

Washington State Register

May 18, 2005

OLYMPIA, WASHINGTON

ISSUE 05-10



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filed not later than May 4, 2005

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 in the basement of the Pritchard Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 2005 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of May 2005 is 5.125%.

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

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$211.38 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER

Code Reviser's Office
Pritchard Building
P.O. Box 40552
Olympia, WA 98504-0552

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

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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].

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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 rule making and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

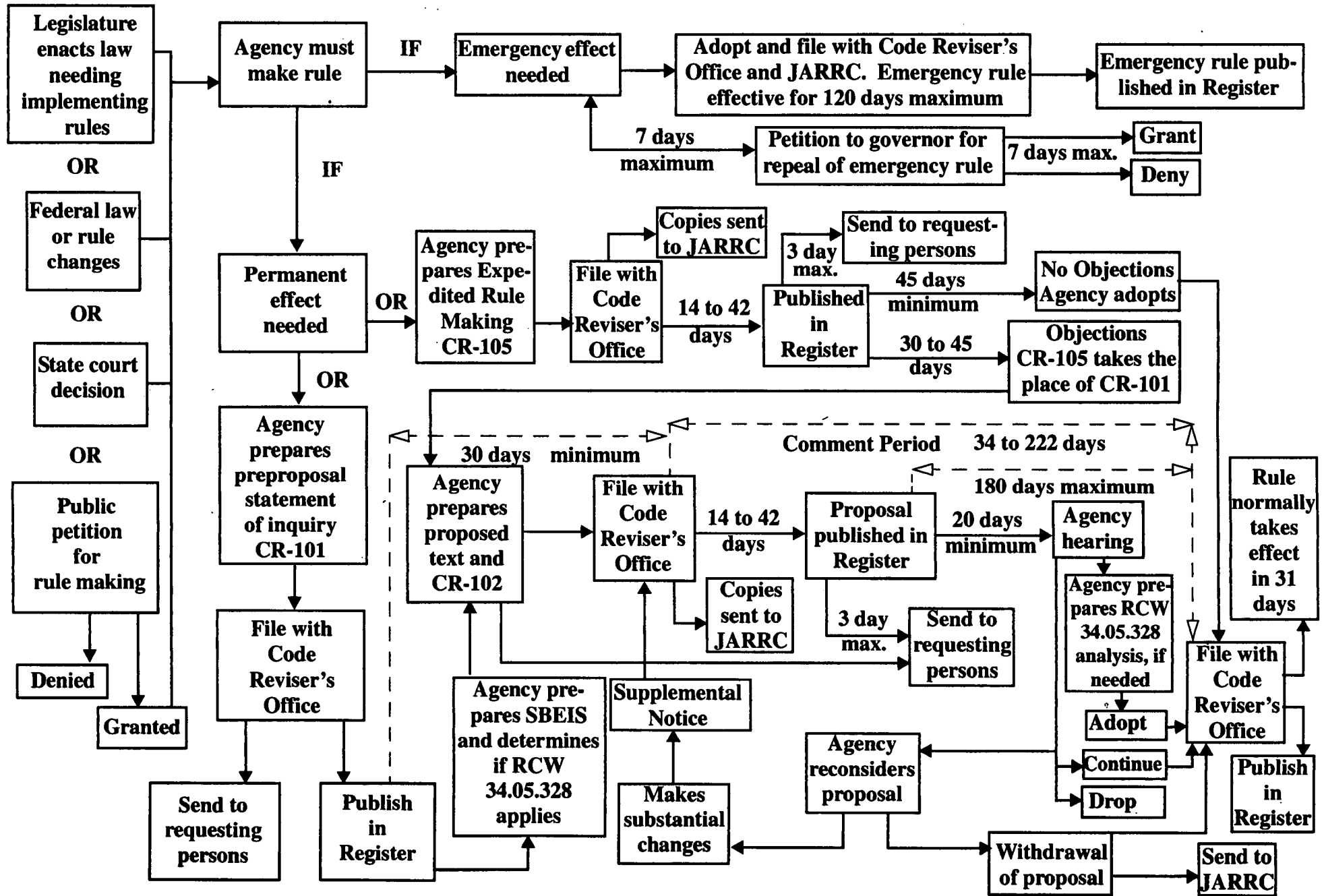
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 05-10-004**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 21, 2005, 2:13 p.m.]

Subject of Possible Rule Making: Hagfish emerging commercial fishery.

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: A coastal hagfish fishery may be possible. Gear and area rules will be needed.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by June 16, 2005. Expected proposal filing on or after June 17, 2005.

April 21, 2005

Evan Jacoby
Rules Coordinator**WSR 05-10-006****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed April 21, 2005, 4:34 p.m.]

Subject of Possible Rule Making: Scientific collector permit rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are two different rules covering scientific collector permits. Reconciliation will be considered.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651, or Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2504. Contact by June 16, 2005. Expected proposal filing on or after June 17, 2005.

April 21, 2005

Evan Jacoby
Rules Coordinator**WSR 05-10-027****PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 26, 2005, 3:33 p.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to this chapter need to be made in response to legislative changes regarding the school bus reimbursement process.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631. For telephone assistance contact Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

April 22, 2005

Dr. Terry Bergeson
Superintendent of
Public Instruction**WSR 05-10-028****PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 26, 2005, 3:34 p.m.]

Subject of Possible Rule Making: Chapter 392-109 WAC, State Board of Education—Election of members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.305 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise current rules (chapter 392-109 WAC) regarding election of members to the State Board of Education to reflect 2005 legislative changes, which shall include, but not be limited to the definition of geographic regions of the state for the purpose of determining board member positions.

Process for Developing New Rule: Solicitation of public comment and recommendations respecting new and amended rules, and consideration of the comments and recommendations in the course of drafting the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Administrative Resource Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-47200

[98504-7200], TTY (360) 664-3631, fax (360) 753-4201. [For telephone assistance contact] Marcia Riggers, Assistant Superintendent, Student Support and Operations, (360) 725-6175.

April 20, 2005
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 05-10-034

**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

(Elections Division)

[Filed April 28, 2005, 10:18 a.m.]

Subject of Possible Rule Making: Voter registration challenge form.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.08.850.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to change the form for filing a voter registration challenge. The current voter registration challenge form does not satisfy the requirements for an affidavit because it does not include a space for the challenger to state the place that the affidavit was signed. The current form also does not require the challenger to state the factual basis for the challenge.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Justice enforces the Voting Rights Act. Under some circumstances, requiring a county auditor to conduct a voter registration challenge hearing without prima facie evidence that the registration is improper could violate Section 2 of the Voting Rights Act, 42 U.S.C. §1973(a). Concerns in this regard have been expressed to the Office of the Secretary of State by representatives of the United States Department of Justice.

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 Katie Blinn, Elections Division, P.O. Box 40220, Olympia, WA 98504, (360) 902-4168.

April 28, 2005
Steve Excell
Assistant Secretary of State

WSR 05-10-035

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed April 28, 2005, 10:26 a.m.]

