P	03-13-120	232- 28-61900J	REP-E	03-06-008
232- 19-140	REP-P	03-06-080	232- 28-335	AMD	03-16-087	232- 28-61900J	NEW-E	03-13-001
232- 19-140	REP	03-10-038	232- 28-336	NEW-P	03-02-103	232- 28-61900J	REP-E	03-13-001
232- 19-180	REP-P	03-06-080	232- 28-336	NEW	03-06-110	232- 28-61900K	NEW-E	03-06-028
232- 19-180	REP	03-10-038	232- 28-337	NEW-P	03-06-112	232- 28-61900K	REP-E	03-06-028
232- 28-02201	REP-P	03-02-103	232- 28-337	NEW	03-13-047	232- 28-61900K	NEW-E	03-13-069
232- 28-02201	REP	03-06-110	232- 28-341	NEW-P	03-06-106	232- 28-61900K	REP-E	03-14-028
232- 28-02202	REP-P	03-02-103	232- 28-341	NEW	03-13-047	232- 28-61900L	NEW-E	03-07-001
232- 28-02202	REP	03-06-110	232- 28-341	AMD-P	03-13-116	232- 28-61900L	REP-E	03-07-001
232- 28-02203	REP-P	03-02-103	232- 28-341	AMD	03-16-087	232- 28-61900L	REP-E	03-11-037
232- 28-02203	REP	03-06-110				232- 28-61900L	NEW-E	03-13-068

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232- 28-61900M	NEW-E	03-07-016	242- 02-052	AMD	03-15-047	246-247-130	PREP	03-10-016
232- 28-61900M	REP-E	03-07-016	242- 02-070	AMD-X	03-10-069	246-247-130	AMD-P	03-15-104
232- 28-61900M	REP-E	03-11-037	242- 02-070	AMD	03-15-047	246-254-053	AMD-P	03-08-034
232- 28-61900M	NEW-E	03-13-094	242- 02-072	AMD-X	03-10-069	246-254-053	AMD	03-13-122
232- 28-61900M	REP-E	03-13-094	242- 02-072	AMD	03-15-047	246-254-070	AMD-P	03-08-035
232- 28-61900N	NEW-E	03-07-023	242- 02-076	NEW-X	03-10-069	246-254-070	AMD	03-14-034
232- 28-61900N	REP-E	03-07-023	242- 02-076	NEW	03-15-047	246-254-080	AMD-P	03-08-035
232- 28-61900N	NEW-E	03-14-028	242- 02-834	AMD-X	03-10-069	246-254-080	AMD	03-14-034
232- 28-61900N	REP-E	03-14-093	242- 02-834	AMD	03-15-047	246-254-090	AMD-P	03-08-035
232- 28-61900P	NEW-E	03-07-075	242- 04-050	AMD-X	03-10-069	246-254-090	AMD	03-14-034
232- 28-61900P	REP-E	03-07-075	242- 04-050	AMD	03-15-047	246-254-100	AMD-P	03-08-035
232- 28-61900P	REP-E	03-13-069	246- 01-001	AMD-X	03-04-105	246-254-100	AMD	03-14-034
232- 28-61900P	NEW-E	03-14-073	246- 01-001	AMD	03-11-032	246-260-9901	AMD-P	03-11-030
232- 28-61900Q	REP-E	03-05-003	246- 01-040	REP-X	03-04-105	246-260-9901	AMD	03-14-146
232- 28-61900Q	NEW-E	03-07-064	246- 01-040	REP	03-11-032	246-262-990	AMD-P	03-11-030
232- 28-61900Q	REP-E	03-07-064	246- 01-070	REP-X	03-04-105	246-262-990	AMD	03-14-146
232- 28-61900Q	NEW-E	03-14-093	246- 01-070	REP	03-11-032	246-272	PREP	03-08-028
232- 28-61900Q	REP-E	03-15-092	246- 01-080	AMD-X	03-04-105	246-272B-00101	NEW-P	03-12-089
232- 28-61900R	NEW-E	03-07-068	246- 01-080	AMD	03-11-032	246-272B-00501	NEW-P	03-12-089
232- 28-61900R	REP-E	03-07-068	246- 01-090	AMD-X	03-04-105	246-272B-01001	NEW-P	03-12-089
232- 28-61900R	NEW-E	03-15-092	246- 01-090	AMD	03-11-032	246-272B-03001	NEW-P	03-12-089
232- 28-61900S	NEW-E	03-08-054	246- 01-100	REP-X	03-04-105	246-272B-08001	NEW-P	03-12-089
232- 28-61900S	REP-E	03-08-054	246- 01-100	REP	03-11-032	246-272B-09501	NEW-P	03-12-089
232- 28-61900S	NEW-E	03-16-012	246- 08-400	AMD-P	03-10-098	246-272B-0990	NEW-P	03-12-089
232- 28-61900T	NEW-E	03-09-001	246- 08-400	AMD	03-14-036	246-272B-11001	NEW-P	03-12-089
232- 28-61900T	REP-E	03-09-001	246- 12-040	AMD-P	03-15-105	246-272B-11501	NEW-P	03-12-089
232- 28-61900T	REP-E	03-10-033	246-100	AMD-W	03-06-051	246-272B-12501	NEW-P	03-12-089
232- 28-61900T	NEW-E	03-16-057	246-100-011	AMD	03-06-003	246-272B-13501	NEW-P	03-12-089
232- 28-61900T	REP-E	03-16-057	246-100-036	AMD	03-05-048	246-272B-15501	NEW-P	03-12-089
232- 28-61900U	NEW-E	03-09-016	246-100-036	AMD-X	03-09-066	246-272B-16501	NEW-P	03-12-089
232- 28-61900U	REP-E	03-09-016	246-100-040	NEW	03-05-048	246-272B-17501	NEW-P	03-12-089
232- 28-61900V	NEW-E	03-10-001	246-100-045	NEW	03-05-048	246-272B-18501	NEW-P	03-12-089
232- 28-61900V	REP-E	03-10-001	246-100-050	NEW	03-05-048	246-272B-19501	NEW-P	03-12-089
232- 28-61900V	REP-E	03-12-041	246-100-055	NEW	03-05-048	246-272B-20501	NEW-P	03-12-089
232- 28-61900W	NEW-E	03-10-015	246-100-060	NEW	03-05-048	246-272B-25001	NEW-P	03-12-089
232- 28-61900W	REP-E	03-11-037	246-100-065	NEW	03-05-048	246-272B-26001	NEW-P	03-12-089
232- 28-61900X	NEW-E	03-10-032	246-100-070	NEW	03-05-048	246-272B-27001	NEW-P	03-12-089
232- 28-61900X	REP-E	03-10-032	246-100-166	PREP	03-09-126	246-272B-28001	NEW-P	03-12-089
232- 28-61900X	REP-E	03-11-037	246-101-505	AMD	03-06-003	246-282-990	AMD-P	03-10-043
232- 28-61900Y	NEW-E	03-10-039	246-205-990	AMD-P	03-08-033	246-282-990	AMD	03-14-037
232- 28-61900Y	REP-E	03-10-039	246-205-990	AMD	03-13-123	246-282-990	AMD-P	03-14-145
232- 28-61900Y	REP-E	03-10-053	246-243-150	AMD-P	03-07-094	246-290	PREP	03-04-044
232- 28-61900Z	NEW-E	03-10-033	246-243-150	AMD	03-12-062	246-290	PREP-W	03-07-101
232- 28-61900Z	REP-E	03-10-033	246-244-020	AMD-P	03-07-094	246-290	PREP-W	03-07-102
232- 28-620	AMD-X	03-12-095	246-244-020	AMD	03-12-062	246-290	PREP	03-07-103
232- 28-620	AMD	03-16-109	246-244-030	AMD-P	03-07-094	246-290-002	AMD-P	03-03-079
232- 28-62000K	NEW-E	03-10-039	246-244-030	AMD	03-12-062	246-290-002	AMD	03-08-037
232- 28-62000K	REP-E	03-10-039	246-244-080	AMD-P	03-07-094	246-290-010	AMD-P	03-03-079
232- 28-62000K	REP-E	03-15-095	246-244-080	AMD	03-12-062	246-290-010	AMD	03-08-037
232- 28-62000L	NEW-E	03-15-095	246-244-110	AMD-P	03-07-094	246-290-025	AMD-P	03-03-079
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232- 28-621	AMD-X	03-12-095	246-244-115	NEW-P	03-07-094	246-290-060	AMD-P	03-03-078
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284- 30-3915	NEW	03-14-092	296- 13-190	REP-P	03-05-074	296- 14-520	NEW	03-11-035
284- 30-3916	NEW-S	03-09-143	296- 13-190	REP	03-09-111	296- 14-522	NEW	03-11-035
284- 30-3916	NEW	03-14-092	296- 13-200	REP-P	03-05-074	296- 14-524	NEW	03-11-035
284- 30-505	NEW-W	03-08-071	296- 13-200	REP	03-09-111	296- 14-526	NEW	03-11-035
284- 30-510	NEW-W	03-10-096	296- 13-210	REP-P	03-05-074	296- 14-528	NEW	03-11-035
284- 43-220	AMD-X	03-03-134	296- 13-210	REP	03-09-111	296- 14-530	NEW	03-11-035
284- 43-220	AMD	03-09-142	296- 13-220	REP-P	03-05-074	296- 150C	PREP	03-04-098
284- 43-323	NEW	03-07-006	296- 13-220	REP	03-09-111	296- 150F	PREP	03-04-098
284- 91	AMD	03-07-007	296- 13-230	REP-P	03-05-074	296- 150M	PREP	03-04-098
284- 91-001	NEW	03-07-007	296- 13-230	REP	03-09-111	296- 150P	PREP	03-04-098
284- 91-010	REP	03-07-007	296- 13-240	REP-P	03-05-074	296- 150R	PREP	03-04-098
284- 91-020	REP	03-07-007	296- 13-240	REP	03-09-111	296- 150T	PREP	03-04-098
284- 91-025	REP	03-07-007	296- 13-250	REP-P	03-05-074	296- 150V	PREP	03-04-098
284- 91-027	REP	03-07-007	296- 13-250	REP	03-09-111	296- 17	PREP	03-05-072
284- 91-030	REP	03-07-007	296- 13-260	REP-P	03-05-074	296- 17	PREP-W	03-09-106
284- 91-040	REP	03-07-007	296- 13-260	REP	03-09-111	296- 17	PREP	03-13-099
284- 91-050	REP	03-07-007	296- 13-270	REP-P	03-05-074	296- 17-31027	AMD-P	03-14-126
284- 91-060	REP	03-07-007	296- 13-270	REP	03-09-111	296- 17-757	PREP	03-03-026
296- 13-001	REP-P	03-05-074	296- 13-280	REP-P	03-05-074	296- 17-757	AMD-P	03-14-126
296- 13-001	REP	03-09-111	296- 13-280	REP	03-09-111	296- 17-758	PREP	03-03-026
296- 13-010	REP-P	03-05-074	296- 13-280	REP	03-09-111	296- 17-758	AMD-P	03-14-126
296- 13-010	REP	03-09-111	296- 13-290	REP-P	03-05-074	296- 17-759	PREP	03-03-026
296- 13-020	REP-P	03-05-074	296- 13-290	REP	03-09-111	296- 17-759	AMD-P	03-14-126
296- 13-020	REP	03-09-111	296- 13-300	REP-P	03-05-074	296- 17-760	PREP	03-03-026
296- 13-030	REP-P	03-05-074	296- 13-300	REP	03-09-111	296- 17-760	AMD-P	03-14-126
296- 13-030	REP	03-09-111	296- 13-310	REP-P	03-05-074	296- 17-761	PREP	03-03-026
296- 13-035	REP-P	03-05-074	296- 13-310	REP	03-09-111	296- 17-761	AMD-P	03-14-126
296- 13-035	REP	03-09-111	296- 13-320	REP-P	03-05-074	296- 17-762	PREP	03-03-026
296- 13-040	REP-P	03-05-074	296- 13-320	REP	03-09-111	296- 17-762	AMD-P	03-14-126
			296- 13-330	REP-P	03-05-074			

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296-17-76201	PREP	03-03-026	296-20-02010	AMD-X	03-14-127	296-24-650	REP	03-09-009
296-17-76201	AMD-P	03-14-126	296-200A	PREP	03-04-098	296-24-65003	REP	03-09-009
296-17-76202	PREP	03-03-026	296-20-12501	AMD-X	03-14-127	296-24-65005	REP	03-09-009
296-17-76202	AMD-P	03-14-126	296-20-135	AMD-P	03-09-107	296-24-65007	REP	03-09-009
296-17-76203	PREP	03-03-026	296-20-135	AMD	03-14-043	296-24-655	REP	03-09-009
296-17-76203	AMD-P	03-14-126	296-20-170	AMD-X	03-14-127	296-24-65501	REP	03-09-009
296-17-76204	PREP	03-03-026	296-20-303	DECOD-X	03-14-127	296-24-657	REP	03-09-009
296-17-76204	AMD-P	03-14-126	296-23-220	AMD-P	03-09-107	296-24-65701	REP	03-09-009
296-17-76205	PREP	03-03-026	296-23-220	AMD	03-14-043	296-24-65703	REP	03-09-009
296-17-76205	AMD-P	03-14-126	296-23-230	AMD-P	03-09-107	296-24-660	REP	03-09-009
296-17-76206	PREP	03-03-026	296-23-230	AMD	03-14-043	296-24-66001	REP	03-09-009
296-17-76206	AMD-P	03-14-126	296-23-240	AMD-X	03-14-127	296-24-66003	REP	03-09-009
296-17-76207	PREP	03-03-026	296-23-246	RECOD-X	03-14-127	296-24-66005	REP	03-09-009
296-17-76207	AMD-P	03-14-126	296-23A-0710	AMD-X	03-14-127	296-24-66007	REP	03-09-009
296-17-76208	PREP	03-03-026	296-24	PREP	03-03-110	296-24-66009	REP	03-09-009
296-17-76208	AMD-P	03-14-126	296-24	PREP	03-10-064	296-24-66011	REP	03-09-009
296-17-76209	PREP	03-03-026	296-24	PREP	03-10-066	296-24-663	REP	03-09-009
296-17-76209	AMD-P	03-14-126	296-24-120	AMD-X	03-12-072	296-24-66301	REP	03-09-009
296-17-76210	PREP	03-03-026	296-24-12001	REP-X	03-12-072	296-24-66303	REP	03-09-009
296-17-76210	AMD-P	03-14-126	296-24-12002	REP-X	03-12-072	296-24-66305	REP	03-09-009
296-17-76211	PREP	03-03-026	296-24-12010	REP-X	03-12-072	296-24-66307	REP	03-09-009
296-17-76211	AMD-P	03-14-126	296-24-12011	REP-X	03-12-072	296-24-66309	REP	03-09-009
296-17-76212	PREP	03-03-026	296-24-12017	REP-X	03-12-072	296-24-66311	REP	03-09-009
296-17-76212	AMD-P	03-14-126	296-24-235	REP-P	03-14-075	296-24-66313	REP	03-09-009
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296-19A-010	AMD	03-11-009	296-24-23503	REP-P	03-14-075	296-24-66317	REP	03-09-009
296-19A-020	AMD	03-11-009	296-24-23505	REP-P	03-14-075	296-24-66319	REP	03-09-009
296-19A-025	NEW	03-11-009	296-24-23507	REP-P	03-14-075	296-24-66321	REP	03-09-009
296-19A-030	AMD	03-11-009	296-24-23509	REP-P	03-14-075	296-24-665	REP	03-09-009
296-19A-040	AMD	03-11-009	296-24-23511	REP-P	03-14-075	296-24-66501	REP	03-09-009
296-19A-060	AMD	03-11-009	296-24-23513	REP-P	03-14-075	296-24-66503	REP	03-09-009
296-19A-065	NEW	03-11-009	296-24-23515	REP-P	03-14-075	296-24-66505	REP	03-09-009
296-19A-070	AMD	03-11-009	296-24-23517	REP-P	03-14-075	296-24-66507	REP	03-09-009
296-19A-090	AMD	03-11-009	296-24-23519	REP-P	03-14-075	296-24-66509	REP	03-09-009
296-19A-100	AMD	03-11-009	296-24-23521	REP-P	03-14-075	296-24-670	REP	03-09-009
296-19A-110	AMD	03-11-009	296-24-23523	REP-P	03-14-075	296-24-67001	REP	03-09-009
296-19A-125	NEW	03-11-009	296-24-23525	REP-P	03-14-075	296-24-67003	REP	03-09-009
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296-19A-140	AMD	03-11-009	296-24-240	REP-P	03-14-075	296-30-200	PREP	03-11-058
296-19A-170	AMD	03-11-009	296-24-24001	REP-P	03-14-075	296-37	PREP	03-04-097
296-19A-180	AMD	03-11-009	296-24-24003	REP-P	03-14-075	296-400A	PREP	03-04-098
296-19A-190	AMD	03-11-009	296-24-24005	REP-P	03-14-075	296-401B	PREP	03-04-098
296-19A-191	NEW	03-11-009	296-24-24007	REP-P	03-14-075	296-402A	PREP	03-04-098
296-19A-192	NEW	03-11-009	296-24-24009	REP-P	03-14-075	296-45	PREP	03-07-072
296-19A-193	NEW	03-11-009	296-24-24011	REP-P	03-14-075	296-45	PREP	03-10-064
296-19A-200	AMD	03-11-009	296-24-24013	REP-P	03-14-075	296-45-045	AMD-P	03-10-067
296-19A-210	AMD	03-11-009	296-24-24015	REP-P	03-14-075	296-45-255	AMD-P	03-10-067
296-19A-210	PREP	03-16-083	296-24-24017	REP-P	03-14-075	296-45-325	AMD-P	03-10-067
296-19A-240	AMD	03-11-009	296-24-24019	REP-P	03-14-075	296-45-48535	AMD-X	03-12-072
296-19A-245	NEW	03-11-009	296-24-245	REP-P	03-14-075	296-46A	PREP	03-04-098
296-19A-260	AMD	03-11-009	296-24-24501	REP-P	03-14-075	296-46A-090	REP-P	03-05-074
296-19A-270	AMD	03-11-009	296-24-24503	REP-P	03-14-075	296-46A-090	REP	03-09-111
296-19A-300	AMD	03-11-009	296-24-24505	REP-P	03-14-075	296-46A-092	REP-P	03-05-074
296-19A-350	AMD	03-11-009	296-24-24507	REP-P	03-14-075	296-46A-092	REP	03-09-111
296-19A-400	AMD	03-11-009	296-24-24509	REP-P	03-14-075	296-46A-095	REP-P	03-05-074
296-19A-440	AMD	03-11-009	296-24-24511	REP-P	03-14-075	296-46A-095	REP	03-09-111
296-19A-480	AMD	03-11-009	296-24-24513	REP-P	03-14-075	296-46A-100	REP-P	03-05-074
296-20-010	AMD-X	03-14-127	296-24-24515	REP-P	03-14-075	296-46A-100	REP	03-09-111
296-20-01002	AMD-X	03-14-127	296-24-24517	REP-P	03-14-075	296-46A-102	REP-P	03-05-074
296-20-01501	AMD-X	03-14-127	296-24-24519	REP-P	03-14-075	296-46A-102	REP	03-09-111

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296-46A-104	REP-P	03-05-074	296-46A-700	REP-P	03-05-074	296-46B-358	NEW-P	03-05-074
296-46A-104	REP	03-09-111	296-46A-700	REP	03-09-111	296-46B-358	NEW	03-09-111
296-46A-110	REP-P	03-05-074	296-46A-702	REP-P	03-05-074	296-46B-394	NEW-P	03-05-074
296-46A-110	REP	03-09-111	296-46A-702	REP	03-09-111	296-46B-394	NEW	03-09-111
296-46A-130	REP-P	03-05-074	296-46A-900	REP-P	03-05-074	296-46B-410	NEW-P	03-05-074
296-46A-130	REP	03-09-111	296-46A-900	REP	03-09-111	296-46B-410	NEW	03-09-111
296-46A-140	REP-P	03-05-074	296-46A-910	REP-P	03-05-074	296-46B-422	NEW-P	03-05-074
296-46A-140	REP	03-09-111	296-46A-910	REP	03-09-111	296-46B-422	NEW	03-09-111
296-46A-155	REP-P	03-05-074	296-46A-915	REP-P	03-05-074	296-46B-430	NEW-P	03-05-074
296-46A-155	REP	03-09-111	296-46A-915	REP	03-09-111	296-46B-430	NEW	03-09-111
296-46A-21052	REP-P	03-05-074	296-46A-920	REP-P	03-05-074	296-46B-450	NEW-P	03-05-074
296-46A-21052	REP	03-09-111	296-46A-920	REP	03-09-111	296-46B-450	NEW	03-09-111
296-46A-215	REP-P	03-05-074	296-46A-930	REP-P	03-05-074	296-46B-501	NEW-P	03-05-074
296-46A-215	REP	03-09-111	296-46A-930	REP	03-09-111	296-46B-501	NEW	03-09-111
296-46A-220	REP-P	03-05-074	296-46A-931	REP-P	03-05-074	296-46B-514	NEW-P	03-05-074
296-46A-220	REP	03-09-111	296-46A-931	REP	03-09-111	296-46B-514	NEW	03-09-111
296-46A-22530	REP-P	03-05-074	296-46A-932	REP-P	03-05-074	296-46B-517	NEW-P	03-05-074
296-46A-22530	REP	03-09-111	296-46A-932	REP	03-09-111	296-46B-517	NEW	03-09-111
296-46A-23001	REP-P	03-05-074	296-46A-933	REP-P	03-05-074	296-46B-520	NEW-P	03-05-074
296-46A-23001	REP	03-09-111	296-46A-933	REP	03-09-111	296-46B-520	NEW	03-09-111
296-46A-23028	REP-P	03-05-074	296-46A-934	REP-P	03-05-074	296-46B-527	NEW-P	03-05-074
296-46A-23028	REP	03-09-111	296-46A-934	REP	03-09-111	296-46B-527	NEW	03-09-111
296-46A-23040	REP-P	03-05-074	296-46A-935	REP-P	03-05-074	296-46B-550	NEW-P	03-05-074
296-46A-23040	REP	03-09-111	296-46A-935	REP	03-09-111	296-46B-550	NEW	03-09-111
296-46A-23062	REP-P	03-05-074	296-46A-940	REP-P	03-05-074	296-46B-553	NEW-P	03-05-074
296-46A-23062	REP	03-09-111	296-46A-940	REP	03-09-111	296-46B-553	NEW	03-09-111
296-46A-250	REP-P	03-05-074	296-46A-950	REP-P	03-05-074	296-46B-555	NEW-P	03-05-074
296-46A-250	REP	03-09-111	296-46A-950	REP	03-09-111	296-46B-555	NEW	03-09-111
296-46A-300	REP-P	03-05-074	296-46A-960	REP-P	03-05-074	296-46B-600	NEW-P	03-05-074
296-46A-300	REP	03-09-111	296-46A-960	REP	03-09-111	296-46B-600	NEW	03-09-111
296-46A-30011	REP-P	03-05-074	296-46B	PREP	03-10-065	296-46B-680	NEW-P	03-05-074
296-46A-30011	REP	03-09-111	296-46B	PREP	03-15-116	296-46B-680	NEW	03-09-111
296-46A-324	REP-P	03-05-074	296-46B-005	NEW-P	03-05-074	296-46B-700	NEW-P	03-05-074
296-46A-324	REP	03-09-111	296-46B-005	NEW	03-09-111	296-46B-700	NEW	03-09-111
296-46A-348	REP-P	03-05-074	296-46B-010	NEW-P	03-05-074	296-46B-800	NEW-P	03-05-074
296-46A-348	REP	03-09-111	296-46B-010	NEW	03-09-111	296-46B-800	NEW	03-09-111
296-46A-365	REP-P	03-05-074	296-46B-020	NEW-P	03-05-074	296-46B-900	NEW-P	03-05-074
296-46A-365	REP	03-09-111	296-46B-020	NEW	03-09-111	296-46B-900	NEW	03-09-111
296-46A-370	REP-P	03-05-074	296-46B-030	NEW-P	03-05-074	296-46B-905	NEW-P	03-05-074
296-46A-370	REP	03-09-111	296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111
296-46A-41004	REP-P	03-05-074	296-46B-040	NEW-P	03-05-074	296-46B-905	AMD-X	03-13-100
296-46A-41004	REP	03-09-111	296-46B-040	NEW	03-09-111	296-46B-910	NEW-P	03-05-074
296-46A-41030	REP-P	03-05-074	296-46B-110	NEW-P	03-05-074	296-46B-910	NEW	03-09-111
296-46A-41030	REP	03-09-111	296-46B-110	NEW	03-09-111	296-46B-911	NEW-P	03-05-074
296-46A-422	REP-P	03-05-074	296-46B-210	NEW-P	03-05-074	296-46B-911	NEW	03-09-111
296-46A-422	REP	03-09-111	296-46B-210	NEW	03-09-111	296-46B-915	NEW-P	03-05-074
296-46A-450	REP-P	03-05-074	296-46B-215	NEW-P	03-05-074	296-46B-915	NEW	03-09-111
296-46A-450	REP	03-09-111	296-46B-215	NEW	03-09-111	296-46B-920	NEW-P	03-05-074
296-46A-500	REP-P	03-05-074	296-46B-220	NEW-P	03-05-074	296-46B-920	NEW	03-09-111
296-46A-500	REP	03-09-111	296-46B-220	NEW	03-09-111	296-46B-925	NEW-P	03-05-074
296-46A-514	REP-P	03-05-074	296-46B-225	NEW-P	03-05-074	296-46B-925	NEW	03-09-111
296-46A-514	REP	03-09-111	296-46B-225	NEW	03-09-111	296-46B-930	NEW-P	03-05-074
296-46A-517	REP-P	03-05-074	296-46B-230	NEW-P	03-05-074	296-46B-930	NEW	03-09-111
296-46A-517	REP	03-09-111	296-46B-230	NEW	03-09-111	296-46B-930	AMD-X	03-13-100
296-46A-550	REP-P	03-05-074	296-46B-250	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074
296-46A-550	REP	03-09-111	296-46B-250	NEW	03-09-111	296-46B-935	NEW	03-09-111
296-46A-553	REP-P	03-05-074	296-46B-300	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074
296-46A-553	REP	03-09-111	296-46B-300	NEW	03-09-111	296-46B-940	NEW	03-09-111
296-46A-600	REP-P	03-05-074	296-46B-314	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074
296-46A-600	REP	03-09-111	296-46B-314	NEW	03-09-111	296-46B-945	NEW	03-09-111
296-46A-680	REP-P	03-05-074	296-46B-334	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074
296-46A-680	REP	03-09-111	296-46B-334	NEW	03-09-111	296-46B-950	NEW	03-09-111

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296-46B-950	AMD-X	03-13-100	296-62	PREP	03-08-073	296-96-01055	AMD-P	03-09-108
296-46B-951	NEW-P	03-05-074	296-62-054	REP-X	03-04-100	296-96-01055	AMD	03-12-045
296-46B-951	NEW	03-09-111	296-62-054	REP	03-10-068	296-104	PREP	03-03-129
296-46B-955	NEW-P	03-05-074	296-62-05402	REP-X	03-04-100	296-104	PREP	03-12-081
296-46B-955	NEW	03-09-111	296-62-05402	REP	03-10-068	296-104-055	AMD-P	03-08-076
296-46B-960	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100	296-104-055	AMD	03-12-051
296-46B-960	NEW	03-09-111	296-62-05404	REP	03-10-068	296-104-700	AMD-P	03-08-076
296-46B-965	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100	296-104-700	AMD	03-12-051
296-46B-965	NEW	03-09-111	296-62-05406	REP	03-10-068	296-115-050	AMD-X	03-12-072
296-46B-970	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100	296-128-500	AMD	03-03-109
296-46B-970	NEW	03-09-111	296-62-05408	REP	03-10-068	296-128-532	NEW	03-03-109
296-46B-971	NEW-P	03-05-074	296-62-05410	REP-X	03-04-100	296-128-533	NEW	03-03-109
296-46B-971	NEW	03-09-111	296-62-05410	REP	03-10-068	296-130-010	AMD	03-03-010
296-46B-975	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100	296-130-020	AMD	03-03-010
296-46B-975	NEW	03-09-111	296-62-05412	REP	03-10-068	296-130-030	AMD	03-03-010
296-46B-980	NEW-P	03-05-074	296-62-070	REP-X	03-04-100	296-130-035	AMD	03-03-010
296-46B-980	NEW	03-09-111	296-62-070	REP	03-10-068	296-130-040	AMD	03-03-010
296-46B-985	NEW-P	03-05-074	296-62-07001	REP-X	03-04-100	296-130-050	AMD	03-03-010
296-46B-985	NEW	03-09-111	296-62-07001	REP	03-10-068	296-130-060	AMD	03-03-010
296-46B-990	NEW-P	03-05-074	296-62-07003	REP-X	03-04-100	296-130-065	AMD	03-03-010
296-46B-990	NEW	03-09-111	296-62-07003	REP	03-10-068	296-130-070	AMD	03-03-010
296-46B-995	NEW-P	03-05-074	296-62-07005	REP-X	03-04-100	296-130-080	AMD	03-03-010
296-46B-995	NEW	03-09-111	296-62-07005	REP	03-10-068	296-130-100	NEW	03-03-010
296-46B-998	NEW-P	03-05-074	296-62-071	AMD-P	03-08-044	296-130-500	REP	03-03-010
296-46B-998	NEW	03-09-111	296-62-07308	AMD-X	03-12-072	296-150C	PREP	03-10-065
296-46B-999	NEW-P	03-05-074	296-62-07336	AMD-X	03-12-072	296-150C	PREP	03-15-115
296-46B-999	NEW	03-09-111	296-62-07342	AMD-X	03-12-072	296-150C-0150	NEW-P	03-09-109
296-52-60020	AMD	03-06-073	296-62-07347	AMD-X	03-12-072	296-150C-0150	NEW	03-12-044
296-52-60130	AMD	03-06-073	296-62-07419	AMD-X	03-12-072	296-150C-3000	AMD-P	03-09-108
296-52-61040	AMD-X	03-05-073	296-62-07460	AMD-X	03-12-072	296-150C-3000	AMD	03-12-045
296-52-61040	AMD	03-10-037	296-62-075	AMD-P	03-11-059	296-150F	PREP	03-10-065
296-52-62005	AMD-X	03-05-073	296-62-07521	AMD-X	03-12-072	296-150F	PREP	03-15-115
296-52-62005	AMD	03-10-037	296-62-07719	AMD-X	03-12-072	296-150F-3000	AMD-P	03-09-109
296-52-63005	AMD-X	03-05-073	296-62-080	REP-X	03-04-100	296-150F-3000	AMD	03-12-044
296-52-63005	AMD	03-10-037	296-62-080	REP	03-10-068	296-150M	PREP	03-10-065
296-52-65005	AMD-X	03-05-073	296-62-08001	AMD	03-09-110	296-150M	PREP	03-15-115
296-52-65005	AMD	03-10-037	296-62-09015	AMD	03-11-060	296-150M-0020	AMD-P	03-09-109
296-52-66005	AMD-X	03-05-073	296-62-11021	REP-X	03-04-100	296-150M-0020	AMD	03-12-044
296-52-66005	AMD	03-10-037	296-62-11021	REP	03-10-068	296-150M-0049	AMD-P	03-09-109
296-52-67065	AMD	03-06-073	296-62-130	REP-X	03-04-100	296-150M-0049	AMD	03-12-044
296-52-67160	AMD	03-06-073	296-62-130	REP	03-10-068	296-150M-0050	AMD-P	03-09-109
296-52-68060	AMD	03-06-073	296-62-20015	AMD-X	03-12-072	296-150M-0050	AMD	03-12-044
296-52-69010	AMD	03-06-073	296-62-300	AMD-P	03-14-074	296-150M-0051	NEW-P	03-09-109
296-52-69015	AMD	03-06-073	296-62-31020	AMD-X	03-12-072	296-150M-0051	NEW	03-12-044
296-52-69095	AMD	03-06-073	296-62-31335	AMD-X	03-12-072	296-150M-0302	AMD-P	03-09-109
296-52-69125	AMD	03-06-073	296-78	PREP	03-10-064	296-150M-0302	AMD	03-12-044
296-52-69130	NEW	03-06-073	296-78	PREP	03-10-066	296-150M-0320	AMD-P	03-09-109
296-52-70010	AMD	03-06-073	296-78-56505	AMD	03-06-076	296-150M-0320	AMD	03-12-044
296-52-710	AMD	03-06-073	296-78-71001	AMD	03-06-076	296-150M-0322	NEW-P	03-09-109
296-52-71020	AMD	03-06-073	296-78-71011	AMD	03-06-076	296-150M-0322	NEW	03-12-044
296-52-71040	AMD	03-06-073	296-78-835	AMD	03-06-076	296-150M-0360	AMD-P	03-09-109
296-52-71045	AMD	03-06-073	296-79	PREP	03-03-110	296-150M-0360	AMD	03-12-044
296-54	PREP	03-10-064	296-79	PREP	03-10-064	296-150M-0705	NEW-P	03-09-109
296-54	PREP	03-10-066	296-79	PREP	03-10-066	296-150M-0705	NEW	03-12-044
296-54-51130	AMD	03-11-060	296-96	PREP	03-04-098	296-150M-0715	NEW-P	03-09-109
296-56	PREP	03-03-110	296-96	PREP	03-10-065	296-150M-0715	NEW	03-12-044
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296-56-60001	AMD	03-11-060	296-96-01005	AMD	03-12-045	296-150M-0725	NEW	03-12-044
296-59	PREP	03-03-110	296-96-01030	AMD-P	03-09-108	296-150M-0800	NEW-P	03-09-109