Subject of Possible Rule Making: Amendments to chapter 137-28 WAC, Prisons discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.09.130, 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the definitions of sexual assault and add separate infractions for "attempted sexual assault" for data collection purposes for reporting under the Prison Rape Elimination Act; add a new infraction regarding unauthorized entry by an offender into a cell, tier or unit other than the one to which the offender is assigned.

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 interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator, at the address shown below.

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

April 28, 2005
H. W. Clarke
Secretary

WSR 05-10-043

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed April 29, 2005, 8:43 a.m.]

Subject of Possible Rule Making: Chapter 51-51 WAC, Adoption and amendment of the 2003 International Residential Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature passed SHB 1591 requiring the council to adopt rules on automatic fire sprinklers in adult family homes with seven or eight residents.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-2964, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

April 26, 2005
Tim Nogler
for John Neff
Council Chair

WSR 05-10-044
PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed April 29, 2005, 8:45 a.m.]

Subject of Possible Rule Making: Chapter 51-54 WAC, Adoption and amendment of the 2003 International Fire Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1401 was passed by the legislature this session directing the state Building Code Council to adopt rules requiring automatic fire sprinklers in all nightclubs.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-2964, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

April 26, 2005

Tim Nogler
 for John Neff
 Council Chair

WSR 05-10-047
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 29, 2005, 2:06 p.m.]

Subject of Possible Rule Making: Definition—State institutional education program—Educational activity.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective September 1, 2004, WAC 392-121-124 Full-time equivalent enrollment for work based learning, which applies to basic education, was revised to implement several changes. The intention has always been to keep the work based learning rules consistent across all K-12 education, regardless of whether the work based learning takes place in a high school or an institution. Therefore, the institution education WAC 392-122-212 needs to reflect these same changes. We propose to change the institution WAC to simply refer to the basic education work based learning WAC. This will keep the institution WAC in sync with the basic education work based learning WAC both now and in the future.

Process for Developing New Rule: Staff discovered inconsistent application of work based learning rules due to new rules being adopted and the appropriate WAC reference omitted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator,

Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200 [98504-7200], fax (360) 664-3683. For telephone assistance contact Calvin W. Brodie, (360) 725-6301.

April 28, 2005
 Marty Daybell
 for Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 05-10-048
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 29, 2005, 2:07 p.m.]

Subject of Possible Rule Making: Definition—Enrollment exclusions, WAC 392-121-108.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise current rules to include the emergency expulsion WAC reference in the expulsion exclusion in subsection (5); and clarify that the agreement in the absence exception in subsection (1)(a) needs to be written.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200 [98504-7200], fax (360) 664-3683. For telephone assistance contact Calvin W. Brodie, (360) 725-6301.

April 28, 2005
 Marty Daybell
 for Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 05-10-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed May 2, 2005, 2:08 p.m.]

Subject of Possible Rule Making: To update the commute trip reduction (CTR) performance grant program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.996.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating the rules will clarify the commute trip reduction performance-based grant program and the parameters for participation by private employ-

ers, public agencies, nonprofit organizations, developers, and property managers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commute trip reduction task force (RCW 70.94.-537) is charged with establishing the award rate for the grant program (RCW 70.94.996).

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 Robinson Hartsell, P.O. Box 47387, Olympia, WA 98504-7387, (360) 705-7508.

April 29, 2005

John Conrad

Assistant Secretary

Engineering and Regional Operations

WSR 05-10-062

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Chiropractic Quality Assurance Commission)

[Filed May 2, 2005, 4:42 p.m.]

Subject of Possible Rule Making: WAC 246-808-510 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171 Commission—Duties and powers—Compensation—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To define and clarify "direct supervision and control," "regular senior student" and "clinical postgraduate trainee."

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Kelley, Program Manager, Chiropractic Quality Assurance Commission, P.O. Box 47869, Olympia, WA 98504-7869, (360) 236-4856 or fax (360) 236-4918, karen.kelley@doh.wa.gov. Meeting Dates: July 21, 2005, September 8, 2005 and November 17, 2005, and will all be held at the Department of Health, Point Plaza East, 310 Israel Road S.E., Tumwater, WA 98501.

April 4, 2005

Robert Nicoloff

for Karen Kelley

Program Manager

WSR 05-10-067

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed May 3, 2005, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc. and chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-56A-090 Disclosure of individual vehicle owner information, 308-93-087 Disclosure of names and addresses of individual vessel owners, and 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.12.101, 88.02.070, 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to be in compliance with SB 5321 of the 59th legislature 2005 regular session. SB 5321 limits access to residence address information stored in the Department of Licensing (DOL) system and changes RCW 46.12.370 and 46.12.380. Rule making will be considered to specify these limitations, which further protect the privacy of the residents of Washington state. These rules will be updated to reflect DOL will implement the new limitations.

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 Dale R. Brown, Management Analyst, Policy and Projects Office, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-3827, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 3, 2005

Robert Smith

for Steve Boruchowitz, Manager

Policy and Projects Office

WSR 05-10-070

PREPROPOSAL STATEMENT OF INQUIRY

PARKS AND RECREATION

COMMISSION

[Filed May 3, 2005, 11:57 a.m.]

Subject of Possible Rule Making: The commission is reviewing current agency and state government business practices and statutory requirements of the State Environmental Policy Act (SEPA) and is considering changes to chapter 352-11 WAC, SEPA procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.21C RCW, RCW 79A.05.030 and 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks must update its existing SEPA rules to clarify authorities under chapter 352-11 WAC as reflected by agency reorganization. According to WAC 197-11-904, while state parks is clarifying its rules to

match with recent reorganization, it may review other sections of its procedures and update as necessary.

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 Chris Regan, Environmental Specialists, Washington State Parks, Stewardship SC, P.O. Box 42650, Olympia, WA 98504-2650, e-mail Chris.Regan@parks.wa.gov, phone (360) 902-8632, fax (360) 902-8517.

May 3, 2005

Jim French
Chief of Policy Research
and Program Development

WSR 05-10-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 3, 2005, 12:11 p.m.]

Subject of Possible Rule Making: Chapter 296-810 WAC, Fire protection; chapter 296-24 WAC, Safety standards for general safety and health; chapter 296-155 WAC, Safety standards for construction work; and chapter 296-800 WAC, Safety and health core rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to rewrite and clarify requirements relating to fire protection. The department is repealing rules located in chapters 296-24, 296-155 and 296-800 WAC and proposing fire protection as new chapter 296-810 WAC. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than Occupational Safety and Health Administration (OSHA), and possibly the State Fire Marshal are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy Ireland, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA

98504-4620, (360) 902-5522, fax (360) 902-5529, e-mail mooc235@lni.wa.gov.

May 3, 2005
Judy Schurke
Acting Director

WSR 05-10-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 3, 2005, 12:12 p.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance (definitions).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.010 and 51.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on the statutes listed above, the Department of Labor and Industries (L&I) establishes and adopts rules governing administration of the industrial insurance laws. This rule making will define and clarify terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability.