296-59	PREP	03-10-064	296-96-01030	AMD	03-12-045	296-150M-0800	NEW	03-12-044
296-59-090	AMD	03-11-060	296-96-01050	AMD-P	03-09-108	296-150M-0805	NEW-P	03-09-109
296-62	PREP	03-04-097	296-96-01050	AMD	03-12-045	296-150M-0805	NEW	03-12-044

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296-150M-0815	NEW-P	03-09-109	296-200A-015	AMD-P	03-15-117	296-307-03930	NEW-X	03-04-100
296-150M-0815	NEW	03-12-044	296-200A-025	AMD-P	03-15-117	296-307-03930	NEW	03-10-068
296-150M-0820	NEW-P	03-09-109	296-200A-030	NEW-P	03-15-117	296-307-03935	NEW-X	03-04-100
296-150M-0820	NEW	03-12-044	296-200A-035	AMD-P	03-15-117	296-307-03935	NEW	03-10-068
296-150M-0830	NEW-P	03-09-109	296-200A-040	AMD-P	03-15-117	296-307-03940	NEW-X	03-04-100
296-150M-0830	NEW	03-12-044	296-200A-060	AMD-P	03-15-117	296-307-03940	NEW	03-10-068
296-150M-0835	NEW-P	03-09-109	296-200A-065	NEW-P	03-15-117	296-307-03945	NEW-X	03-04-100
296-150M-0835	NEW	03-12-044	296-200A-070	AMD-P	03-15-117	296-307-03945	NEW	03-10-068
296-150M-0840	NEW-P	03-09-109	296-200A-080	AMD-P	03-15-117	296-307-148	NEW-P	03-15-032
296-150M-0840	NEW	03-12-044	296-200A-090	AMD-P	03-15-117	296-307-14805	NEW-P	03-15-032
296-150M-0845	NEW-P	03-09-109	296-200A-111	AMD-P	03-15-117	296-307-14810	NEW-P	03-15-032
296-150M-0845	NEW	03-12-044	296-200A-112	AMD-P	03-15-117	296-307-14815	NEW-P	03-15-032
296-150M-0855	NEW-P	03-09-109	296-200A-300	AMD-P	03-15-117	296-307-14820	NEW-P	03-15-032
296-150M-0855	NEW	03-12-044	296-200A-305	AMD-P	03-15-117	296-307-14825	NEW-P	03-15-032
296-150M-0860	NEW-P	03-09-109	296-200A-310	AMD-P	03-15-117	296-307-14830	NEW-P	03-15-032
296-150M-0860	NEW	03-12-044	296-200A-320	AMD-P	03-15-117	296-307-14835	NEW-P	03-15-032
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296-150M-0865	NEW	03-12-044	296-200A-340	AMD-P	03-15-117	296-307-14845	NEW-P	03-15-032
296-150M-3000	AMD-P	03-09-109	296-200A-360	AMD-P	03-15-117	296-307-40013	AMD-X	03-04-100
296-150M-3000	AMD	03-12-044	296-200A-370	AMD-P	03-15-117	296-307-40013	AMD	03-10-068
296-150P	PREP	03-10-065	296-200A-380	AMD-P	03-15-117	296-307-40015	AMD-X	03-04-100
296-150P	PREP	03-15-115	296-200A-390	AMD-P	03-15-117	296-307-40015	AMD	03-10-068
296-150P-0020	AMD-P	03-09-109	296-200A-400	AMD-P	03-15-117	296-307-40027	AMD-X	03-04-100
296-150P-0020	AMD	03-12-044	296-200A-405	AMD-P	03-15-117	296-307-40027	AMD	03-10-068
296-150P-3000	AMD-P	03-09-108	296-200A-500	REP-P	03-15-117	296-307-445	NEW-X	03-04-100
296-150P-3000	AMD	03-12-045	296-200A-510	REP-P	03-15-117	296-307-445	NEW	03-10-068
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296-150R	PREP	03-15-115	296-304-01001	AMD	03-04-099	296-307-450	AMD	03-10-068
296-150R-0020	AMD-P	03-09-109	296-304-01003	AMD	03-04-099	296-307-45001	REP-X	03-04-100
296-150R-0020	AMD	03-12-044	296-304-02007	AMD	03-04-099	296-307-45001	REP	03-10-068
296-150R-3000	AMD-P	03-09-108	296-304-02009	AMD	03-04-099	296-307-45003	REP-X	03-04-100
296-150R-3000	AMD	03-12-045	296-304-03007	AMD	03-04-099	296-307-45003	REP	03-10-068
296-150T	PREP	03-10-065	296-304-04001	AMD	03-04-099	296-307-45005	AMD-X	03-04-100
296-150T	PREP	03-15-115	296-304-05001	AMD	03-04-099	296-307-45005	AMD	03-10-068
296-150T-3000	AMD-P	03-09-108	296-304-05003	AMD	03-04-099	296-307-45007	REP-X	03-04-100
296-150T-3000	AMD	03-12-045	296-304-05005	AMD	03-04-099	296-307-45007	REP	03-10-068
296-150V	PREP	03-10-065	296-304-05009	AMD	03-04-099	296-307-45009	REP-X	03-04-100
296-150V	PREP	03-15-115	296-304-05013	AMD	03-04-099	296-307-45009	REP	03-10-068
296-150V-0020	AMD-P	03-09-109	296-304-06003	AMD	03-04-099	296-307-45010	NEW-X	03-04-100
296-150V-0020	AMD	03-12-044	296-304-07009	AMD	03-04-099	296-307-45010	NEW	03-10-068
296-150V-0800	AMD-P	03-09-109	296-304-07011	AMD	03-04-099	296-307-45011	REP-X	03-04-100
296-150V-0800	AMD	03-12-044	296-304-07013	AMD	03-04-099	296-307-45011	REP	03-10-068
296-150V-1090	AMD-P	03-09-109	296-304-08001	AMD	03-04-099	296-307-45013	REP-X	03-04-100
296-150V-1090	AMD	03-12-044	296-304-08009	AMD	03-11-060	296-307-45013	REP	03-10-068
296-150V-1220	REP-P	03-09-109	296-304-09009	AMD	03-11-060	296-307-45015	AMD-X	03-04-100
296-150V-1220	REP	03-12-044	296-304-09017	AMD	03-04-099	296-307-45015	AMD	03-10-068
296-150V-1530	AMD-P	03-09-109	296-304-09021	AMD	03-04-099	296-307-45017	REP-X	03-04-100
296-150V-1530	AMD	03-12-044	296-304-09023	AMD	03-04-099	296-307-45017	REP	03-10-068
296-150V-1600	NEW-P	03-09-109	296-304-10003	AMD	03-04-099	296-307-45019	REP-X	03-04-100
296-150V-1600	NEW	03-12-044	296-304-10007	AMD	03-04-099	296-307-45019	REP	03-10-068
296-150V-3000	AMD-P	03-09-108	296-305	PREP	03-04-097	296-307-45020	NEW-X	03-04-100
296-150V-3000	AMD	03-12-045	296-305	PREP	03-10-066	296-307-45020	NEW	03-10-068
296-155	PREP	03-04-097	296-305-01515	AMD	03-09-110	296-307-45021	REP-X	03-04-100
296-155	PREP	03-10-064	296-305-02005	AMD	03-11-060	296-307-45021	REP	03-10-068
296-155	PREP	03-10-066	296-305-02501	AMD	03-09-110	296-307-45023	REP-X	03-04-100
296-155-145	AMD	03-11-060	296-305-05503	AMD	03-11-060	296-307-45023	REP	03-10-068
296-155-210	AMD	03-11-060	296-307	PREP	03-10-064	296-307-45025	AMD-X	03-04-100
296-155-300	AMD	03-06-075	296-307	PREP	03-10-066	296-307-45025	AMD	03-10-068
296-155-305	AMD	03-06-075	296-307-009	AMD-X	03-04-100	296-307-45027	REP-X	03-04-100
296-155-310	AMD	03-06-075	296-307-009	AMD	03-10-068	296-307-45027	REP	03-10-068

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296-307-45029	REP	03-10-068	296-307-56035	NEW	03-10-068	296-401B-460	REP	03-09-111
296-307-45030	NEW-X	03-04-100	296-307-56040	NEW-X	03-04-100	296-401B-470	REP-P	03-05-074
296-307-45030	NEW	03-10-068	296-307-56040	NEW	03-10-068	296-401B-470	REP	03-09-111
296-307-45035	NEW-X	03-04-100	296-307-56045	NEW-X	03-04-100	296-401B-475	REP-P	03-05-074
296-307-45035	NEW	03-10-068	296-307-56045	NEW	03-10-068	296-401B-475	REP	03-09-111
296-307-45045	NEW-X	03-04-100	296-307-56050	NEW-X	03-04-100	296-401B-476	REP-P	03-05-074
296-307-45045	NEW	03-10-068	296-307-56050	NEW	03-10-068	296-401B-476	REP	03-09-111
296-307-45050	NEW-X	03-04-100	296-400A	PREP	03-10-065	296-401B-500	REP-P	03-05-074
296-307-45050	NEW	03-10-068	296-400A	PREP	03-15-114	296-401B-500	REP	03-09-111
296-307-455	NEW-X	03-04-100	296-400A-045	AMD-P	03-09-108	296-401B-510	REP-P	03-05-074
296-307-455	NEW	03-10-068	296-400A-045	AMD	03-12-045	296-401B-510	REP	03-09-111
296-307-45505	NEW-X	03-04-100	296-401B-092	REP-P	03-05-074	296-401B-520	REP-P	03-05-074
296-307-45505	NEW	03-10-068	296-401B-092	REP	03-09-111	296-401B-520	REP	03-09-111
296-307-45510	NEW-X	03-04-100	296-401B-100	REP-P	03-05-074	296-401B-600	REP-P	03-05-074
296-307-45510	NEW	03-10-068	296-401B-100	REP	03-09-111	296-401B-600	REP	03-09-111
296-307-45515	NEW-X	03-04-100	296-401B-110	REP-P	03-05-074	296-401B-610	REP-P	03-05-074
296-307-45515	NEW	03-10-068	296-401B-110	REP	03-09-111	296-401B-610	REP	03-09-111
296-307-45520	NEW-X	03-04-100	296-401B-120	REP-P	03-05-074	296-401B-620	REP-P	03-05-074
296-307-45520	NEW	03-10-068	296-401B-120	REP	03-09-111	296-401B-620	REP	03-09-111
296-307-45525	NEW-X	03-04-100	296-401B-130	REP-P	03-05-074	296-401B-630	REP-P	03-05-074
296-307-45525	NEW	03-10-068	296-401B-130	REP	03-09-111	296-401B-630	REP	03-09-111
296-307-45535	NEW-X	03-04-100	296-401B-140	REP-P	03-05-074	296-401B-640	REP-P	03-05-074
296-307-45535	NEW	03-10-068	296-401B-140	REP	03-09-111	296-401B-640	REP	03-09-111
296-307-45540	NEW-X	03-04-100	296-401B-180	REP-P	03-05-074	296-401B-700	REP-P	03-05-074
296-307-45540	NEW	03-10-068	296-401B-180	REP	03-09-111	296-401B-700	REP	03-09-111
296-307-45545	NEW-X	03-04-100	296-401B-200	REP-P	03-05-074	296-401B-800	REP-P	03-05-074
296-307-45545	NEW	03-10-068	296-401B-200	REP	03-09-111	296-401B-800	REP	03-09-111
296-307-45550	NEW-X	03-04-100	296-401B-250	REP-P	03-05-074	296-401B-850	REP-P	03-05-074
296-307-45550	NEW	03-10-068	296-401B-250	REP	03-09-111	296-401B-850	REP	03-09-111
296-307-45555	NEW-X	03-04-100	296-401B-260	REP-P	03-05-074	296-401B-860	REP-P	03-05-074
296-307-45555	NEW	03-10-068	296-401B-260	REP	03-09-111	296-401B-860	REP	03-09-111
296-307-45560	NEW-X	03-04-100	296-401B-270	REP-P	03-05-074	296-401B-870	REP-P	03-05-074
296-307-45560	NEW	03-10-068	296-401B-270	REP	03-09-111	296-401B-870	REP	03-09-111
296-307-45565	NEW-X	03-04-100	296-401B-300	REP-P	03-05-074	296-401B-900	REP-P	03-05-074
296-307-45565	NEW	03-10-068	296-401B-300	REP	03-09-111	296-401B-900	REP	03-09-111
296-307-460	NEW-X	03-04-100	296-401B-310	REP-P	03-05-074	296-401B-910	REP-P	03-05-074
296-307-460	NEW	03-10-068	296-401B-310	REP	03-09-111	296-401B-910	REP	03-09-111
296-307-46005	NEW-X	03-04-100	296-401B-320	REP-P	03-05-074	296-401B-920	REP-P	03-05-074
296-307-46005	NEW	03-10-068	296-401B-320	REP	03-09-111	296-401B-920	REP	03-09-111
296-307-46025	NEW-X	03-04-100	296-401B-330	REP-P	03-05-074	296-401B-950	REP-P	03-05-074
296-307-46025	NEW	03-10-068	296-401B-330	REP	03-09-111	296-401B-950	REP	03-09-111
296-307-46030	NEW-X	03-04-100	296-401B-335	REP-P	03-05-074	296-401B-960	REP-P	03-05-074
296-307-46030	NEW	03-10-068	296-401B-335	REP	03-09-111	296-401B-960	REP	03-09-111
296-307-465	NEW-X	03-04-100	296-401B-340	REP-P	03-05-074	296-401B-970	REP-P	03-05-074
296-307-465	NEW	03-10-068	296-401B-340	REP	03-09-111	296-401B-970	REP	03-09-111
296-307-55030	AMD-X	03-04-100	296-401B-350	REP-P	03-05-074	296-401B-980	REP-P	03-05-074
296-307-55030	AMD	03-10-068	296-401B-350	REP	03-09-111	296-401B-980	REP	03-09-111
296-307-560	NEW-X	03-04-100	296-401B-410	REP-P	03-05-074	296-401B-990	REP-P	03-05-074
296-307-560	NEW	03-10-068	296-401B-410	REP	03-09-111	296-401B-990	REP	03-09-111
296-307-56005	NEW-X	03-04-100	296-401B-420	REP-P	03-05-074	296-402A-010	REP-P	03-05-074
296-307-56005	NEW	03-10-068	296-401B-420	REP	03-09-111	296-402A-010	REP	03-09-111
296-307-56010	NEW-X	03-04-100	296-401B-430	REP-P	03-05-074	296-402A-020	REP-P	03-05-074
296-307-56010	NEW	03-10-068	296-401B-430	REP	03-09-111	296-402A-020	REP	03-09-111
296-307-56015	NEW-X	03-04-100	296-401B-440	REP-P	03-05-074	296-402A-030	REP-P	03-05-074
296-307-56015	NEW	03-10-068	296-401B-440	REP	03-09-111	296-402A-030	REP	03-09-111
296-307-56020	NEW-X	03-04-100	296-401B-445	REP-P	03-05-074	296-402A-040	REP-P	03-05-074
296-307-56020	NEW	03-10-068	296-401B-445	REP	03-09-111	296-402A-040	REP	03-09-111
296-307-56025	NEW-X	03-04-100	296-401B-450	REP-P	03-05-074	296-402A-050	REP-P	03-05-074
296-307-56025	NEW	03-10-068	296-401B-450	REP	03-09-111	296-402A-050	REP	03-09-111
296-307-56030	NEW-X	03-04-100	296-401B-455	REP-P	03-05-074	296-402A-060	REP-P	03-05-074
296-307-56030	NEW	03-10-068	296-401B-455	REP	03-09-111	296-402A-060	REP	03-09-111

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-070	REP-P	03-05-074	296-402A-400	REP-P	03-05-074	296-800-11030	AMD-X	03-12-072
296-402A-070	REP	03-09-111	296-402A-400	REP	03-09-111	296-800-15005	AMD	03-09-110
296-402A-080	REP-P	03-05-074	296-402A-410	REP-P	03-05-074	296-800-170	AMD-X	03-12-072
296-402A-080	REP	03-09-111	296-402A-410	REP	03-09-111	296-800-17005	AMD-X	03-12-072
296-402A-090	REP-P	03-05-074	296-402A-430	REP-P	03-05-074	296-800-17007	NEW-X	03-12-072
296-402A-090	REP	03-09-111	296-402A-430	REP	03-09-111	296-800-17015	AMD-X	03-12-072
296-402A-100	REP-P	03-05-074	296-402A-440	REP-P	03-05-074	296-800-17020	AMD-X	03-12-072
296-402A-100	REP	03-09-111	296-402A-440	REP	03-09-111	296-800-230	AMD-X	03-12-072
296-402A-110	REP-P	03-05-074	296-402A-450	REP-P	03-05-074	296-800-23005	AMD-X	03-12-072
296-402A-110	REP	03-09-111	296-402A-450	REP	03-09-111	296-800-23010	AMD-X	03-12-072
296-402A-130	REP-P	03-05-074	296-402A-460	REP-P	03-05-074	296-800-23020	AMD-X	03-12-072
296-402A-130	REP	03-09-111	296-402A-460	REP	03-09-111	296-800-23025	AMD-X	03-12-072
296-402A-140	REP-P	03-05-074	296-402A-470	REP-P	03-05-074	296-800-23030	REP-X	03-12-072
296-402A-140	REP	03-09-111	296-402A-470	REP	03-09-111	296-800-23035	REP-X	03-12-072
296-402A-150	REP-P	03-05-074	296-402A-480	REP-P	03-05-074	296-800-23040	NEW-X	03-12-072
296-402A-150	REP	03-09-111	296-402A-480	REP	03-09-111	296-800-23045	NEW-X	03-12-072
296-402A-160	REP-P	03-05-074	296-402A-490	REP-P	03-05-074	296-800-23050	NEW-X	03-12-072
296-402A-160	REP	03-09-111	296-402A-490	REP	03-09-111	296-800-23055	NEW-X	03-12-072
296-402A-170	REP-P	03-05-074	296-402A-500	REP-P	03-05-074	296-800-23060	NEW-X	03-12-072
296-402A-170	REP	03-09-111	296-402A-500	REP	03-09-111	296-800-23065	NEW-X	03-12-072
296-402A-180	REP-P	03-05-074	296-402A-510	REP-P	03-05-074	296-800-23070	NEW-X	03-12-072
296-402A-180	REP	03-09-111	296-402A-510	REP	03-09-111	296-800-23075	NEW-X	03-12-072
296-402A-190	REP-P	03-05-074	296-402A-520	REP-P	03-05-074	296-800-31050	AMD-X	03-12-072
296-402A-190	REP	03-09-111	296-402A-520	REP	03-09-111	296-800-350	AMD-X	03-12-072
296-402A-200	REP-P	03-05-074	296-402A-530	REP-P	03-05-074	296-800-35038	AMD-X	03-12-072
296-402A-200	REP	03-09-111	296-402A-530	REP	03-09-111	296-800-35040	AMD-X	03-12-072
296-402A-210	REP-P	03-05-074	296-402A-540	REP-P	03-05-074	296-800-35062	AMD-X	03-12-072
296-402A-210	REP	03-09-111	296-402A-540	REP	03-09-111	296-800-35064	AMD-X	03-12-072
296-402A-220	REP-P	03-05-074	296-402A-550	REP-P	03-05-074	296-800-370	AMD-X	03-12-072
296-402A-220	REP	03-09-111	296-402A-550	REP	03-09-111	296-807-100	NEW	03-09-009
296-402A-230	REP-P	03-05-074	296-402A-560	REP-P	03-05-074	296-807-110	NEW	03-09-009
296-402A-230	REP	03-09-111	296-402A-560	REP	03-09-111	296-807-11005	NEW	03-09-009
296-402A-240	REP-P	03-05-074	296-402A-570	REP-P	03-05-074	296-807-120	NEW	03-09-009
296-402A-240	REP	03-09-111	296-402A-570	REP	03-09-111	296-807-12005	NEW	03-09-009
296-402A-250	REP-P	03-05-074	296-402A-580	REP-P	03-05-074	296-807-130	NEW	03-09-009
296-402A-250	REP	03-09-111	296-402A-580	REP	03-09-111	296-807-13005	NEW	03-09-009
296-402A-260	REP-P	03-05-074	296-402A-590	REP-P	03-05-074	296-807-140	NEW	03-09-009
296-402A-260	REP	03-09-111	296-402A-590	REP	03-09-111	296-807-14005	NEW	03-09-009
296-402A-270	REP-P	03-05-074	296-402A-600	REP-P	03-05-074	296-807-14010	NEW	03-09-009
296-402A-270	REP	03-09-111	296-402A-600	REP	03-09-111	296-807-14015	NEW	03-09-009
296-402A-290	REP-P	03-05-074	296-402A-610	REP-P	03-05-074	296-807-14020	NEW	03-09-009
296-402A-290	REP	03-09-111	296-402A-610	REP	03-09-111	296-807-14025	NEW	03-09-009
296-402A-300	REP-P	03-05-074	296-402A-620	REP-P	03-05-074	296-807-14030	NEW	03-09-009
296-402A-300	REP	03-09-111	296-402A-620	REP	03-09-111	296-807-14035	NEW	03-09-009
296-402A-310	REP-P	03-05-074	296-402A-630	REP-P	03-05-074	296-807-14040	NEW	03-09-009
296-402A-310	REP	03-09-111	296-402A-630	REP	03-09-111	296-807-150	NEW	03-09-009
296-402A-320	REP-P	03-05-074	296-402A-640	REP-P	03-05-074	296-807-15005	NEW	03-09-009
296-402A-320	REP	03-09-111	296-402A-640	REP	03-09-111	296-807-15010	NEW	03-09-009
296-402A-330	REP-P	03-05-074	296-402A-650	REP-P	03-05-074	296-807-15015	NEW	03-09-009
296-402A-330	REP	03-09-111	296-402A-650	REP	03-09-111	296-807-15020	NEW	03-09-009
296-402A-340	REP-P	03-05-074	296-402A-660	REP-P	03-05-074	296-807-15025	NEW	03-09-009
296-402A-340	REP	03-09-111	296-402A-660	REP	03-09-111	296-807-15030	NEW	03-09-009
296-402A-350	REP-P	03-05-074	296-402A-670	REP-P	03-05-074	296-807-15035	NEW	03-09-009
296-402A-350	REP	03-09-111	296-402A-670	REP	03-09-111	296-807-15040	NEW	03-09-009
296-402A-360	REP-P	03-05-074	296-402A-675	REP-P	03-05-074	296-807-15045	NEW	03-09-009
296-402A-360	REP	03-09-111	296-402A-675	REP	03-09-111	296-807-15050	NEW	03-09-009
296-402A-370	REP-P	03-05-074	296-402A-680	REP-P	03-05-074	296-807-15055	NEW	03-09-009
296-402A-370	REP	03-09-111	296-402A-680	REP	03-09-111	296-807-160	NEW	03-09-009
296-402A-380	REP-P	03-05-074	296-402A-690	REP-P	03-05-074	296-807-16005	NEW	03-09-009
296-402A-380	REP	03-09-111	296-402A-690	REP	03-09-111	296-807-16010	NEW	03-09-009
296-402A-390	REP-P	03-05-074	296-800	PREP	03-04-097	296-807-16015	NEW	03-09-009
296-402A-390	REP	03-09-111	296-800-110	AMD-X	03-12-072	296-807-16020	NEW	03-09-009

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-807-16025	NEW	03-09-009	296-817-20030	NEW	03-11-060	296-823-16020	NEW	03-09-110
296-807-16030	NEW	03-09-009	296-817-20035	NEW	03-11-060	296-823-16025	NEW	03-09-110
296-807-16035	NEW	03-09-009	296-817-20040	NEW	03-11-060	296-823-16030	NEW	03-09-110
296-807-170	NEW	03-09-009	296-817-300	NEW	03-11-060	296-823-16035	NEW-W	03-14-136
296-807-17005	NEW	03-09-009	296-817-30005	NEW	03-11-060	296-823-16040	NEW-W	03-14-136
296-807-17010	NEW	03-09-009	296-817-30010	NEW	03-11-060	296-823-16045	NEW-W	03-14-136
296-807-17015	NEW	03-09-009	296-817-30015	NEW	03-11-060	296-823-170	NEW	03-09-110
296-807-17020	NEW	03-09-009	296-817-400	NEW	03-11-060	296-823-17005	NEW	03-09-110
296-807-180	NEW	03-09-009	296-817-40005	NEW	03-11-060	296-823-17010	NEW	03-09-110
296-807-18005	NEW	03-09-009	296-817-40010	NEW	03-11-060	296-823-17015	NEW-W	03-14-136
296-807-18010	NEW	03-09-009	296-817-40015	NEW	03-11-060	296-823-17020	NEW-W	03-14-136
296-807-18015	NEW	03-09-009	296-817-40020	NEW	03-11-060	296-823-17025	NEW-W	03-14-136
296-807-18020	NEW	03-09-009	296-817-40025	NEW	03-11-060	296-823-17030	NEW-W	03-14-136
296-807-18025	NEW	03-09-009	296-817-40030	NEW	03-11-060	296-823-180	NEW	03-09-110
296-807-18030	NEW	03-09-009	296-817-40035	NEW	03-11-060	296-823-18005	NEW	03-09-110
296-807-18035	NEW	03-09-009	296-817-500	NEW	03-11-060	296-823-18010	NEW	03-09-110
296-807-18040	NEW	03-09-009	296-817-50005	NEW	03-11-060	296-823-18015	NEW	03-09-110
296-807-18045	NEW	03-09-009	296-817-50010	NEW	03-11-060	296-823-18020	NEW	03-09-110
296-807-18050	NEW	03-09-009	296-817-50015	NEW	03-11-060	296-823-18025	NEW	03-09-110
296-807-18055	NEW	03-09-009	296-817-50020	NEW	03-11-060	296-823-18030	NEW	03-09-110
296-807-18060	NEW	03-09-009	296-817-50025	NEW	03-11-060	296-823-18035	NEW	03-09-110
296-807-18065	NEW	03-09-009	296-817-600	NEW	03-11-060	296-823-18040	NEW	03-09-110
296-807-18070	NEW	03-09-009	296-823-100	NEW	03-09-110	296-823-18045	NEW	03-09-110
296-807-18075	NEW	03-09-009	296-823-110	NEW	03-09-110	296-823-18050	NEW	03-09-110
296-807-18080	NEW	03-09-009	296-823-11005	NEW	03-09-110	296-823-18055	NEW	03-09-110
296-807-18085	NEW	03-09-009	296-823-11010	NEW	03-09-110	296-823-190	NEW-W	03-14-136
296-807-190	NEW	03-09-009	296-823-120	NEW	03-09-110	296-823-19005	NEW-W	03-14-136
296-817-010	NEW-W	03-13-096	296-823-12005	NEW	03-09-110	296-823-19010	NEW-W	03-14-136
296-817-01005	NEW-W	03-13-096	296-823-12010	NEW	03-09-110	296-823-19015	NEW-W	03-14-136
296-817-01010	NEW-W	03-13-096	296-823-12015	NEW	03-09-110	296-823-19020	NEW-W	03-14-136
296-817-01015	NEW-W	03-13-096	296-823-130	NEW	03-09-110	296-823-19025	NEW-W	03-14-136
296-817-01020	NEW-W	03-13-096	296-823-13005	NEW	03-09-110	296-823-19030	NEW-W	03-14-136
296-817-01025	NEW-W	03-13-096	296-823-13010	NEW	03-09-110	296-823-19035	NEW-W	03-14-136
296-817-01030	NEW-W	03-13-096	296-823-13015	NEW-W	03-14-136	296-823-19040	NEW-W	03-14-136
296-817-01035	NEW-W	03-13-096	296-823-13020	NEW-W	03-14-136	296-823-19045	NEW-W	03-14-136
296-817-01040	NEW-W	03-13-096	296-823-13025	NEW-W	03-14-136	296-823-19050	NEW-W	03-14-136
296-817-020	NEW-W	03-13-096	296-823-13030	NEW-W	03-14-136	296-823-19055	NEW-W	03-14-136
296-817-02005	NEW-W	03-13-096	296-823-140	NEW	03-09-110	296-823-200	NEW	03-09-110
296-817-02010	NEW-W	03-13-096	296-823-14005	NEW	03-09-110	296-824-50030	AMD	03-09-110
296-817-02015	NEW-W	03-13-096	296-823-14010	NEW	03-09-110	296-831-100	NEW-P	03-14-075
296-817-030	NEW-W	03-13-096	296-823-14015	NEW	03-09-110	296-831-200	NEW-P	03-14-075
296-817-03005	NEW-W	03-13-096	296-823-14020	NEW	03-09-110	296-831-210	NEW-P	03-14-075
296-817-03010	NEW-W	03-13-096	296-823-14025	NEW	03-09-110	296-831-21005	NEW-P	03-14-075
296-817-03015	NEW-W	03-13-096	296-823-14030	NEW	03-09-110	296-831-21010	NEW-P	03-14-075
296-817-03020	NEW-W	03-13-096	296-823-14035	NEW	03-09-110	296-831-21015	NEW-P	03-14-075
296-817-03025	NEW-W	03-13-096	296-823-14040	NEW	03-09-110	296-831-21020	NEW-P	03-14-075
296-817-03030	NEW-W	03-13-096	296-823-14045	NEW	03-09-110	296-831-21025	NEW-P	03-14-075
296-817-03035	NEW-W	03-13-096	296-823-14050	NEW	03-09-110	296-831-21030	NEW-P	03-14-075
296-817-040	NEW-W	03-13-096	296-823-14055	NEW	03-09-110	296-831-21035	NEW-P	03-14-075
296-817-04005	NEW-W	03-13-096	296-823-14060	NEW	03-09-110	296-831-21040	NEW-P	03-14-075
296-817-04010	NEW-W	03-13-096	296-823-14065	NEW	03-09-110	296-831-21045	NEW-P	03-14-075
296-817-04015	NEW-W	03-13-096	296-823-150	NEW	03-09-110	296-831-21050	NEW-P	03-14-075
296-817-04020	NEW-W	03-13-096	296-823-15005	NEW	03-09-110	296-831-21055	NEW-P	03-14-075
296-817-04025	NEW-W	03-13-096	296-823-15010	NEW	03-09-110	296-831-21060	NEW-P	03-14-075
296-817-050	NEW-W	03-13-096	296-823-15015	NEW	03-09-110	296-831-21065	NEW-P	03-14-075
296-817-100	NEW	03-11-060	296-823-15020	NEW	03-09-110	296-831-21070	NEW-P	03-14-075
296-817-200	NEW	03-11-060	296-823-15025	NEW	03-09-110	296-831-220	NEW-P	03-14-075
296-817-20005	NEW	03-11-060	296-823-15030	NEW	03-09-110	296-831-22005	NEW-P	03-14-075
296-817-20010	NEW	03-11-060	296-823-160	NEW	03-09-110	296-831-22010	NEW-P	03-14-075
296-817-20015	NEW	03-11-060	296-823-16005	NEW	03-09-110	296-831-22015	NEW-P	03-14-075
296-817-20020	NEW	03-11-060	296-823-16010	NEW	03-09-110	296-831-22020	NEW-P	03-14-075
296-817-20025	NEW	03-11-060	296-823-16015	NEW	03-09-110	296-831-230	NEW-P	03-14-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-831-23001	NEW-P	03-14-075	296-831-420	NEW-P	03-14-075	296-842-105	NEW-P	03-08-044
296-831-23005	NEW-P	03-14-075	296-831-42005	NEW-P	03-14-075	296-842-10505	NEW-P	03-08-044
296-831-23010	NEW-P	03-14-075	296-831-42010	NEW-P	03-14-075	296-842-110	NEW-P	03-08-044
296-831-23015	NEW-P	03-14-075	296-831-42015	NEW-P	03-14-075	296-842-11005	NEW-P	03-08-044
296-831-23025	NEW-P	03-14-075	296-831-42020	NEW-P	03-14-075	296-842-11010	NEW-P	03-08-044
296-831-23030	NEW-P	03-14-075	296-831-430	NEW-P	03-14-075	296-842-120	NEW-P	03-08-044
296-831-23035	NEW-P	03-14-075	296-831-43005	NEW-P	03-14-075	296-842-12005	NEW-P	03-08-044
296-831-23040	NEW-P	03-14-075	296-831-43010	NEW-P	03-14-075	296-842-12010	NEW-P	03-08-044
296-831-23045	NEW-P	03-14-075	296-831-43015	NEW-P	03-14-075	296-842-130	NEW-P	03-08-044
296-831-23050	NEW-P	03-14-075	296-831-43020	NEW-P	03-14-075	296-842-13005	NEW-P	03-08-044
296-831-23055	NEW-P	03-14-075	296-831-43025	NEW-P	03-14-075	296-842-140	NEW-P	03-08-044
296-831-23060	NEW-P	03-14-075	296-831-43030	NEW-P	03-14-075	296-842-14005	NEW-P	03-08-044
296-831-240	NEW-P	03-14-075	296-831-43035	NEW-P	03-14-075	296-842-150	NEW-P	03-08-044
296-831-24005	NEW-P	03-14-075	296-831-43040	NEW-P	03-14-075	296-842-15005	NEW-P	03-08-044
296-831-24010	NEW-P	03-14-075	296-831-43045	NEW-P	03-14-075	296-842-160	NEW-P	03-08-044
296-831-24020	NEW-P	03-14-075	296-831-43050	NEW-P	03-14-075	296-842-16005	NEW-P	03-08-044
296-831-24025	NEW-P	03-14-075	296-831-43055	NEW-P	03-14-075	296-842-170	NEW-P	03-08-044