This rule making will impact crime victims' compensation.

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

Process for Developing New Rule: Labor and industries will begin the rule development process by drafting proposed rules and soliciting input from the business and labor communities. Labor and industries will share the draft proposal with stakeholders and other interested parties, including the Workers' Compensation Advisory Committee. A public hearing will be held in Tumwater after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Grimm, Department of Labor and Industries, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-5005, fax (360) 902-4960, e-mail colb235@lni.wa.gov.

May 3, 2005
Judy Schurke
Acting Director

WSR 05-10-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 3, 2005, 12:13 p.m.]

Subject of Possible Rule Making: Chapter 296-900 WAC, WISHA administrative rules; chapter 296-307 WAC, Safety standards for agriculture; chapter 296-350 WAC,

WISHA administrative rules; and chapter 296-800 WAC, Safety and health core rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Occupational Safety and Health Administration (OSHA) found our Washington Industrial Safety and Health Act (WISHA) administrative rules to be less effective than the federal requirements. The proposed changes will make our rule at-least-as-effective-as the federal equivalent. Housekeeping changes will be made, in addition to rewriting for clarity and usability. Existing rules contained in chapter 296-350 WAC, WISHA administrative rules, and WAC 296-800-350 WISHA appeals, penalties, and other procedural rules, are being combined into a single book titled WISHA administrative rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than the OSHA are known that regulate this subject. The WISHA rules are required to be at-least-as-effective-as OSHA's rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Hughes, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4504, fax (360) 902-5529.

May 3, 2005
Judy Schurke
Acting Director

WSR 05-10-077

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 3, 2005, 1:27 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC Certificates of title—Motor vehicles, etc. and chapter 308-96A WAC, Vehicle licenses, to include but not limited to rules associated with prevention of selling vehicle registrations to Washington residents who do not possess a valid Washington driver license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required to implement the requirements of EHB 1241 passed in the 59th legislature (2005 regular session) concerning the requirements to obtain a vehicle registration or certificate of ownership. The accomplishment will be rules that reflect this change in law and denote exceptions to the law.

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 Dale R. Brown, Management Analyst, Policy and Projects Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-3827, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

May 3, 2005
Robert Smith
for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 05-10-082

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Basic Health)

[Order 05-03—Filed May 3, 2005, 3:45 p.m.]

Subject of Possible Rule Making: Basic Health eligibility, to exclude full-time students who have received a temporary visa to study in the United States.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050 and chapter 188, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2005 legislature passed HB 1170, making students under a temporary visa to study in the United States ineligible for Basic Health coverage. Basic rules must be updated consistent with that requirement.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be posted on the agency web site, <http://www.wa.gov/hca/laws.htm>, or you may contact Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, fax (360) 412-4276, e-mail Rrey107@hca.wa.gov.

May 3, 2005
Cyndi L. Presnell
Rules Coordinator

WSR 05-10-085

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

(Aging and Disability Services Administration)

[Filed May 3, 2005, 4:08 p.m.]

Subject of Possible Rule Making: The department is considering amending the following sections of chapter 388-78A WAC, Boarding homes: WAC 388-78A-2020 Definitions, 388-78A-2280 Medication organizers, 388-78A-2520 Administrator qualifications, 388-78A-2940 Two-way intercom systems, and 388-78A-2960 Sewage and liquid waste disposal. Additionally, the department is considering clarifying the following sections: WAC 388-78A-2050, 388-78A-2260, 388-78A-2270, 388-78A-2300, 388-78A-2340, 388-78A-2360, 388-78A-2470, 388-78A-2480, 388-78A-2490, 388-78A-2500, 388-78A-2510, 388-78A-2700, 388-78A-2840, 388-78A-2910, 388-78A-2930, and other necessary sections that may be identified as requiring clarification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending the identified sections of chapter 388-78A WAC to allow greater flexibility for boarding homes wanting to provide adult day care; to permit an expanded use of medication organizers; to increase training options for administrators; to provide greater flexibility regarding the use of intercom systems; to eliminate the requirement for new installation of grease interceptors in existing construction; and to clarify other sections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Department of Health is responsible for the review of construction plans through construction review services. The Department of Health will be asked to comment on draft and proposed rules that might affect relevant subjects.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Denny McKee, Program Manager, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2590, fax (360) 438-7903, TTY (877) 905-0454, e-mail mckeedd@dsht.wa.gov. A public meeting will be held from 1:30 p.m. to 4:00 p.m., on Tuesday, June 14, 2005, in the Rose Room of the Blake East Office Building, 4500 10th Avenue S.E., Lacey, WA 98503 to discuss the amendments under consideration and to solicit input from stakeholders. Contact Denny McKee if you need driving directions to this meeting.

May 3, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-10-089

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 4, 2005, 8:00 a.m.]

In response to a stakeholder petition, the department filed a CR-101 on April 20, 2005, (WSR 05-09-095) to initiate the rule-making process. Since the stakeholder organization is withdrawing their petition there is no need to continue the rule-making process. Therefore, the department is formally withdrawing its CR-101.

Mary A. Martin Toohey
Assistant Director
Plant Protection Division

WSR 05-10-095

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed May 4, 2005, 8:31 a.m.]

The Department of Health would like to withdraw the following notices of inquiry (CR101) because they are no longer valid.

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
246-809-XXX	02-04-042	1/29/02	Boundary Requirements for Counselors & Therapist & Social Workers
246-834-990	03-13-126	6/18/03	Midwifery Fees
246-840-840, 246-840-850, 246-840-860, 246-840-870, 246-840-880, 246-840-890, and 246-840-990	99-14-002	6/23/99	Nursing Technicians

If you have any questions, please contact Leann Yount, Acting Rules Coordinator, Health Professions Quality Assurance at (360) 236-4997.

Mary C. Selecky
Secretary

WSR 05-10-096

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed May 4, 2005, 8:32 a.m.]

Subject of Possible Rule Making: WAC 246-203-120 Disposal of garbage, trash, rubbish, offal, dead animals, and manure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of this rule is needed to be consistent with state laws and other rules on dis-

posal of dead livestock animals, manure, and solid waste. This rule needs revision also to be consistent with more recent standards adopted by the State Board of Health for drinking water source protection in chapter 246-290 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology (ecology) has comprehensive rules on solid waste disposal and recycling, water quality protection, and air pollution control based on laws newer than this rule. The Washington State Department of Agriculture (WSDA) has specific authority for controlling certain aspects of dead animal disposal and rendering. The United States Environmental Protection Agency (EPA) has comprehensive rules on solid waste disposal, water quality protection, air pollution control, and livestock waste management, which are administered by ecology and WSDA. Ecology, WSDA, and EPA will be invited to participate in stakeholder meetings to develop recommendations for revision of WAC 246-203-120.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ned Therien, Health Policy Analyst, State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, e-mail ned.therien@doh.wa.gov, phone (360) 236-4103, fax (360) 236-4088.

Rule making will be collaborative, with an initial stakeholder meeting to be held on May 26, 2005, starting at 9:30 a.m., at 20435 72nd Avenue South, Suite 200, Kent, WA 98032.