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314-12-310	REP	03-09-015	316-45-350	AMD	03-12-074	352-40-020	AMD	03-11-068
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314-12-330	REP	03-09-015	316-45-390	AMD	03-12-074	352-40-040	AMD	03-11-068
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316-45-250	AMD	03-12-074	316-55-700	AMD-X	03-08-070	365-210-100	NEW	03-07-035
316-45-270	AMD-X	03-08-070	316-55-700	AMD	03-12-074	365-210-110	NEW	03-07-035
316-45-270	AMD	03-12-074	316-55-710	AMD-X	03-08-070	365-210-120	NEW	03-07-035
316-45-290	AMD-X	03-08-070	316-55-710	AMD	03-12-074	365-210-130	NEW	03-07-035
316-45-290	AMD	03-12-074	316-55-730	AMD-X	03-08-070	365-210-140	NEW	03-07-035
			316-55-730	AMD	03-12-074	365-210-150	NEW	03-07-035

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365-210-180	NEW	03-07-035	388- 14A-3865	AMD-P	03-16-094	388- 27-0175	PREP	03-11-090
365-210-190	NEW	03-07-035	388- 14A-3875	AMD-P	03-16-094	388- 27-0190	AMD-E	03-11-067
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365-212-020	NEW	03-07-036	388- 14A-4500	AMD-P	03-15-027	388- 27-0195	AMD-E	03-11-067
365-212-030	NEW	03-07-036	388- 14A-4505	PREP	03-09-090	388- 27-0195	PREP	03-11-090
365-212-040	NEW	03-07-036	388- 14A-4505	AMD-P	03-15-027	388- 27-0200	AMD-E	03-11-067
365-212-050	NEW	03-07-036	388- 14A-4510	PREP	03-09-090	388- 27-0200	PREP	03-11-090
365-212-060	NEW	03-07-036	388- 14A-4510	AMD-P	03-15-027	388- 27-0210	AMD-E	03-11-067
365-212-070	NEW	03-07-036	388- 14A-4515	PREP	03-09-090	388- 27-0210	PREP	03-11-090
365-212-080	NEW	03-07-036	388- 14A-4515	AMD-P	03-15-027	388- 27-0215	AMD-E	03-11-067
365-212-090	NEW	03-07-036	388- 14A-4520	PREP	03-09-090	388- 27-0215	PREP	03-11-090
374- 80-010	AMD	03-06-015	388- 14A-4520	AMD-P	03-15-027	388- 27-0220	AMD-E	03-11-067
374- 80-040	AMD	03-06-015	388- 14A-4525	PREP	03-09-090	388- 27-0220	PREP	03-11-090
374- 80-050	AMD	03-06-015	388- 14A-4525	AMD-P	03-15-027	388- 27-0225	REP-E	03-11-067
388- 01-030	PREP	03-10-087	388- 14A-4530	PREP	03-09-090	388- 27-0225	PREP	03-11-090
388- 01-030	AMD-P	03-14-063	388- 14A-4530	AMD-P	03-15-027	388- 27-0230	AMD-E	03-11-067
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388- 02-0215	AMD-E	03-07-043	388- 14A-5000	AMD-P	03-16-094	388- 27-0235	PREP	03-11-090
388- 02-0215	AMD-P	03-09-116	388- 14A-5008	AMD-P	03-16-094	388- 27-0240	REP-E	03-11-067
388- 02-0215	AMD	03-13-046	388- 14A-6105	NEW-E	03-07-030	388- 27-0240	PREP	03-11-090
388- 14A-1030	AMD-P	03-16-094	388- 14A-6105	NEW-P	03-13-092	388- 27-0245	REP-E	03-11-067
388- 14A-2040	AMD-P	03-16-094	388- 14A-6105	NEW-E	03-15-028	388- 27-0245	PREP	03-11-090
388- 14A-2075	AMD-P	03-16-094	388- 14A-6110	NEW-E	03-07-030	388- 27-0270	REP-E	03-11-067
388- 14A-2135	AMD-P	03-16-094	388- 14A-6110	NEW-P	03-13-092	388- 27-0270	PREP	03-11-090
388- 14A-2150	AMD-P	03-16-094	388- 14A-6110	NEW-E	03-15-028	388- 32-0025	PREP	03-03-056
388- 14A-2155	AMD-P	03-16-094	388- 14A-6115	NEW-E	03-07-030	388- 32-0025	AMD-E	03-03-069
388- 14A-3100	AMD-E	03-04-088	388- 14A-6115	NEW-P	03-13-092	388- 32-0025	AMD-E	03-11-024
388- 14A-3100	AMD-E	03-12-064	388- 14A-6115	NEW-E	03-15-028	388- 32-0025	AMD-P	03-14-100
388- 14A-3100	AMD-P	03-13-092	388- 14A-6120	NEW-E	03-07-030	388- 32-0030	PREP	03-03-056
388- 14A-3102	AMD-E	03-04-088	388- 14A-6120	NEW-P	03-13-092	388- 32-0030	AMD-E	03-03-069
388- 14A-3102	AMD-E	03-12-064	388- 14A-6120	NEW-E	03-15-028	388- 32-0030	AMD-E	03-11-024
388- 14A-3102	AMD-P	03-13-092	388- 14A-6125	NEW-E	03-07-030	388- 32-0030	AMD-P	03-14-100
388- 14A-3110	AMD-E	03-04-088	388- 14A-6125	NEW-P	03-13-092	388- 71-0194	AMD-E	03-05-044
388- 14A-3110	AMD-E	03-12-064	388- 14A-6125	NEW-E	03-15-028	388- 71-0194	AMD-E	03-05-098
388- 14A-3110	AMD-P	03-13-092	388- 15-650	REP	03-06-024	388- 71-0194	AMD-P	03-09-042
388- 14A-3115	AMD-E	03-04-088	388- 15-651	REP	03-06-024	388- 71-0194	PREP	03-11-088
388- 14A-3115	AMD-E	03-12-064	388- 15-652	REP	03-06-024	388- 71-0194	AMD-E	03-13-007
388- 14A-3115	AMD-P	03-13-092	388- 15-653	REP	03-06-024	388- 71-0194	AMD	03-13-052
388- 14A-3120	AMD-E	03-04-088	388- 15-654	REP	03-06-024	388- 71-0194	PREP-W	03-14-098
388- 14A-3120	AMD-E	03-12-064	388- 15-655	REP	03-06-024	388- 71-0194	PREP	03-14-099
388- 14A-3120	AMD-P	03-13-092	388- 15-656	REP	03-06-024	388- 71-0194	AMD-E	03-15-133
388- 14A-3122	NEW-E	03-04-088	388- 15-657	REP	03-06-024	388- 71-0202	AMD-E	03-05-044
388- 14A-3122	NEW-E	03-12-064	388- 15-658	REP	03-06-024	388- 71-0202	AMD-E	03-05-098
388- 14A-3125	AMD-P	03-16-094	388- 15-659	REP	03-06-024	388- 71-0202	AMD-P	03-09-042
388- 14A-3131	AMD-P	03-13-092	388- 15-660	REP	03-06-024	388- 71-0202	AMD-E	03-13-007
388- 14A-3132	AMD-P	03-13-092	388- 15-661	REP	03-06-024	388- 71-0202	AMD	03-13-052
388- 14A-3133	AMD-P	03-13-092	388- 15-662	REP	03-06-024	388- 71-0203	AMD-E	03-05-044
388- 14A-3135	AMD-P	03-16-094	388- 25-0018	NEW-X	03-08-087	388- 71-0203	AMD-E	03-05-098
388- 14A-3140	AMD-P	03-16-094	388- 25-0018	NEW	03-14-062	388- 71-0203	AMD-P	03-09-042
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388- 14A-3300	AMD-P	03-16-094	388- 27-0120	PREP	03-11-090	388- 71-0203	AMD	03-13-052
388- 14A-3315	AMD-P	03-16-094	388- 27-0130	AMD-E	03-11-067	388- 71-0405	AMD-E	03-05-044
388- 14A-3350	AMD-P	03-16-094	388- 27-0130	PREP	03-11-090	388- 71-0405	AMD-E	03-05-098
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388- 14A-3370	AMD-E	03-12-064	388- 27-0135	PREP	03-11-090	388- 71-0405	AMD-E	03-13-007
388- 14A-3370	AMD-P	03-13-092	388- 27-0155	AMD-E	03-11-067	388- 71-0405	AMD	03-13-052
388- 14A-3375	AMD-P	03-16-094	388- 27-0155	PREP	03-11-090	388- 71-0405	PREP	03-14-099
388- 14A-3600	AMD-P	03-13-092	388- 27-0160	AMD-E	03-11-067	388- 71-0410	AMD-E	03-05-044
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388-71-0415	AMD-E	03-05-044	388-71-0480	AMD	03-13-052	388-71-0815	AMD-P	03-09-091
388-71-0415	AMD-E	03-05-098	388-71-05923	PREP	03-09-089	388-71-0815	AMD	03-13-091
388-71-0415	AMD-P	03-09-042	388-71-05923	AMD-P	03-15-126	388-71-0820	AMD-P	03-09-091
388-71-0415	AMD-E	03-13-007	388-71-0600	AMD-E	03-05-044	388-71-0820	AMD	03-13-091
388-71-0415	AMD	03-13-052	388-71-0600	AMD-E	03-05-098	388-71-0825	AMD-P	03-09-091
388-71-0415	PREP	03-14-099	388-71-0600	AMD-P	03-09-042	388-71-0825	AMD	03-13-091
388-71-0415	AMD-E	03-15-133	388-71-0600	AMD-E	03-13-007	388-71-0835	AMD-P	03-09-091
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388-71-0420	AMD-P	03-09-042	388-71-0605	AMD-E	03-05-098	388-71-0840	AMD	03-13-091
388-71-0420	AMD-E	03-13-007	388-71-0605	AMD-P	03-09-042	388-71-0845	AMD-P	03-09-091
388-71-0420	AMD	03-13-052	388-71-0605	AMD-E	03-13-007	388-71-0845	AMD	03-13-091
388-71-0425	AMD-E	03-05-044	388-71-0605	AMD	03-13-052	388-72A-0005	NEW	03-05-097
388-71-0425	AMD-E	03-05-098	388-71-0610	AMD-E	03-05-044	388-72A-0010	NEW	03-05-097
388-71-0425	AMD-P	03-09-042	388-71-0610	AMD-E	03-05-098	388-72A-0015	NEW	03-05-097
388-71-0425	AMD-E	03-13-007	388-71-0610	AMD-P	03-09-042	388-72A-0020	NEW	03-05-097
388-71-0425	AMD	03-13-052	388-71-0610	AMD-E	03-13-007	388-72A-0025	NEW	03-05-097
388-71-0430	AMD-E	03-05-044	388-71-0610	AMD	03-13-052	388-72A-0030	NEW	03-05-097
388-71-0430	AMD-E	03-05-098	388-71-0702	NEW	03-06-024	388-72A-0035	NEW	03-05-097
388-71-0430	AMD-P	03-09-042	388-71-0704	NEW	03-06-024	388-72A-0040	NEW	03-05-097
388-71-0430	AMD-E	03-13-007	388-71-0706	NEW	03-06-024	388-72A-0045	NEW	03-05-097
388-71-0430	AMD	03-13-052	388-71-0708	NEW	03-06-024	388-72A-0050	NEW	03-05-097
388-71-0435	AMD-E	03-05-044	388-71-0710	NEW	03-06-024	388-72A-0055	NEW	03-05-097
388-71-0435	AMD-E	03-05-098	388-71-0712	NEW	03-06-024	388-72A-0060	NEW	03-05-097
388-71-0435	AMD-P	03-09-042	388-71-0714	NEW	03-06-024	388-72A-0060	PREP	03-14-099
388-71-0435	AMD-E	03-13-007	388-71-0716	NEW	03-06-024	388-72A-0060	AMD-E	03-15-133
388-71-0435	AMD	03-13-052	388-71-0718	NEW	03-06-024	388-72A-0065	NEW	03-05-097
388-71-0440	PREP	03-14-099	388-71-0720	NEW	03-06-024	388-72A-0070	NEW	03-05-097
388-71-0440	AMD-E	03-15-133	388-71-0722	NEW	03-06-024	388-72A-0075	NEW	03-05-097
388-71-0442	NEW-E	03-05-044	388-71-0724	NEW	03-06-024	388-72A-0080	NEW	03-05-097
388-71-0442	NEW-E	03-05-098	388-71-0726	NEW	03-06-024	388-72A-0085	NEW	03-05-097
388-71-0442	NEW-P	03-09-042	388-71-0728	NEW	03-06-024	388-72A-0090	NEW	03-05-097
388-71-0442	NEW-E	03-13-007	388-71-0730	NEW	03-06-024	388-72A-0095	NEW	03-05-097
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388-71-0445	AMD-E	03-05-098	388-71-0736	NEW	03-06-024	388-72A-0110	NEW	03-05-097
388-71-0445	AMD-P	03-09-042	388-71-0738	NEW	03-06-024	388-76-655	AMD-P	03-10-090
388-71-0445	AMD-E	03-13-007	388-71-0740	NEW	03-06-024	388-76-655	AMD	03-14-018
388-71-0445	AMD	03-13-052	388-71-0742	NEW	03-06-024	388-76-675	PREP	03-12-055
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388-71-0460	AMD-P	03-09-042	388-71-0748	NEW	03-06-024	388-78A	AMD	03-16-047
388-71-0460	AMD-W	03-11-025	388-71-0750	NEW	03-06-024	388-78A-0010	NEW-P	03-03-018
388-71-0460	AMD-P	03-11-066	388-71-0752	NEW	03-06-024	388-78A-0010	NEW	03-16-047
388-71-0460	AMD	03-15-010	388-71-0754	NEW	03-06-024	388-78A-0020	NEW-P	03-03-018
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388-71-0465	AMD-E	03-05-098	388-71-0758	NEW	03-06-024	388-78A-0030	NEW-P	03-03-018
388-71-0465	AMD-P	03-09-042	388-71-0760	NEW	03-06-024	388-78A-0030	NEW	03-16-047
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388-71-0465	AMD	03-13-052	388-71-0764	NEW	03-06-024	388-78A-0040	NEW	03-16-047
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388-71-0470	AMD-P	03-09-042	388-71-0772	NEW	03-06-024	388-78A-0060	NEW	03-16-047
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388-71-0470	AMD	03-13-052	388-71-0776	NEW	03-06-024	388-78A-0070	NEW	03-16-047
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388-71-0475	REP	03-09-092	388-71-0800	AMD	03-13-091	388-78A-0080	NEW	03-16-047
388-71-0480	AMD-E	03-05-044	388-71-0805	AMD-P	03-09-091	388-78A-0090	NEW-P	03-03-018
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388- 78A-0910	NEW-P	03-03-018	388- 78A-120	REP-P	03-03-018	388- 79-020	AMD-P	03-06-094
388- 78A-0910	NEW	03-16-047	388- 78A-120	REP	03-16-047	388- 79-020	AMD	03-16-022
388- 78A-0920	NEW-P	03-03-018	388- 78A-1200	NEW-P	03-03-018	388- 79-030	AMD-P	03-06-094
388- 78A-0920	NEW	03-16-047	388- 78A-1200	NEW	03-16-047	388- 79-030	AMD	03-16-022
388- 78A-0930	NEW-P	03-03-018	388- 78A-1210	NEW-P	03-03-018	388- 79-040	AMD-P	03-06-094
388- 78A-0930	NEW	03-16-047	388- 78A-1210	NEW	03-16-047	388- 79-040	AMD	03-16-022
388- 78A-0940	NEW-P	03-03-018	388- 78A-1220	NEW-P	03-03-018	388- 79-050	NEW-P	03-06-094
388- 78A-0940	NEW	03-16-047	388- 78A-1220	NEW	03-16-047	388- 79-050	NEW	03-16-022
388- 78A-0950	NEW-P	03-03-018	388- 78A-1230	NEW-P	03-03-018	388- 96	PREP	03-07-031
388- 78A-0950	NEW	03-16-047	388- 78A-1230	NEW	03-16-047	388- 97-027	PREP-W	03-16-018
388- 78A-0960	NEW-P	03-03-018	388- 78A-130	REP-P	03-03-018	388- 97-076	PREP	03-12-056
388- 78A-0960	NEW	03-16-047	388- 78A-130	REP	03-16-047	388-105	PREP	03-15-050
388- 78A-0970	NEW-P	03-03-018	388- 78A-140	REP-P	03-03-018	388-105-0005	AMD-E	03-15-011
388- 78A-0970	NEW	03-16-047	388- 78A-140	REP	03-16-047	388-105-0030	AMD-E	03-15-011
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388- 78A-0980	NEW	03-16-047	388- 78A-150	REP	03-16-047	388-105-0045	NEW-E	03-15-011
388- 78A-0990	NEW-P	03-03-018	388- 78A-160	REP-P	03-03-018	388-140-0005	NEW-E	03-04-035