April 27, 2005
Craig McLaughlin
Executive Director

WSR 05-10-097

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 4, 2005, 9:00 a.m.]

Subject of Possible Rule Making: Skills center incentive payment.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A new section is needed in chapter 392-122 WAC, Finance—Categorical apportionment, to implement language from the recently passed 2005-07 budget that directs the Office of Superintendent of Public Instruction to develop criteria to award incentive grants to encourage school districts to increase enrollment in vocational skills centers.

Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200 [98504-7200], fax (360) 664-3683. For telephone assistance contact Calvin W. Brodie, (360) 725-6300.

May 2, 2005
Marty Daybell
for Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 05-10-100

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UT-053021—Filed May 4, 2005, 9:46 a.m.]

Subject of Possible Rule Making: Commission designation of eligible telecommunications carriers (ETCs) pursuant to 47 U.S.C. § 214(e) and RCW 80.36.610, and annual certification concerning the use of federal universal support funds pursuant to 47 C.F.R. §§ 54.313 and 314 and WAC 480-120-311.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, 80.36.600, 80.36.610.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has one rule concerning annual certification of the use of federal support. The Federal Communications Commission (FCC) has recently encouraged states to follow a new process for ETC designation now followed by the FCC. See *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 05-46 (released March 17, 2005). The commission will review the FCC's recommendations and determine whether to adopt similar rules, different rules, or no rules with respect to ETC designation and annual certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The FCC regulates ETC designation for locations where a state utility commission does not make ETC designations. The FCC has recently adopted rules on this topic to guide its designations and recommends that state utility commissions adopt similar rules.

Process for Developing New Rule: Agency study; and the commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal. The first workshop is scheduled for June 29, 2005, beginning at 1:30 p.m., at the commission's office in Olympia, Washington. The commission will

ask for initial written comments by June 1, 2005, and anticipates providing opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

For specific information regarding opportunities for written comment, opportunities for participation in workshops, and to ensure receipt of further information concerning this rule making, please see below.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **June 1, 2005**, for consideration at the **June 29, 2005**, stakeholder workshop. **Please submit comments in Word format to facilitate creation by commission staff of summaries.**

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. Please provide electronic files in .pdf (Adobe Acrobat) and in .doc (MS Word 97 or later) to make them most useful to the commission. 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-053021).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting electronic comments is by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk. 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/053021>.

If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the Commission's Records Center at (360) 664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole Washburn, Executive Secretary. When contacting the commission, please refer to Docket No. UT-053021 to ensure that you are placed on the appropriate service list.

Questions may be addressed to Bob Shirley, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, phone (360) 664-1292, or e-mail at bshirley@wutc.wa.gov.

May 4, 2005
Carole J. Washburn
Executive Secretary

WSR 05-10-101

PREPROPOSAL STATEMENT OF INQUIRY SKAGIT VALLEY COLLEGE

[Filed May 4, 2005, 9:55 a.m.]

Subject of Possible Rule Making: Policy on student grievances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify grievance procedures and timelines; to update language in policy and procedures; to update titles of staff references; these changes would clarify current practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Title VII of the 1964 Civil Rights Act; Title IX of the 1972 Education Amendments; Section 504 of the Rehabilitation Act of 1973.

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. Public hearings will be held on all campus sites (Mount Vernon and Oak Harbor campuses and Friday Harbor and South Whidbey centers) between May 18 and June 30, 2005. Students have input through student government meetings, campus hearings, and contact with student body officers and the director of student life.

April 25, 2005

Linda Woiwod

Dean of Student Services

WSR 05-10-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 4, 2005, 10:06 a.m.]

Subject of Possible Rule Making: Commercial crab rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A statewide gear standard maximum size will reduce the potential for larger gear offsetting the intent of limitations on the number of pots fished by each fisher.

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 Morris Barker, State Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98504-

1091, phone (360) 902-2826. Contact by June 16, 2005. Expected proposal filing on or after June 17, 2005.

May 4, 2005
Evan Jacoby
Rules Coordinator

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-2964, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

May 4, 2005
Tim Nogler
for John Neff
Council Chair

WSR 05-10-104

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

[Filed May 4, 2005, 10:06 a.m.]

Subject of Possible Rule Making: Public safety cougar hunting and public safety cougar removal rules; cougar and bear seasons, permits, and damage; furbearer trapping seasons; mandatory hunter reporting; hunter reporting incentives; waterfowl seasons, regulations, game reserves/closures; nontoxic shot; game management units; small game seasons and regulations; hunting on private lands, without a permit, defined as closed areas under WDFW access agreements; and defining public access for damage claims and hunter access programs.

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: Provides clarification and recreational opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

May 3, 2005
Evan Jacoby
Rules Coordinator

WSR 05-10-108

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed May 4, 2005, 11:59 a.m.]

Subject of Possible Rule Making: Chapter 51-04 WAC, Policies and procedures for consideration of statewide and local amendments to the State Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.035, and 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council has determined that there is a need to clarify the requirements for the procedures of adopting amendments.

Process for Developing New Rule: Agency study.

WSR 05-09-084

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 19, 2005, 3:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-23-103.

Title of Rule and Other Identifying Information: Adopting new chapter 388-824 WAC, Division of Developmental Disabilities (DDD) assessment process.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on June 7, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 8, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., June 7, 2005.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 3, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these rules is to govern and support the implementation of DDD's new mini-assessment and information and referral requirements. DDD plans to implement these rules effective September 15, 2005. Adoption of these rules will help promote consistent application and understanding of the division's client assessment processes. This new chapter:

- Describes the purpose of the mini-assessment and who receives a mini-assessment;
- Defines "level of need" groups and how the mini-assessment assigns clients to a level of need group; and
- Identifies how clients are referred to receive a full assessment.

Reasons Supporting Proposal: In June 2003, the Joint Legislative Audit and Review Committee (JLARC) recommended that DSHS develop an assessment process for developmentally disabled clients designed to be consistently applied, to all clients, in all parts of the state.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Chapters 71A.12, 71A.10 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: John Gaskell, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, P.O. Box 45600, Olympia, WA 98504-5600, e-mail gaskejw@dshs.wa.gov, (360) 725-2517, fax (360) 407-0955; Implementation and Enforcement: Don Clintsman, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, P.O. Box 45600, Olympia, WA 98504-5600, e-mail ClintDL@dshs.wa.gov, (360) 725-3421, fax (360) 407-0955.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DDD has determined that these rules do not affect small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Bob Beckman, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2490, fax (360) 407-0955, e-mail beckmrc@dshs.wa.gov.

April 13, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

Chapter 388-824 WAC

DIVISION OF DEVELOPMENTAL DISABILITIES ASSESSMENT PROCESS

NEW SECTION

WAC 388-824-0001 What definitions apply to this chapter? The following definitions apply to this chapter:

"Algorithm" means a numerical formula used by the mini-assessment software application to assign a client to a level of need group.