388- 78A-0990	NEW	03-16-047	388- 78A-160	REP	03-16-047	388-140-0005	NEW-E	03-12-004
388- 78A-100	REP-P	03-03-018	388- 78A-170	REP-P	03-03-018	388-140-0010	NEW-E	03-04-035
388- 78A-100	REP	03-16-047	388- 78A-170	REP	03-16-047	388-140-0010	NEW-E	03-12-004
388- 78A-1000	NEW-P	03-03-018	388- 78A-180	REP-P	03-03-018	388-140-0015	NEW-E	03-04-035
388- 78A-1000	NEW	03-16-047	388- 78A-180	REP	03-16-047	388-140-0015	NEW-E	03-12-004
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388- 78A-1010	NEW	03-16-047	388- 78A-190	REP	03-16-047	388-140-0020	NEW-E	03-12-004
388- 78A-1020	NEW-P	03-03-018	388- 78A-200	REP-P	03-03-018	388-140-0025	NEW-E	03-04-035
388- 78A-1020	NEW	03-16-047	388- 78A-200	REP	03-16-047	388-140-0025	NEW-E	03-12-004
388- 78A-1030	NEW-P	03-03-018	388- 78A-210	REP-P	03-03-018	388-140-0030	NEW-E	03-04-035
388- 78A-1030	NEW	03-16-047	388- 78A-210	REP	03-16-047	388-140-0030	NEW-E	03-12-004
388- 78A-1040	NEW-P	03-03-018	388- 78A-220	REP-P	03-03-018	388-140-0035	NEW-E	03-04-035
388- 78A-1040	NEW	03-16-047	388- 78A-220	REP	03-16-047	388-140-0035	NEW-E	03-12-004
388- 78A-1050	NEW-P	03-03-018	388- 78A-230	REP-P	03-03-018	388-140-0040	NEW-E	03-04-035
388- 78A-1050	NEW	03-16-047	388- 78A-230	REP	03-16-047	388-140-0040	NEW-E	03-12-004
388- 78A-1060	NEW-P	03-03-018	388- 78A-240	REP-P	03-03-018	388-140-0045	NEW-E	03-04-035
388- 78A-1060	NEW	03-16-047	388- 78A-240	REP	03-16-047	388-140-0045	NEW-E	03-12-004
388- 78A-1070	NEW-P	03-03-018	388- 78A-250	REP-P	03-03-018	388-140-0050	NEW-E	03-04-035
388- 78A-1070	NEW	03-16-047	388- 78A-250	REP	03-16-047	388-140-0050	NEW-E	03-12-004
388- 78A-1080	NEW-P	03-03-018	388- 78A-260	REP-P	03-03-018	388-140-0055	NEW-E	03-04-035
388- 78A-1080	NEW	03-16-047	388- 78A-260	REP	03-16-047	388-140-0055	NEW-E	03-12-004
388- 78A-1090	NEW-P	03-03-018	388- 78A-265	REP-P	03-03-018	388-140-0060	NEW-E	03-04-035
388- 78A-1090	NEW	03-16-047	388- 78A-265	REP	03-16-047	388-140-0060	NEW-E	03-12-004
388- 78A-110	REP-P	03-03-018	388- 78A-268	REP-P	03-03-018	388-140-0065	NEW-E	03-04-035
388- 78A-110	REP	03-16-047	388- 78A-268	REP	03-16-047	388-140-0065	NEW-E	03-12-004
388- 78A-1100	NEW-P	03-03-018	388- 78A-280	REP-P	03-03-018	388-140-0070	NEW-E	03-04-035
388- 78A-1100	NEW	03-16-047	388- 78A-280	REP	03-16-047	388-140-0070	NEW-E	03-12-004
388- 78A-1110	NEW-P	03-03-018	388- 78A-290	REP-P	03-03-018	388-140-0075	NEW-E	03-04-035
388- 78A-1110	NEW	03-16-047	388- 78A-290	REP	03-16-047	388-140-0075	NEW-E	03-12-004
388- 78A-1120	NEW-P	03-03-018	388- 78A-300	REP-P	03-03-018	388-140-0080	NEW-E	03-04-035
388- 78A-1120	NEW	03-16-047	388- 78A-300	REP	03-16-047	388-140-0080	NEW-E	03-12-004
388- 78A-1130	NEW-P	03-03-018	388- 78A-310	REP-P	03-03-018	388-140-0085	NEW-E	03-04-035
388- 78A-1130	NEW	03-16-047	388- 78A-310	REP	03-16-047	388-140-0085	NEW-E	03-12-004
388- 78A-1140	NEW-P	03-03-018	388- 78A-320	REP-P	03-03-018	388-140-0090	NEW-E	03-04-035
388- 78A-1140	NEW	03-16-047	388- 78A-320	REP	03-16-047	388-140-0090	NEW-E	03-12-004
388- 78A-1150	NEW-P	03-03-018	388- 78A-330	REP-P	03-03-018	388-140-0095	NEW-E	03-04-035
388- 78A-1150	NEW	03-16-047	388- 78A-330	REP	03-16-047	388-140-0095	NEW-E	03-12-004
388- 78A-1160	NEW-P	03-03-018	388- 78A-335	REP-P	03-03-018	388-140-0100	NEW-E	03-04-035
388- 78A-1160	NEW	03-16-047	388- 78A-335	REP	03-16-047	388-140-0100	NEW-E	03-12-004
388- 78A-1170	NEW-P	03-03-018	388- 78A-340	REP-P	03-03-018	388-140-0105	NEW-E	03-04-035
388- 78A-1170	NEW	03-16-047	388- 78A-340	REP	03-16-047	388-140-0105	NEW-E	03-12-004
388- 78A-1180	NEW-P	03-03-018	388- 78A-990	REP-P	03-03-018	388-140-0110	NEW-E	03-04-035
388- 78A-1180	NEW	03-16-047	388- 78A-990	REP	03-16-047	388-140-0110	NEW-E	03-12-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0520	AMD-E	03-14-012	388-148-1185	NEW-E	03-14-012	388-150-120	REP	03-14-110
388-148-0542	NEW-E	03-05-099	388-148-1190	NEW-E	03-05-099	388-150-130	REP-P	03-09-005
388-148-0542	NEW-E	03-14-012	388-148-1190	NEW-E	03-14-012	388-150-130	REP	03-14-110
388-148-0560	AMD-E	03-05-099	388-148-1205	NEW-E	03-06-091	388-150-140	REP-P	03-09-005
388-148-0560	AMD-E	03-14-012	388-148-1210	NEW-E	03-06-091	388-150-140	REP	03-14-110
388-148-0585	AMD-E	03-05-099	388-148-1215	NEW-E	03-06-091	388-150-150	REP-P	03-09-005
388-148-0585	AMD-E	03-14-012	388-148-1220	NEW-E	03-06-091	388-150-150	REP	03-14-110
388-148-0630	AMD-E	03-05-099	388-148-1225	NEW-E	03-06-091	388-150-160	REP-P	03-09-005
388-148-0630	AMD-E	03-14-012	388-148-1230	NEW-E	03-06-091	388-150-160	REP	03-14-110
388-148-0700	AMD-E	03-05-099	388-148-1235	NEW-E	03-06-091	388-150-165	REP-P	03-09-005
388-148-0700	AMD-E	03-14-012	388-148-1240	NEW-E	03-06-091	388-150-165	REP	03-14-110
388-148-0720	AMD-E	03-05-099	388-148-1245	NEW-E	03-06-091	388-150-170	REP-P	03-09-005
388-148-0720	AMD-E	03-14-012	388-148-1250	NEW-E	03-06-091	388-150-170	REP	03-14-110
388-148-0722	NEW-E	03-05-099	388-148-1255	NEW-E	03-06-091	388-150-180	REP-P	03-09-005
388-148-0722	NEW-E	03-14-012	388-148-1260	NEW-E	03-06-091	388-150-180	REP	03-14-110
388-148-0725	AMD-E	03-05-099	388-148-1265	NEW-E	03-06-091	388-150-190	REP-P	03-09-005
388-148-0725	AMD-E	03-14-012	388-148-1270	NEW-E	03-06-091	388-150-190	REP	03-14-110
388-148-0785	AMD-E	03-05-099	388-148-1275	NEW-E	03-06-091	388-150-200	REP-P	03-09-005
388-148-0785	AMD-E	03-14-012	388-148-1280	NEW-E	03-06-091	388-150-200	REP	03-14-110
388-148-0880	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091	388-150-210	REP-P	03-09-005
388-148-0880	AMD-E	03-14-012	388-148-1290	NEW-E	03-06-091	388-150-210	REP	03-14-110
388-148-0892	NEW-E	03-05-099	388-148-1295	NEW-E	03-06-091	388-150-220	REP-P	03-09-005
388-148-0892	NEW-E	03-14-012	388-148-1300	NEW-E	03-06-091	388-150-220	REP	03-14-110
388-148-0915	AMD-E	03-05-099	388-150-005	REP-P	03-09-005	388-150-230	REP-P	03-09-005
388-148-0915	AMD-E	03-14-012	388-150-005	REP	03-14-110	388-150-230	REP	03-14-110
388-148-0995	AMD-E	03-05-099	388-150-010	REP-P	03-09-005	388-150-240	REP-P	03-09-005
388-148-0995	AMD-E	03-14-012	388-150-010	REP	03-14-110	388-150-240	REP	03-14-110
388-148-1060	AMD-E	03-05-099	388-150-020	REP-P	03-09-005	388-150-250	REP-P	03-09-005
388-148-1060	AMD-E	03-14-012	388-150-020	REP	03-14-110	388-150-250	REP	03-14-110
388-148-1070	AMD-E	03-05-099	388-150-040	REP-P	03-09-005	388-150-260	REP-P	03-09-005
388-148-1070	AMD-E	03-14-012	388-150-040	REP	03-14-110	388-150-260	REP	03-14-110
388-148-1076	NEW-E	03-05-099	388-150-050	REP-P	03-09-005	388-150-270	REP-P	03-09-005
388-148-1076	NEW-E	03-14-012	388-150-050	REP	03-14-110	388-150-270	REP	03-14-110
388-148-1077	NEW-E	03-05-099	388-150-060	REP-P	03-09-005	388-150-280	REP-P	03-09-005
388-148-1077	NEW-E	03-14-012	388-150-060	REP	03-14-110	388-150-280	REP	03-14-110
388-148-1078	NEW-E	03-05-099	388-150-070	REP-P	03-09-005	388-150-290	REP-P	03-09-005
388-148-1078	NEW-E	03-14-012	388-150-070	REP	03-14-110	388-150-290	REP	03-14-110
388-148-1079	NEW-E	03-05-099	388-150-080	REP-P	03-09-005	388-150-295	REP-P	03-09-005
388-148-1079	NEW-E	03-14-012	388-150-080	REP	03-14-110	388-150-295	REP	03-14-110
388-148-1115	AMD-E	03-05-099	388-150-085	REP-P	03-09-005	388-150-310	REP-P	03-09-005
388-148-1115	AMD-E	03-14-012	388-150-085	REP	03-14-110	388-150-310	REP	03-14-110
388-148-1120	AMD-E	03-05-099	388-150-090	REP-P	03-09-005	388-150-320	REP-P	03-09-005
388-148-1120	AMD-E	03-14-012	388-150-090	REP	03-14-110	388-150-320	REP	03-14-110
388-148-1140	NEW-E	03-05-099	388-150-092	REP-P	03-09-005	388-150-330	REP-P	03-09-005
388-148-1140	NEW-E	03-14-012	388-150-092	REP	03-14-110	388-150-330	REP	03-14-110
388-148-1145	NEW-E	03-05-099	388-150-093	REP-P	03-09-005	388-150-340	REP-P	03-09-005
388-148-1145	NEW-E	03-14-012	388-150-093	REP	03-14-110	388-150-340	REP	03-14-110
388-148-1150	NEW-E	03-05-099	388-150-094	REP-P	03-09-005	388-150-350	REP-P	03-09-005
388-148-1150	NEW-E	03-14-012	388-150-094	REP	03-14-110	388-150-350	REP	03-14-110
388-148-1155	NEW-E	03-05-099	388-150-095	REP-P	03-09-005	388-150-360	REP-P	03-09-005
388-148-1155	NEW-E	03-14-012	388-150-095	REP	03-14-110	388-150-360	REP	03-14-110
388-148-1160	NEW-E	03-05-099	388-150-096	REP-P	03-09-005	388-150-370	REP-P	03-09-005
388-148-1160	NEW-E	03-14-012	388-150-096	REP	03-14-110	388-150-370	REP	03-14-110
388-148-1165	NEW-E	03-05-099	388-150-097	REP-P	03-09-005	388-150-380	REP-P	03-09-005
388-148-1165	NEW-E	03-14-012	388-150-097	REP	03-14-110	388-150-380	REP	03-14-110
388-148-1170	NEW-E	03-05-099	388-150-098	REP-P	03-09-005	388-150-390	REP-P	03-09-005
388-148-1170	NEW-E	03-14-012	388-150-098	REP	03-14-110	388-150-390	REP	03-14-110
388-148-1175	NEW-E	03-05-099	388-150-100	REP-P	03-09-005	388-150-400	REP-P	03-09-005
388-148-1175	NEW-E	03-14-012	388-150-100	REP	03-14-110	388-150-400	REP	03-14-110
388-148-1180	NEW-E	03-05-099	388-150-110	REP-P	03-09-005	388-150-410	REP-P	03-09-005
388-148-1180	NEW-E	03-14-012	388-150-110	REP	03-14-110	388-150-410	REP	03-14-110
388-148-1185	NEW-E	03-05-099	388-150-120	REP-P	03-09-005	388-150-420	REP-P	03-09-005

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388-150-420	REP	03-14-110	388-292-0003	NEW-P	03-09-033	388-292-0150	NEW-P	03-09-033
388-150-430	REP-P	03-09-005	388-292-0003	NEW	03-14-109	388-292-0150	NEW	03-14-109
388-150-430	REP	03-14-110	388-292-0005	NEW-P	03-09-033	388-292-0155	NEW-P	03-09-033
388-150-440	REP-P	03-09-005	388-292-0005	NEW	03-14-109	388-292-0155	NEW	03-14-109
388-150-440	REP	03-14-110	388-292-0010	NEW-P	03-09-033	388-292-0160	NEW-P	03-09-033
388-150-450	REP-P	03-09-005	388-292-0010	NEW	03-14-109	388-292-0160	NEW	03-14-109
388-150-450	REP	03-14-110	388-292-0015	NEW-P	03-09-033	388-295-0001	NEW-P	03-09-005
388-150-460	REP-P	03-09-005	388-292-0015	NEW	03-14-109	388-295-0001	NEW	03-14-110
388-150-460	REP	03-14-110	388-292-0020	NEW-P	03-09-033	388-295-0010	NEW-P	03-09-005
388-150-470	REP-P	03-09-005	388-292-0020	NEW	03-14-109	388-295-0010	NEW	03-14-110
388-150-470	REP	03-14-110	388-292-0025	NEW-P	03-09-033	388-295-0020	NEW-P	03-09-005
388-150-480	REP-P	03-09-005	388-292-0025	NEW	03-14-109	388-295-0020	NEW	03-14-110
388-150-480	REP	03-14-110	388-292-0030	NEW-P	03-09-033	388-295-0030	NEW-P	03-09-005
388-150-490	REP-P	03-09-005	388-292-0030	NEW	03-14-109	388-295-0030	NEW	03-14-110
388-150-490	REP	03-14-110	388-292-0035	NEW-P	03-09-033	388-295-0040	NEW-P	03-09-005
388-150-500	REP-P	03-09-005	388-292-0035	NEW	03-14-109	388-295-0040	NEW	03-14-110
388-150-500	REP	03-14-110	388-292-0040	NEW-P	03-09-033	388-295-0050	NEW-P	03-09-005
388-150-990	REP-P	03-09-005	388-292-0040	NEW	03-14-109	388-295-0050	NEW	03-14-110
388-150-990	REP	03-14-110	388-292-0045	NEW-P	03-09-033	388-295-0055	NEW-P	03-09-005
388-150-991	REP-P	03-09-005	388-292-0045	NEW	03-14-109	388-295-0055	NEW	03-14-110
388-150-991	REP	03-14-110	388-292-0050	NEW-P	03-09-033	388-295-0060	NEW-P	03-09-005
388-150-992	REP-P	03-09-005	388-292-0050	NEW	03-14-109	388-295-0060	NEW	03-14-110
388-150-992	REP	03-14-110	388-292-0055	NEW-P	03-09-033	388-295-0070	NEW-P	03-09-005
388-150-993	REP-P	03-09-005	388-292-0055	NEW	03-14-109	388-295-0070	NEW	03-14-110
388-150-993	REP	03-14-110	388-292-0060	NEW-P	03-09-033	388-295-0080	NEW-P	03-09-005
388-155-070	AMD-P	03-06-092	388-292-0060	NEW	03-14-109	388-295-0080	NEW	03-14-110
388-155-070	AMD	03-09-074	388-292-0065	NEW-P	03-09-033	388-295-0090	NEW-P	03-09-005
388-155-090	AMD-P	03-06-092	388-292-0065	NEW	03-14-109	388-295-0090	NEW	03-14-110
388-155-090	AMD	03-09-074	388-292-0070	NEW-P	03-09-033	388-295-0100	NEW-P	03-09-005
388-165-130	REP-P	03-09-033	388-292-0070	NEW	03-14-109	388-295-0100	NEW	03-14-110
388-165-130	REP	03-14-109	388-292-0075	NEW-P	03-09-033	388-295-0110	NEW-P	03-09-005
388-180-0100	NEW	03-04-013	388-292-0075	NEW	03-14-109	388-295-0110	NEW	03-14-110
388-180-0110	NEW	03-04-013	388-292-0080	NEW-P	03-09-033	388-295-0120	NEW-P	03-09-005
388-180-0120	NEW	03-04-013	388-292-0080	NEW	03-14-109	388-295-0120	NEW	03-14-110
388-180-0130	NEW	03-04-013	388-292-0085	NEW-P	03-09-033	388-295-0130	NEW-P	03-09-005
388-180-0140	NEW	03-04-013	388-292-0085	NEW	03-14-109	388-295-0130	NEW	03-14-110
388-180-0150	NEW	03-04-013	388-292-0090	NEW-P	03-09-033	388-295-0140	NEW-P	03-09-005
388-180-0160	NEW	03-04-013	388-292-0090	NEW	03-14-109	388-295-0140	NEW	03-14-110
388-180-0170	NEW	03-04-013	388-292-0095	NEW-P	03-09-033	388-295-0150	NEW-P	03-09-005
388-180-0180	NEW	03-04-013	388-292-0095	NEW	03-14-109	388-295-0150	NEW	03-14-110
388-180-0190	NEW	03-04-013	388-292-0100	NEW-P	03-09-033	388-295-1010	NEW-P	03-09-005
388-180-0200	NEW	03-04-013	388-292-0100	NEW	03-14-109	388-295-1010	NEW	03-14-110
388-180-0210	NEW	03-04-013	388-292-0102	NEW-P	03-09-033	388-295-1020	NEW-P	03-09-005
388-180-0220	NEW	03-04-013	388-292-0102	NEW	03-14-109	388-295-1020	NEW	03-14-110
388-180-0230	NEW	03-04-013	388-292-0105	NEW-P	03-09-033	388-295-1030	NEW-P	03-09-005
388-273-0025	AMD-E	03-12-057	388-292-0105	NEW	03-14-109	388-295-1030	NEW	03-14-110
388-273-0025	PREP	03-13-044	388-292-0110	NEW-P	03-09-033	388-295-1040	NEW-P	03-09-005
388-273-0030	AMD-E	03-12-057	388-292-0110	NEW	03-14-109	388-295-1040	NEW	03-14-110
388-273-0030	PREP	03-13-044	388-292-0115	NEW-P	03-09-033	388-295-1050	NEW-P	03-09-005
388-273-0035	AMD-E	03-12-057	388-292-0115	NEW	03-14-109	388-295-1050	NEW	03-14-110
388-273-0035	PREP	03-13-044	388-292-0120	NEW-P	03-09-033	388-295-1060	NEW-P	03-09-005
388-290-0075	AMD-E	03-06-045	388-292-0120	NEW	03-14-109	388-295-1060	NEW	03-14-110
388-290-0075	AMD-E	03-14-061	388-292-0125	NEW-P	03-09-033	388-295-1070	NEW-P	03-09-005
388-290-0085	AMD-E	03-06-045	388-292-0125	NEW	03-14-109	388-295-1070	NEW	03-14-110
388-290-0085	AMD-E	03-14-061	388-292-0130	NEW-P	03-09-033	388-295-1080	NEW-P	03-09-005
388-290-0130	AMD-E	03-12-026	388-292-0130	NEW	03-14-109	388-295-1080	NEW	03-14-110
388-290-0190	AMD-E	03-06-045	388-292-0135	NEW-P	03-09-033	388-295-1090	NEW-P	03-09-005
388-290-0190	AMD-E	03-14-061	388-292-0135	NEW	03-14-109	388-295-1090	NEW	03-14-110
388-290-0210	REP-E	03-06-045	388-292-0140	NEW-P	03-09-033	388-295-1100	NEW-P	03-09-005
388-290-0210	REP-E	03-14-061	388-292-0140	NEW	03-14-109	388-295-1100	NEW	03-14-110
388-292-0001	NEW-P	03-09-033	388-292-0145	NEW-P	03-09-033	388-295-1110	NEW-P	03-09-005
388-292-0001	NEW	03-14-109	388-292-0145	NEW	03-14-109	388-295-1110	NEW	03-14-110

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388-295-1120	NEW-P	03-09-005	388-295-3180	NEW-P	03-09-005	388-295-5120	NEW-P	03-09-005
388-295-1120	NEW	03-14-110	388-295-3180	NEW	03-14-110	388-295-5120	NEW	03-14-110
388-295-2010	NEW-P	03-09-005	388-295-3190	NEW-P	03-09-005	388-295-5140	NEW-P	03-09-005
388-295-2010	NEW	03-14-110	388-295-3190	NEW	03-14-110	388-295-5140	NEW	03-14-110
388-295-2020	NEW-P	03-09-005	388-295-3200	NEW-P	03-09-005	388-295-5150	NEW-P	03-09-005
388-295-2020	NEW	03-14-110	388-295-3200	NEW	03-14-110	388-295-5150	NEW	03-14-110
388-295-2030	NEW-P	03-09-005	388-295-3210	NEW-P	03-09-005	388-295-5160	NEW-P	03-09-005
388-295-2030	NEW	03-14-110	388-295-3210	NEW	03-14-110	388-295-5160	NEW	03-14-110
388-295-2040	NEW-P	03-09-005	388-295-3220	NEW-P	03-09-005	388-295-5170	NEW-P	03-09-005
388-295-2040	NEW	03-14-110	388-295-3220	NEW	03-14-110	388-295-5170	NEW	03-14-110
388-295-2050	NEW-P	03-09-005	388-295-3230	NEW-P	03-09-005	388-295-6010	NEW-P	03-09-005
388-295-2050	NEW	03-14-110	388-295-3230	NEW	03-14-110	388-295-6010	NEW	03-14-110
388-295-2060	NEW-P	03-09-005	388-295-4010	NEW-P	03-09-005	388-295-6020	NEW-P	03-09-005
388-295-2060	NEW	03-14-110	388-295-4010	NEW	03-14-110	388-295-6020	NEW	03-14-110
388-295-2070	NEW-P	03-09-005	388-295-4020	NEW-P	03-09-005	388-295-6030	NEW-P	03-09-005
388-295-2070	NEW	03-14-110	388-295-4020	NEW	03-14-110	388-295-6030	NEW	03-14-110
388-295-2080	NEW-P	03-09-005	388-295-4030	NEW-P	03-09-005	388-295-6040	NEW-P	03-09-005
388-295-2080	NEW	03-14-110	388-295-4030	NEW	03-14-110	388-295-6040	NEW	03-14-110
388-295-2090	NEW-P	03-09-005	388-295-4040	NEW-P	03-09-005	388-295-6050	NEW-P	03-09-005
388-295-2090	NEW	03-14-110	388-295-4040	NEW	03-14-110	388-295-6050	NEW	03-14-110
388-295-2100	NEW-P	03-09-005	388-295-4050	NEW-P	03-09-005	388-295-6060	NEW-P	03-09-005
388-295-2100	NEW	03-14-110	388-295-4050	NEW	03-14-110	388-295-6060	NEW	03-14-110
388-295-2110	NEW-P	03-09-005	388-295-4060	NEW-P	03-09-005	388-295-7010	NEW-P	03-09-005
388-295-2110	NEW	03-14-110	388-295-4060	NEW	03-14-110	388-295-7010	NEW	03-14-110
388-295-2120	NEW-P	03-09-005	388-295-4070	NEW-P	03-09-005	388-295-7020	NEW-P	03-09-005
388-295-2120	NEW	03-14-110	388-295-4070	NEW	03-14-110	388-295-7020	NEW	03-14-110
388-295-2130	NEW-P	03-09-005	388-295-4080	NEW-P	03-09-005	388-295-7030	NEW-P	03-09-005
388-295-2130	NEW	03-14-110	388-295-4080	NEW	03-14-110	388-295-7030	NEW	03-14-110
388-295-3010	NEW-P	03-09-005	388-295-4090	NEW-P	03-09-005	388-295-7040	NEW-P	03-09-005
388-295-3010	NEW	03-14-110	388-295-4090	NEW	03-14-110	388-295-7040	NEW	03-14-110
388-295-3020	NEW-P	03-09-005	388-295-4100	NEW-P	03-09-005	388-295-7050	NEW-P	03-09-005
388-295-3020	NEW	03-14-110	388-295-4100	NEW	03-14-110	388-295-7050	NEW	03-14-110
388-295-3030	NEW-P	03-09-005	388-295-4110	NEW-P	03-09-005	388-295-7060	NEW-P	03-09-005
388-295-3030	NEW	03-14-110	388-295-4110	NEW	03-14-110	388-295-7060	NEW	03-14-110
388-295-3040	NEW-P	03-09-005	388-295-4120	NEW-P	03-09-005	388-295-7070	NEW-P	03-09-005
388-295-3040	NEW	03-14-110	388-295-4120	NEW	03-14-110	388-295-7070	NEW	03-14-110
388-295-3050	NEW-P	03-09-005	388-295-4130	NEW-P	03-09-005	388-295-7080	NEW-P	03-09-005
388-295-3050	NEW	03-14-110	388-295-4130	NEW	03-14-110	388-295-7080	NEW	03-14-110
388-295-3060	NEW-P	03-09-005	388-295-4140	NEW-P	03-09-005	388-310-0800	AMD-E	03-04-066
388-295-3060	NEW	03-14-110	388-295-4140	NEW	03-14-110	388-310-0800	PREP	03-11-087
388-295-3070	NEW-P	03-09-005	388-295-5010	NEW-P	03-09-005	388-310-0800	AMD-E	03-12-025
388-295-3070	NEW	03-14-110	388-295-5010	NEW	03-14-110	388-310-0800	AMD-E	03-14-105
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388-295-3080	NEW	03-14-110	388-295-5020	NEW	03-14-110	388-400-0040	AMD	03-05-028
388-295-3090	NEW-P	03-09-005	388-295-5030	NEW-P	03-09-005	388-400-0045	AMD	03-05-028
388-295-3090	NEW	03-14-110	388-295-5030	NEW	03-14-110	388-406-0005	PREP	03-15-024
388-295-3100	NEW-P	03-09-005	388-295-5040	NEW-P	03-09-005	388-406-0010	PREP	03-15-024
388-295-3100	NEW	03-14-110	388-295-5040	NEW	03-14-110	388-406-0015	PREP-W	03-03-112
388-295-3110	NEW-P	03-09-005	388-295-5050	NEW-P	03-09-005	388-406-0015	PREP	03-15-024
388-295-3110	NEW	03-14-110	388-295-5050	NEW	03-14-110	388-406-0021	PREP	03-15-024
388-295-3120	NEW-P	03-09-005	388-295-5060	NEW-P	03-09-005	388-406-0035	PREP	03-15-024
388-295-3120	NEW	03-14-110	388-295-5060	NEW	03-14-110	388-406-0040	PREP	03-15-024
388-295-3130	NEW-P	03-09-005	388-295-5070	NEW-P	03-09-005	388-406-0055	PREP	03-15-024
388-295-3130	NEW	03-14-110	388-295-5070	NEW	03-14-110	388-406-0060	PREP	03-15-024
388-295-3140	NEW-P	03-09-005	388-295-5080	NEW-P	03-09-005	388-406-0065	PREP	03-15-024
388-295-3140	NEW	03-14-110	388-295-5080	NEW	03-14-110	388-408-0005	AMD-P	03-13-090
388-295-3150	NEW-P	03-09-005	388-295-5090	NEW-P	03-09-005	388-408-0034	PREP	03-06-056
388-295-3150	NEW	03-14-110	388-295-5090	NEW	03-14-110	388-408-0034	AMD-P	03-16-045
388-295-3160	NEW-P	03-09-005	388-295-5100	NEW-P	03-09-005	388-408-0035	PREP	03-06-056
388-295-3160	NEW	03-14-110	388-295-5100	NEW	03-14-110	388-408-0035	AMD-P	03-16-045
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388-408-0050	AMD-P	03-16-045	388-470-0010	REP	03-05-015	388-513-1350	PREP-W	03-15-022
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388-418-0005	PREP	03-14-077	388-475	PREP	03-12-054	388-513-1380	AMD-E	03-15-087
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388-424-0005	PREP	03-03-007	388-476-0005	AMD-P	03-16-082	388-515-1530	REP	03-08-067
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388-424-0015	PREP	03-03-007	388-478-0055	AMD	03-03-114	388-515-1540	NEW-E	03-05-098
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388-434-0005	PREP	03-14-077	388-478-0075	AMD-P	03-12-068	388-517	PREP	03-08-086
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388-436-0002	PREP	03-11-089	388-478-0080	PREP	03-08-085	388-519	PREP	03-08-086
388-436-0002	AMD-E	03-12-027	388-478-0085	AMD-E	03-08-065	388-519-0120	PREP-W	03-14-058
388-438	PREP	03-12-054	388-478-0085	PREP	03-08-081	388-523	PREP	03-08-086
388-438	PREP-W	03-15-051	388-478-0085	PREP-W	03-10-051	388-523-0120	PREP	03-04-085
388-438-0100	PREP-W	03-14-058	388-478-0085	PREP-W	03-15-051	388-523-0120	AMD-P	03-10-089
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388-438-0110	AMD-E	03-14-104	388-482-0005	PREP	03-15-025	388-527	PREP	03-08-086
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388-450-0195	PREP	03-13-034	388-505-0210	AMD-P	03-10-048	388-532-130	NEW-P	03-12-067
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388-452-0005	AMD-P	03-15-026	388-506	PREP	03-08-086	388-532-500	NEW-P	03-12-067
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388-533	PREP	03-15-124	388-538-080	REP-P	03-14-064	388-550-1500	PREP	03-10-050
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388-535	PREP	03-08-086	388-538-110	AMD-P	03-14-065	388-550-2511	AMD	03-06-047
388-535	PREP	03-12-054	388-538-111	NEW-P	03-14-065	388-550-2521	AMD	03-06-047
388-535	PREP-W	03-15-051	388-538-112	NEW-P	03-14-065	388-550-2531	AMD	03-06-047
388-535	PREP-W	03-16-090	388-538-130	AMD-P	03-14-066	388-550-2541	AMD	03-06-047
388-535-1050	AMD-P	03-15-127	388-538-140	AMD-P	03-14-066	388-550-2551	AMD	03-06-047
388-535-1050	AMD-E	03-16-046	388-539	PREP	03-08-086	388-550-2561	AMD	03-06-047
388-535-1050	PREP-W	03-16-090	388-540	PREP	03-08-086	388-550-2800	PREP	03-04-087
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388-535-1065	NEW-E	03-16-046	388-540-010	REP-P	03-14-103	388-550-3700	AMD	03-13-053
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388-535-1070	AMD-E	03-16-046	388-540-020	REP-P	03-14-103	388-550-4500	AMD	03-13-055
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388-535-1080	AMD-P	03-15-128	388-540-030	REP-P	03-14-103	388-550-4800	PREP	03-13-089
388-535-1080	AMD-E	03-16-046	388-540-035	NEW-P	03-14-103	388-550-4900	AMD-P	03-06-111
388-535-1080	PREP-W	03-16-090	388-540-040	REP-P	03-14-103	388-550-4900	AMD	03-13-055
388-535-1100	AMD-P	03-15-128	388-540-045	NEW-P	03-14-103	388-550-5000	AMD-P	03-06-111
388-535-1100	AMD-E	03-16-046	388-540-050	REP-P	03-14-103	388-550-5000	AMD	03-13-055
388-535-1100	PREP-W	03-16-090	388-540-055	NEW-P	03-14-103	388-550-5100	AMD-P	03-06-111
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388-535-1120	REP-E	03-16-046	388-540-065	NEW-P	03-14-103	388-550-5150	AMD-P	03-06-111
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388-535-1220	AMD-E	03-16-046	388-540-130	NEW-P	03-14-103	388-550-5400	AMD	03-13-055
388-535-1230	AMD-P	03-15-128	388-540-140	NEW-P	03-14-103	388-550-5450	PREP	03-04-087