"CARE" means the Comprehensive Assessment Reporting Evaluation as defined in Chapter 388-106 WAC.

"Client" means a person with a developmental disability as defined in Chapter 388-823 WAC. For purposes of this chapter, the term "client" may include the client's representative.

"Crisis" means a serious and imminent threat exists or will exist without immediate intervention and the client lacks the resources to address the situation. The threat may be:

- (1) To the life, health and/or safety of the client; or
- (2) To the safety of the client's family; or
- (3) To the safety of the community.

"Department" means the Washington State department of social and health services.

"DDD" means the division of developmental disabilities, a division within the aging and disability services administration (ADSA), department of social and health services (DSHS).

"Domain" means a specific area of the client's life. For mini-assessment purposes only, domains are identified in WAC 388-824-0010.

"Full assessment" means an inventory and evaluation of client needs using a department approved tool to determine service eligibility and amount of services that may be authorized.

"Full assessment referral database" means a database that contains client identification information and mini-assessment results.

"Mini-assessment" means a brief computerized assessment tool using a set of questions and responses scored by an algorithm. A mini-assessment identifies the general level of unmet need that exists in specific domains of the client's life.

"Paid services" means services as defined in WAC 388-823-1015 and include one or more of the following:

PROPOSED

(1) Authorization of a paid service within the last ninety days of the date on the department notice of eligibility review as evidenced by a social services payment system (SSPS), a county authorization for day program services, an A-19 payment, a Waiver plan of care approving a DDD paid service, or residence in a State Operated Living Arrangement or Residential Habilitation Center.

(2) Authorization of family support services within the last twelve months.

(3) Documentation of DDD approval of your absence from DDD paid services for more than ninety days with available funding for your planned return to services.

(4) In addition, any child under age three is considered to be receiving paid services because the child may be eligible for services through the federally funded Infant Toddler Early Intervention Program and may also be referred for county funded child development services.

"Reassessment" means any additional mini-assessment that the client receives after the initial mini-assessment.

"Respondent" means a client or another person who participates in the mini-assessment interview by answering questions and providing information.

"Significant change" means any change for better or worse in the client's medical condition, caregiver status, or need for support.

NEW SECTION

WAC 388-824-0010 What is the DDD mini-assessment? (1) The mini-assessment is a brief computerized assessment tool using a set of questions and responses scored by an algorithm.

(2) DDD staff conducts a mini-assessment as a structured interview with you and/or a respondent to identify the general level of unmet need that exists in specific domains of your life.

(3) The mini-assessment identifies your general level of unmet need in the following specific domains:

- (a) Housing;
- (b) Caregiver/support system;
- (c) Safety;
- (d) Community protection;
- (e) Behavior;
- (f) Financial/subsistence;
- (g) Physical health;
- (h) Mental health;
- (i) Personal care assistance;
- (j) Education;
- (k) Employment;
- (l) Social/community participation;
- (m) Legal;
- (n) Communication;
- (o) Adaptive equipment; and
- (p) Transportation.

NEW SECTION

WAC 388-824-0020 What is the purpose of the mini-assessment? The purpose of the mini-assessment is to:

(1) Identify the general level of unmet need of clients who do not receive paid services;

- (2) Identify clients who may be in crisis;
- (3) Assign clients to one of the following three level of need groups:
 - (a) High level of need;
 - (b) Moderate level of need; or
 - (c) Low level of need; and
- (4) Determine which clients to refer for a full assessment.

NEW SECTION

WAC 388-824-0030 Does the mini-assessment affect other DDD assessments? The mini-assessment does not replace or change other assessments that DDD uses.

NEW SECTION

WAC 388-824-0040 Who receives a mini-assessment? DDD conducts a mini-assessment for you if:

- (1) You are three years of age or older and do not receive paid services; or
- (2) You are eligible for the Medicaid Categorically Needy Program (CNP) but you have been determined ineligible for Medicaid Personal Care by a CARE assessment.

NEW SECTION

WAC 388-824-0050 Who does not receive a mini-assessment? DDD does not conduct a mini-assessment when you are:

- (1) Currently authorized to receive paid services;
- (2) Living in or being discharged from a state paid residential program or facility;
- (3) Receiving services through the Medically Intensive Program; or
- (4) In crisis and referred directly for a full assessment.

NEW SECTION

WAC 388-824-0060 How does DDD conduct the mini-assessment? (1) DDD staff must complete the mini-assessment through a face to face interview with you. DDD staff must not conduct the mini-assessment by phone or mail.

(2) The interview may occur at any site agreed to by you or your legal representative and DDD.

NEW SECTION

WAC 388-824-0070 Does DDD require me to disclose financial information? If you are under the age of eighteen and live with your natural, step, or adoptive parent(s), DDD requires the respondent to report your family's annual gross income before administering the mini-assessment.

NEW SECTION

WAC 388-824-0080 Is the respondent required to provide verification of my family's annual gross income? The respondent is not required to provide verification or evidence of your family's annual gross income. DDD records the amount that the respondent declares as family income.

NEW SECTION

WAC 388-824-0090 If the respondent reports my family's annual gross income, does it affect my eligibility for paid services? Reporting your family's annual gross income will not affect your eligibility for paid services.

NEW SECTION

WAC 388-824-0100 What does DDD do if the respondent does not provide the requested family annual gross income information? If the respondent does not provide your family's annual gross income information, DDD:

- (1) Assigns you to the "low level of need" group; and
- (2) Offers you the opportunity to complete:
 - (a) An Assessment of Intermediate Care Facility for the Mentally Retarded Level of Current Support Needs; or
 - (b) The Residential Habilitation Center Intermediate Care Facility for the Mentally Retarded Admissions Protocol described in DDD Policy 3.04.

NEW SECTION

WAC 388-824-0110 Who participates in the mini-assessment? You and a respondent participate in the interview. If you are under the age of eighteen or have a legal guardian, the primary respondent will be your parent or legal guardian.

NEW SECTION

WAC 388-824-0120 What is the difference between a mini-assessment for adults and a mini-assessment for children? The difference between a mini-assessment for adults and children is the age guidelines used for some questions.

- (1) When the question has age guidelines, the question is asked only of certain ages.
- (2) When a question has no age guidelines, DDD always asks the question of all clients during the mini-assessment interview.

NEW SECTION

WAC 388-824-0130 What scores does the mini-assessment include or calculate? The mini-assessment includes or calculates the following scores:

- (1) **Raw score** which is the numerical value assigned to the respondent's answer to a mini-assessment question;
- (2) **Maximum raw score** which is the highest possible numerical value assigned to a mini-assessment question;
- (3) **Domain raw score** which is the sum of raw scores for all questions in the domain. Domains are identified in WAC 388-824-0010;
- (4) **Domain maximum raw score** which is the sum of the maximum raw scores for all questions in the domain;
- (5) **Normalized domain score** which is the sum of the raw scores for all questions in the domain divided by the sum of the maximum raw scores for all questions in the domain;
- (6) **Weighted domain score** which is the normalized domain score multiplied by the domain weight;

(7) **Domain weight** which is the numerical value assigned to a mini-assessment domain; and

(8) **Aggregate weighted score** which is the sum of all the weighted domain scores.