388-535-1230	AMD-E	03-16-046	388-540-150	NEW-P	03-14-103	388-550-5600	AMD-P	03-06-111
388-535-1230	PREP-W	03-16-090	388-540-160	NEW-P	03-14-103	388-550-5600	AMD	03-13-055
388-535-1240	AMD-P	03-15-129	388-540-170	NEW-P	03-14-103	388-550-6000	PREP	03-04-087
388-535-1240	AMD-E	03-16-046	388-540-180	NEW-P	03-14-103	388-550-6000	PREP	03-10-050
388-535-1240	PREP-W	03-16-090	388-540-190	NEW-P	03-14-103	388-550-6000	AMD-P	03-15-130
388-535-1255	NEW-P	03-15-129	388-540-200	NEW-P	03-14-103	388-550-6000	PREP-W	03-16-018
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388-535-1280	NEW-P	03-15-138	388-543-1150	AMD-P	03-16-092	388-550-6800	NEW	03-13-055
388-535-1280	NEW-E	03-16-046	388-543-1225	NEW	03-05-051	388-550-6900	NEW-P	03-06-111
388-535-1290	NEW-P	03-15-138	388-543-2100	AMD-P	03-16-093	388-550-6900	NEW	03-13-055
388-535-1290	NEW-E	03-16-046	388-543-2500	AMD-P	03-16-093	388-551	PREP	03-08-086
388-535-1350	AMD-P	03-15-138	388-543-2900	AMD-P	03-16-093	388-552	PREP	03-08-086
388-535-1350	AMD-E	03-16-046	388-544	PREP	03-08-086	388-555	PREP	03-08-086
388-535-1400	AMD-P	03-15-138	388-544	PREP	03-12-054	388-556	PREP	03-08-086
388-535-1400	AMD-E	03-16-046	388-544	PREP-W	03-15-051	388-557-5000	NEW-P	03-09-119
388-535-1450	AMD-P	03-15-138	388-545	PREP	03-08-086	388-557-5000	NEW	03-13-054
388-535-1450	AMD-E	03-16-046	388-546	PREP	03-04-087	388-557-5050	NEW-P	03-09-119
388-535-1450	PREP-W	03-16-090	388-546	PREP	03-08-023	388-557-5050	NEW	03-13-054
388-535A	PREP	03-08-086	388-546	PREP	03-08-086	388-557-5100	NEW-P	03-09-119
388-537	PREP	03-08-086	388-550	PREP	03-08-086	388-557-5100	NEW	03-13-054
388-538	PREP	03-08-086	388-550	PREP	03-10-050	388-557-5150	NEW-P	03-09-119
388-538	PREP	03-10-086	388-550-1050	AMD-P	03-14-102	388-557-5150	NEW	03-13-054
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388-538-060	AMD-P	03-14-064	388-550-1300	AMD-P	03-15-130	388-557-5200	NEW	03-13-054
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388-557-5300	NEW	03-13-054	388-805-610	AMD-P	03-12-066	388-818-0260	NEW	03-05-100
388-561	PREP	03-08-086	388-805-625	NEW-P	03-12-066	388-818-0270	NEW	03-05-100
388-561-0001	AMD	03-06-048	388-805-700	AMD-P	03-12-066	388-818-0280	NEW	03-05-100
388-561-0100	AMD-P	03-09-117	388-805-710	AMD-E	03-06-059	388-818-0290	NEW	03-05-100
388-561-0100	AMD	03-13-113	388-805-710	AMD-P	03-12-066	388-818-030	REP	03-05-100
388-561-0100	AMD-W	03-15-066	388-805-710	AMD-E	03-14-076	388-818-0300	NEW	03-05-100
388-730-0010	AMD	03-03-070	388-805-715	NEW-P	03-12-066	388-818-0310	NEW	03-05-100
388-730-0060	AMD	03-03-070	388-805-720	AMD-E	03-06-059	388-818-0320	NEW	03-05-100
388-730-0065	AMD	03-03-070	388-805-720	AMD-P	03-12-066	388-818-0330	NEW	03-05-100
388-730-0070	AMD	03-03-070	388-805-720	AMD-E	03-14-076	388-818-0340	NEW	03-05-100
388-730-0090	AMD	03-03-070	388-805-730	AMD-E	03-06-059	388-818-0350	NEW	03-05-100
388-805-005	AMD-E	03-06-059	388-805-730	AMD-P	03-12-066	388-818-0360	NEW	03-05-100
388-805-005	AMD-P	03-12-066	388-805-730	AMD-E	03-14-076	388-818-0370	NEW	03-05-100
388-805-005	AMD-E	03-14-076	388-805-740	AMD-E	03-06-059	388-818-0380	NEW	03-05-100
388-805-010	AMD-P	03-12-066	388-805-740	AMD-P	03-12-066	388-818-0390	NEW	03-05-100
388-805-015	AMD-P	03-12-066	388-805-740	AMD-E	03-14-076	388-818-040	REP	03-05-100
388-805-030	AMD-E	03-06-059	388-805-750	AMD-E	03-06-059	388-818-0400	NEW	03-05-100
388-805-030	AMD-P	03-12-066	388-805-750	AMD-P	03-12-066	388-818-050	REP	03-05-100
388-805-030	AMD-E	03-14-076	388-805-750	AMD-E	03-14-076	388-818-060	REP	03-05-100
388-805-035	NEW-E	03-06-059	388-805-800	AMD-P	03-12-066	388-818-070	REP	03-05-100
388-805-035	NEW-P	03-12-066	388-805-810	AMD-P	03-12-066	388-818-080	REP	03-05-100
388-805-035	NEW-E	03-14-076	388-805-820	AMD-P	03-12-066	388-818-090	REP	03-05-100
388-805-040	NEW-E	03-06-059	388-805-850	AMD-P	03-12-066	388-818-110	REP	03-05-100
388-805-040	NEW-P	03-12-066	388-805-900	REP-P	03-12-066	388-818-130	REP	03-05-100
388-805-040	NEW-E	03-14-076	388-805-905	REP-P	03-12-066	388-820-020	AMD-E	03-03-115
388-805-065	AMD-E	03-06-059	388-805-910	REP-P	03-12-066	388-820-020	AMD-E	03-10-026
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388-805-100	AMD-P	03-12-066	388-818-001	REP	03-05-100	388-825-020	AMD-E	03-10-027
388-805-120	AMD-P	03-12-066	388-818-0010	NEW	03-05-100	388-825-055	AMD-E	03-03-115
388-805-130	AMD-P	03-12-066	388-818-002	REP	03-05-100	388-825-055	AMD-E	03-10-027
388-805-140	AMD-P	03-12-066	388-818-0020	NEW	03-05-100	388-825-100	AMD-E	03-03-115
388-805-145	AMD-E	03-06-059	388-818-003	REP	03-05-100	388-825-100	AMD-E	03-10-027
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388-805-145	AMD-E	03-14-076	388-818-0040	NEW	03-05-100	388-825-120	AMD-E	03-10-027
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388-805-205	AMD-P	03-12-066	388-818-0060	NEW	03-05-100	388-825-205	AMD-E	03-03-115
388-805-205	AMD-E	03-14-076	388-818-0070	NEW	03-05-100	388-825-205	AMD-E	03-10-027
388-805-210	AMD-P	03-12-066	388-818-0080	NEW	03-05-100	388-825-252	AMD-E	03-03-115
388-805-220	AMD-P	03-12-066	388-818-0090	NEW	03-05-100	388-825-252	AMD-E	03-10-027
388-805-250	AMD-P	03-12-066	388-818-010	REP	03-05-100	388-825-254	AMD-E	03-03-115
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388-805-300	AMD-P	03-12-066	388-818-0110	NEW	03-05-100	388-825-500	NEW-E	03-03-115
388-805-300	AMD-E	03-14-076	388-818-0120	NEW	03-05-100	388-825-500	NEW-E	03-10-027
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388-805-320	AMD-P	03-12-066	388-818-0160	NEW	03-05-100	388-825-510	NEW-E	03-10-027
388-805-325	AMD-P	03-12-066	388-818-0170	NEW	03-05-100	388-825-515	NEW-E	03-03-115
388-805-350	AMD-P	03-12-066	388-818-0180	NEW	03-05-100	388-825-515	NEW-E	03-10-027
388-805-400	AMD-P	03-12-066	388-818-0190	NEW	03-05-100	388-825-520	NEW-E	03-03-115
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388-805-500	AMD-P	03-12-066	388-818-0200	NEW	03-05-100	388-825-525	NEW-E	03-03-115
388-805-520	AMD-P	03-12-066	388-818-0210	NEW	03-05-100	388-825-525	NEW-E	03-10-027
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388-825-540	NEW-E	03-03-115	388-865-0265	PREP	03-08-077	388-865-0540	PREP	03-07-041
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388-825-545	NEW-E	03-10-027	388-865-0280	PREP	03-08-077	388-865-0550	PREP	03-07-041
388-825-546	NEW-E	03-03-115	388-865-0282	PREP	03-08-077	388-865-0555	PREP	03-07-041
388-825-546	NEW-E	03-10-027	388-865-0284	PREP	03-08-077	388-865-0557	PREP	03-07-041
388-825-550	NEW-E	03-03-115	388-865-0286	PREP	03-08-077	388-865-0560	PREP	03-07-041
388-825-550	NEW-E	03-10-027	388-865-0288	PREP	03-08-077	388-865-0565	PREP	03-07-041
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388-825-560	NEW-E	03-03-115	388-865-0310	PREP	03-08-077	388-880-005	AMD-E	03-12-003
388-825-560	NEW-E	03-10-027	388-865-0315	PREP	03-08-077	388-880-007	AMD-E	03-12-003
388-825-565	NEW-E	03-03-115	388-865-0320	PREP	03-08-077	388-880-010	AMD-E	03-12-003
388-825-570	NEW-E	03-03-115	388-865-0325	PREP	03-08-077	388-880-020	AMD-E	03-12-003
388-825-570	NEW-E	03-10-027	388-865-0330	PREP	03-08-077	388-880-030	AMD-E	03-12-003
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388-825-575	NEW-E	03-10-027	388-865-0350	PREP	03-08-077	388-880-034	NEW-E	03-12-003
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388-825-576	NEW-E	03-10-027	388-865-0360	PREP	03-08-077	388-880-036	NEW-E	03-12-003
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388-825-580	NEW-E	03-10-027	388-865-0365	PREP	03-08-077	388-880-045	AMD-E	03-12-003
388-825-585	NEW-E	03-03-115	388-865-0400	PREP	03-08-077	388-880-055	NEW-E	03-12-003
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388-825-590	NEW-E	03-10-027	388-865-0415	PREP	03-08-077	388-892-0110	NEW-P	03-15-035
388-825-591	NEW-E	03-03-115	388-865-0420	PREP	03-08-077	388-892-0120	NEW-P	03-15-035
388-825-591	NEW-E	03-10-027	388-865-0425	PREP	03-08-077	388-892-0130	NEW-P	03-15-035
388-825-592	NEW-E	03-03-115	388-865-0430	PREP	03-08-077	388-892-0140	NEW-P	03-15-035
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388-825-600	NEW-E	03-10-027	388-865-0440	PREP	03-08-077	388-892-0300	NEW-P	03-15-035
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388-850-035	AMD-E	03-10-027	388-865-0450	PREP	03-08-077	388-892-0320	NEW-P	03-15-035
388-850-045	AMD-E	03-03-115	388-865-0452	PREP	03-08-077	388-892-0400	NEW-P	03-15-035
388-850-045	AMD-E	03-10-027	388-865-0454	PREP	03-08-077	388-892-0410	NEW-P	03-15-035
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388-865-0105	PREP	03-08-077	388-865-0458	PREP	03-08-077	388-892-0430	NEW-P	03-15-035
388-865-0110	PREP	03-08-077	388-865-0460	PREP	03-08-077	388-892-0440	NEW-P	03-15-035
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388-865-0120	PREP	03-08-077	388-865-0464	PREP	03-08-077	388-892-0500	NEW-P	03-15-035
388-865-0150	PREP	03-08-077	388-865-0466	PREP	03-08-077	388-892-0510	NEW-P	03-15-035
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388-865-0203	PREP	03-08-077	388-865-0472	PREP	03-08-077	390	PREP	03-13-104
388-865-0205	PREP	03-08-077	388-865-0474	PREP	03-08-077	390- 16-245	AMD-P	03-08-051
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388-865-0240	PREP	03-08-077	388-865-0510	PREP	03-07-041	391- 08-670	AMD	03-03-064
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391- 25-011	AMD	03-03-064	392-140-973	PREP	03-14-039	415- 02-370	NEW-E	03-10-007
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391- 25-011	AMD-E	03-11-028	392-142	PREP	03-03-033	415- 02-370	NEW	03-15-006
391- 25-011	REP	03-11-029	392-142-010	AMD-P	03-09-050	415- 02-380	AMD-P	03-05-042
391- 25-032	NEW	03-03-064	392-142-010	AMD	03-13-049	415- 02-380	AMD	03-12-014
391- 25-036	NEW	03-03-064	392-142-090	REP-P	03-09-050	415- 02-380	PREP	03-13-026
391- 25-037	NEW	03-03-064	392-142-090	REP	03-13-049	415- 02-500	NEW-P	03-05-042
391- 25-051	NEW	03-03-064	392-142-120	REP-P	03-09-050	415- 02-500	NEW	03-12-014
391- 25-076	NEW	03-03-064	392-142-120	REP	03-13-049	415- 02-500	PREP	03-13-026
391- 25-096	NEW	03-03-064	392-142-125	AMD-P	03-09-050	415- 02-510	NEW-P	03-05-042
391- 25-136	NEW	03-03-064	392-142-125	AMD	03-13-049	415- 02-510	NEW	03-12-014
391- 25-137	NEW	03-03-064	392-142-140	REP-P	03-09-050	415- 02-510	PREP	03-13-026
391- 25-197	NEW	03-03-064	392-142-140	REP	03-13-049	415- 02-520	NEW-P	03-05-042
391- 25-210	AMD-P	03-07-093	392-142-145	AMD-P	03-09-050	415- 02-520	NEW	03-12-014
391- 25-210	AMD	03-11-029	392-142-145	AMD	03-13-049	415- 02-520	PREP	03-13-026
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391- 25-216	PREP	03-03-066	392-142-150	REP	03-13-049	415- 02-530	NEW	03-12-014
391- 25-216	REP-P	03-07-093	392-142-155	AMD-P	03-09-050	415- 02-530	PREP	03-13-026
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391- 35-026	NEW	03-03-064	392-142-200	REP	03-13-049	415- 10-040	AMD-E	03-10-007
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391- 55-002	AMD	03-03-064	392-142-235	REP-P	03-09-050	415-104-211	AMD	03-12-014
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434-12-060	REP-E	03-15-084	434-670-070	NEW	03-06-069	458-16A-150	NEW	03-09-002
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434-12-200	REP-E	03-15-084	446-75-070	AMD	03-08-053	458-17-120	REP	03-16-028
434-12-210	REP-E	03-15-084	446-75-080	AMD-P	03-04-070	458-20-122	REP-P	03-09-146
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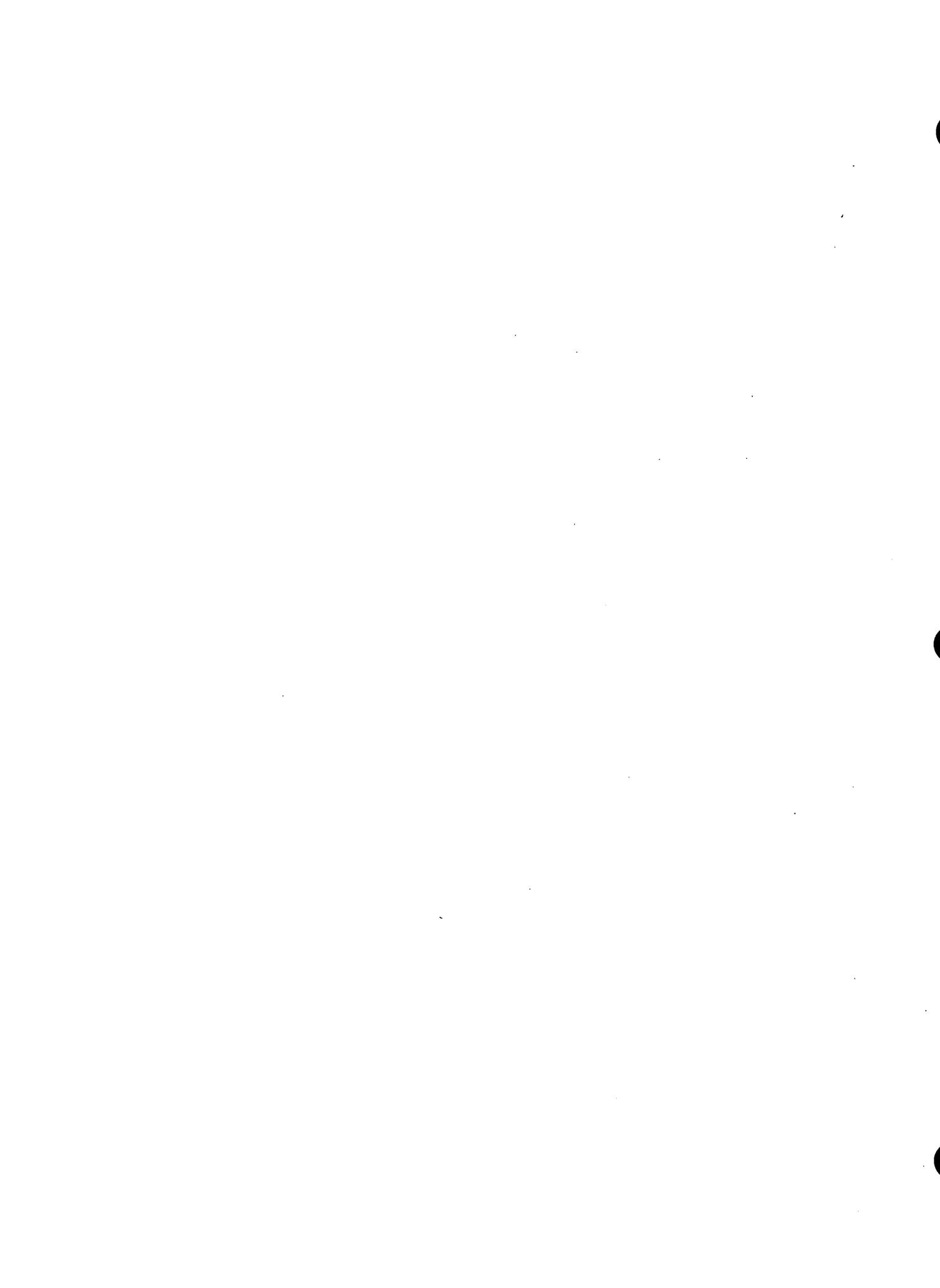
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