NEW SECTION

WAC 388-824-0140 How does the mini-assessment use information that is scored during the mini-assessment interview? The mini-assessment processes information that is scored during the interview using a computerized algorithm. The algorithm and scoring process is described in the Mini-Assessment Manual.

NEW SECTION

WAC 388-824-0150 What information does the algorithm use? The algorithm uses the following information to assign you to a level of need group:

- (1) The raw score for a mini-assessment question;
- (2) The maximum raw score for a mini-assessment question; and
- (3) The domain weight.

NEW SECTION

WAC 388-824-0160 When does the mini-assessment assign me to the "high level of need" group? The mini-assessment assigns you to the "high level of need" group when:

- (1) Your aggregate weighted score is 11.004 or higher;
- (2) Your mini-assessment indicates that you may be in crisis;
- (3) You are eligible for Medicaid under the categorically needy program (CNP) and request personal care assistance; or
- (4) You have a high level of need score in one or more of the following domains:
 - (a) Community protection;
 - (b) Financial subsistence;
 - (c) Transportation;
 - (d) Housing;
 - (e) Safety;
 - (f) Physical health;
 - (g) Mental health;
 - (h) Personal care assistance; or
 - (i) Caregiver support system.

NEW SECTION

WAC 388-824-0170 What occurs when I am assigned to the "high level of need" group? When you are assigned to the "high level of need" group, DDD assigns you to a case resource manager and must do one or more of the following:

- (1) Refer you to receive a full assessment.
- (2) Assist you to resolve a crisis situation before initiating a full assessment.
- (3) Offer necessary information and referral services.
- (4) Refer you for further case management review if the mini-assessment:
 - (a) Identifies you to be a high public safety risk;

(b) Identifies you to be at high risk for placement in a more restrictive residential setting; or

(c) Indicates you may be functionally eligible for Medicaid Personal Care.

NEW SECTION

WAC 388-824-0180 When does the mini-assessment assign me to the "moderate level of need" group? The mini-assessment assigns you to the "moderate level of need" group when:

(1) Your mini-assessment weighted aggregate score is higher than 1.456 but less than 11.004; and

(2) You don't meet the criteria for the "low level of need" group.

NEW SECTION

WAC 388-824-0190 What occurs when I am assigned to the "moderate level of need" group? When you are assigned to the "moderate level of need" group, DDD:

(1) Assigns you to a case resource manager;

(2) Places your name in the full assessment referral database;

(3) Offers necessary information and referral services; and

(4) Refers you for further case management review if the mini-assessment identifies you to be at risk for placement in a more restrictive residential setting.

NEW SECTION

WAC 388-824-0200 When does the mini-assessment assign me to the "low level of need" group? The mini-assessment assigns you to the "low level of need" group when:

(1) Your mini-assessment:

(a) Weighted aggregate score is equal to or less than 1.456; and

(b) Does not exceed the low level of need score for any domain.

(2) You and the respondent do not request DDD paid services; or

(3) The respondent does not provide annual gross family income information.

NEW SECTION

WAC 388-824-0210 What occurs when I am assigned to the "low level of need" group? When you are assigned to the "low level of need" group, DDD:

(1) Provides needed information and referral services to you but does not place your name in the full assessment referral database;

(2) Assigns you to a case resource manager; and

(3) Does not refer you for a full assessment.

NEW SECTION

WAC 388-824-0220 When will I be reassigned to another level of need group? You may be reassigned to

another level of need group only after you receive a reassessment.

NEW SECTION

WAC 388-824-0230 Does the mini-assessment result in paid services? The mini-assessment does not result in paid services. You must have a full assessment before DDD can determine eligibility for a paid service and authorize paid services.

NEW SECTION

WAC 388-824-0240 How do I know the results of the mini-assessment? (1) After the mini-assessment interview, DDD discusses the results with you and/or the respondent including the following:

(a) Mini-assessment score; and

(b) Assigned level of need group.

(2) DDD also provides this information to you in writing.

NEW SECTION

WAC 388-824-0250 When does DDD reassess my needs? Upon request, DDD will reassess your needs with a mini-assessment when DDD determines you:

(1) Have a significant change in functioning, condition, or situation; and

(2) Meet the criteria defined in WAC 388-824-0040 and WAC 388-824-0050.

NEW SECTION

WAC 388-824-0260 What is the full assessment referral database? (1) The full assessment referral database is a database for clients assigned to the "moderate level of need" group.

(2) The database contains:

(a) The client's name, date of birth, and phone number;

(b) The date of the mini-assessment;

(c) The mini-assessment score; and

(d) Confirmation of whether or not the mini-assessment indicates the client may be in crisis.

(3) The full assessment referral database is not a hierarchy of client names or a numerically ordered listing of clients.

NEW SECTION

WAC 388-824-0270 What is the purpose of the full assessment referral database? The purpose of the full assessment referral database is to provide DDD staff with information to help make decisions about whom to refer for a full assessment.

NEW SECTION

WAC 388-824-0280 How does DDD decide when to refer me from the full assessment database for a full

assessment? DDD refers you from the full assessment referral database for a full assessment on the basis of:

- (1) Your mini-assessment score;
- (2) Your identified unmet needs;
- (3) DDD's capacity for completing full assessments; and
- (4) Capacity and/or funding for needed services.

NEW SECTION

WAC 388-824-0290 When does DDD remove my name from the full assessment referral database? DDD removes your name from the full assessment referral database after:

- (1) You have received a full assessment;
- (2) Your reassessment assigns you to the "low level of need" group; or
- (3) DDD discharges or terminates your eligibility.

NEW SECTION

WAC 388-824-0300 When are these mini-assessment rules effective? The rules defined in this chapter are effective on September 15, 2005.

NEW SECTION

WAC 388-824-0310 When DDD adjusts the mini-assessment algorithm, when does the adjustment become effective? When DDD adjusts the mini-assessment algorithm, the adjustment becomes effective at your initial or next mini-assessment following the algorithm adjustment.

NEW SECTION

WAC 388-824-0320 Are there appeal rights to the mini-assessment? (1) Appeal rights are found in WAC 388-825-120. You have the right to appeal:

- (a) Information that is entered into the mini-assessment resulting in the mini-assessment score and level of need group assignment; and
 - (b) DDD's denial of a reassessment request.
- (2) You do not have the right to appeal the mini-assessment algorithm.

NEW SECTION

WAC 388-824-0330 If I request a fair hearing to review the results of my mini-assessment, which mini-assessment does the administrative law judge review in the fair hearing? If you request a fair hearing to review the results of your mini-assessment, the administrative law judge must review your most recent mini-assessment.

WSR 05-10-009
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed April 25, 2005, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-17-065.

Title of Rule and Other Identifying Information: WAC 415-02-180 Is it possible to receive more than one month of service credit in a single retirement plan for a calendar month?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on June 7, 2005, at 9:00 a.m.

Date of Intended Adoption: No sooner than June 8, 2005.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail leslies@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on June 7, 2005.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by May 31, 2005, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule clarifies that members may not receive more than one month of service credit for a calendar month, or twelve months of service credit for a service credit year, in any one retirement plan.

Statutory Authority for Adoption: RCW 41.50.050(5).

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

Name of Proponent: Department of Retirement Systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

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

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

April 22, 2005

Leslie Saeger

Rules and Contacts Coordinator

NEW SECTION

WAC 415-02-180 Is it possible to receive more than one month of service credit in a single retirement plan for a calendar month? You may not receive more than one month of service credit for a calendar month, or twelve months of service credit during a service credit year, in any one retirement plan.

This includes, but is not limited to, receiving more than one month of service credit during a calendar month for:

PROPOSED

- (1) Working in two or more positions covered by the same retirement system;
- (2) Military service and service as an employee in the same month;
- (3) Purchasing service credit for a period of paid or unpaid leave that occurred during the same month you earned service credit for service as an employee;
- (4) Serving as an elected or appointed official during the same month you earned service credit for service as an employee; or
- (5) Working more than the minimum number of hours required to earn one month of service credit.

EXAMPLE: Mary, a PERS 1 member, worked full time for the department of retirement systems continuously for five years from 1995 through 2000. During the same period, she worked evenings and Saturdays (full time) in a PERS eligible position for the department of licensing. Mary earned a total of five years of service credit, which is the maximum service credit a member may earn in a five-year period.

**WSR 05-10-010
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed April 26, 2005, 9:47 a.m.]

Continuance of WSR 05-08-045.

Title of Rule and Other Identifying Information: WAC 180-85-075 Continuing education requirement.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to this rule changes the WAC reference from WAC 180-85-030 to 180-85-025.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005
Larry Davis
Executive Director

**WSR 05-10-011
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed April 26, 2005, 9:48 a.m.]

Continuance of WSR 05-08-012.

Title of Rule and Other Identifying Information: WAC 180-51-035 Applicable standards for graduation—Amendments to this chapter.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: All students entering a high school program in Washington state must be assigned a graduation year as required by Washington state administrative code and the federal No Child Left Behind Act. This rule change provides the addition of the graduation year to the transcript.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005
Larry Davis
Executive Director

**WSR 05-10-012
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed April 26, 2005, 9:48 a.m.]

Continuance of WSR 05-08-037.

Title of Rule and Other Identifying Information: WAC 180-78A-100 Existing approved programs.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

PROPOSED

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to this provide clarification related to the type of certificate an individual will receive when the person completes a program at the time program standards/requirements are changing.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005
Larry Davis
Executive Director

WSR 05-10-013
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:48 a.m.]

Continuance of WSR 05-08-040.

Title of Rule and Other Identifying Information: WAC 180-78A-535 Approved standard—Program design.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to this rule will eliminate the reference to "performance indicators" which are no longer required for the professional teacher certificate and replace them with "descriptions of practice." They will also change the name of the third standard for the professional certificate to "professional contributions."

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005
Larry Davis
Executive Director

WSR 05-10-014
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:48 a.m.]

Continuance of WSR 05-08-042.

Title of Rule and Other Identifying Information: WAC 180-79A-123 Certificates—Previous standards.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to WAC 180-79A-123 provides an opportunity for an individual whose initial certificate prior to the expiration August 31, 2000, and who met requirements for renewal of the initial certificate or the continuing certificate prior to the expiration date of the certificate, but who did not apply for renewal or the continuing certificate prior to the expiration date, to apply once for a renewed initial or a continuing certificate by paying a \$100 late fee in addition to the renewal or continuing certificate fee.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005
Larry Davis
Executive Director

WSR 05-10-015
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:49 a.m.]

Continuance of WSR 05-08-035.

Title of Rule and Other Identifying Information: WAC 180-79A-130 Fee for certification.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to WAC 180-79A-130 increases the fee for the residency certificate from twenty-five to thirty-five dollars.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005

Larry Davis
Executive Director

WSR 05-10-016

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:49 a.m.]

Continuance of WSR 05-08-041.

Title of Rule and Other Identifying Information: WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments provide that the five year validity period of the residency certificate will begin when the individual has completed provisional status employment in a public school or two years of successful experience in an approved private school or state institution providing educational services to students.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005

Larry Davis
Executive Director

WSR 05-10-017

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:49 a.m.]

Continuance of WSR 05-08-036.

Title of Rule and Other Identifying Information: WAC 180-79A-250 Initial residency and continuing professional certificates—Renewal, reinstatement, and continuing education requirements.

Hearing Location(s): Extended hearing to the North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516-5390, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to this rule allow an individual to obtain a two-year renewal of the residency certificate with verification that the individual is enrolled in a professional certificate program and provide some technical editorial changes.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 22, 2005

Larry Davis
Executive Director

WSR 05-10-018

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:50 a.m.]

Continuance of WSR 05-08-043.

Title of Rule and Other Identifying Information: WAC 180-79A-011 Knowledge and skill requirements of the performance-based certification system—Teachers.

Hearing Location(s): North Thurston School District, 600 N.E. Sleater Kinney Road, Lacey, WA 98506-5257, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments provide technical editing to WAC 180-79A-011, changing the name of the third standard for the professional certificate from "leadership" to "professional contributions."

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 25, 2005

Larry Davis

Executive Director

WSR 05-10-019

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:50 a.m.]

Continuance of WSR 05-08-038.

Title of Rule and Other Identifying Information: WAC 180-78A-319 Program approval requirement—Field experience for school social workers.

Hearing Location(s): North Thurston School District, 600 N.E. Sleater Kinney Road, Lacey, WA 98506-5257, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to this rule will revise and clarify the field experience requirements for school social workers.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 25, 2005

Larry Davis

Executive Director

WSR 05-10-020

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:50 a.m.]

Continuance of WSR 05-08-039.

Title of Rule and Other Identifying Information: WAC 180-78A-505 Overview—Teacher professional certificate program.

Hearing Location(s): North Thurston School District, 600 N.E. Sleater Kinney Road, Lacey, WA 98506-5257, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments provide technical editing to WAC 180-78A-505 changing the name of the third standard for the professional certificate from "leadership" to "professional contributions" and reducing the required criteria from seventeen to twelve.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 25, 2005

Larry Davis

Executive Director

WSR 05-10-021

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:50 a.m.]

Continuance of WSR 05-08-044.

PROPOSED

Title of Rule and Other Identifying Information: WAC 180-85-034 Continuing education credit hours—Definition—Professional development system (this is a proposed new section to the Washington Administrative Code).

Hearing Location(s): North Thurston School District, 600 N.E. Sleater Kinney Road, Lacey, WA 98506-5257, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This new section in the Washington Administrative Code will allow educators to earn continuing education credit hours (clock hours) through a professional growth plan and use those continuing education credit hours for certification purposes.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 25, 2005
Larry Davis
Executive Director

WSR 05-10-022

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:50 a.m.]

Continuance of WSR 05-08-046.

Title of Rule and Other Identifying Information: WAC 180-85-033 Continuing education—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National board for professional teaching standards assessment—Supervisors.

Hearing Location(s): North Thurston School District, 600 N.E. Sleater Kinney Road, Lacey, WA 98506-5257, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to this rule allows an individual to use continuing education credit hours (clock hours) earned through a professional growth plan for certification purposes.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 25, 2005
Larry Davis
Executive Director

WSR 05-10-023

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 26, 2005, 9:51 a.m.]

Continuance of WSR 05-08-047.

Title of Rule and Other Identifying Information: WAC 180-85-025 Continuing education—Definition.

Hearing Location(s): North Thurston School District, 600 N.E. Sleater Kinney Road, Lacey, WA 98506-5257, on June 16, 2005, at 8:30 a.m.

Date of Intended Adoption: June 17, 2005.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by June 2, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the amendment to this rule is to clarify that all continuing education credit hours (clock hours) will be awarded in conformance with WAC 180-85-034.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

April 25, 2005
Larry Davis
Executive Director

WSR 05-10-059
PROPOSED RULES
YAKIMA VALLEY
COMMUNITY COLLEGE

[Filed May 2, 2005, 3:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-110.

Title of Rule and Other Identifying Information: Rewrite of the "student records" WAC and changing our definition of "directory information."

Hearing Location(s): HUB Martin Luther King Room, on June 7, 2004 [2005], at 3:00 p.m.

Date of Intended Adoption: June 16, 2005.

Submit Written Comments to: Tomas Ybarra, Dean for Student Services, P.O. Box 22520, Yakima, WA 98907-2520, e-mail tybarra@yvcc.edu, fax (509) 574-6860, by May 20, 2004 [2005].

Assistance for Persons with Disabilities: Contact Marc Coomer by May 13, 2005, TTY (509) 574-4677 or (509) 574-4960.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the changes to the colleges "student records" WAC is to more clearly define the responsibility of staff and to more clearly define what constitutes an "educational record." The changes also reflect the inclusion of photographs, e-mail addresses and enrollment status (number of credits enrolled) as "directory information." The rewrite of the "student records" WAC will result in a better informed staff and student population. The inclusion of the above-mentioned items as "director information" will allow for less cumbersome communication between faculty and staff and the students they are attempting to serve.

Statutory Authority for Adoption: RCW 28B.50.140, WAC 132P-33-100, and 20 U.S.C. 1232g.

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

Name of Proponent: Yakima Valley Community College, public.

Name of Agency Personnel Responsible for Drafting: Denise Anderson, Yakima Valley Community College, DECCIO Building, (509) 574-4702; **Implementation and Enforcement:** Tomas Ybarra, Yakima Valley Community College, DECCIO Building, (509) 574-6806.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The change relates to students and internal operations only.

A cost-benefit analysis is not required under RCW 34.05.328. This is a procedural rule that pertains to internal operations.

April 18, 2005

Tomas Ybarra

Dean for Student Services

AMENDATORY SECTION (Amending WSR 99-13-140, filed 6/18/99, effective 7/19/99)

WAC 132P-33-100 ((Student records.)) Disclosure of student records. ((In compliance with the Family Educa-

tional Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within:

~~(1) Education record. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Yakima Valley Community College these are:~~

~~(a) Records pertaining to admission, advisement, registration, grading and progress toward a degree that are maintained by the registrar.~~

~~(b) Testing information used for advisement and counseling purposes by the counseling center.~~

~~(c) Information concerning payment of fees as maintained by the business office.~~

~~(d) Financial aid information as collected by the financial aid office.~~

~~(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.~~

~~(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.~~

~~Note: Charges may be assessed for reproduced copies of education records.~~

~~(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.~~

~~(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:~~

~~(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASYVCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.~~

~~(b) To officials of another school in which the student seeks or intends to enroll.~~

~~(c) To authorized federal, state, or local officials as required by law.~~

~~(d) In connection with financial aid for which the student has applied or received.~~

~~(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.~~

~~(f) To appropriate parties in a health or safety emergency.~~

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

Educational records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting their party disclosures to other parties listed in subsection (4)(a) through (g) of this section.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing through a written request to the registrar or dean of students. Should the registrar or dean of students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and
Privacy Act Office (FERPA)
Department of Health, Education, and Welfare
330 Independence Avenue, SW
Washington, DC 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
US Government Printing Office
Washington, DC 20402) The Family Educational Rights and Privacy Act (FERPA) permits a student's educa-

tion records to be disclosed without consent to persons who meet the strict definition of an "education official" who has a "legitimate educational interest" in their records.

(1) Education official. Education official is defined as a person employed by the college in either an administrative, supervisory, academic, research, law enforcement or support staff position; persons serving on official committees such as disciplinary or grievance; an outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the college or the Washington state college and university systems.

The college may designate a student employee of the college as an education official, with the approval of the vice-president for instruction and student services, according to the following procedure:

(a) Supervisor establishes job description identifying specific tasks to be performed by the student employee that require access to personally identifiable confidential information about students, including enrollment records, grades, or other education records;

(b) Supervisor submits job description to dean for approval;

(c) Dean submits job description to the vice-president for approval;

(d) Vice-president forwards approved job description to supervisor.

(2) Legitimate educational interest. Educational interest is a need for an education official to review education records in order to fulfill his or her professional responsibilities. These responsibilities may or may not be limited to the following areas:

(a) Performing a task that is specified in his/her position;

(b) Researching a matter related to student discipline;

(c) Providing a service or benefit related to a currently enrolled student or a past student for which the college is still maintaining an educational record;

(d) Maintaining safety and security on campus.

(3) Education records. Education records are records, files, and documents containing information directly related to a student or maintained by an educational institution; such as:

(a) Records pertaining to admission, advising, registration, grades and degree information that are maintained by the college;

(b) Testing information used for advising and counseling purposes maintained by the college;

(c) Information maintained by the college concerning payment of fees;

(d) Financial aid information as maintained by the college;

(e) Information regarding students participating in student government or athletics maintained by the college.

The following student records are not considered education records and are not subject to FERPA protection against unauthorized disclosure:

(i) Employment records when the employment is not connected to student status;

(ii) Sole possession records or private notes held by education officials that are not accessible or released to other personnel; other than a temporary substitute;

(iii) Alumni records, which do not relate to the person as a student;

(iv) Application records of students not admitted to the college;

(v) Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;

(vi) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.

(4) Directory information. An educational institution is allowed to designate certain types of information that may be released without seeking written permission from the student. Directory information may be provided to the person requesting it either in person, by mail, or by telephone.

All requests for directory information from persons not employed by YVCC shall be referred to enrollment services. Only designated registration personnel are authorized to comply with requests for directory information.

Yakima Valley Community College has designated the following items as directory information:

(a) Student's name;

(b) Address;

(c) Telephone number;

(d) Date and place of birth;

(e) Photographs;

(f) E-mail address;

(g) Major field of study;

(h) Eligibility for and participation in officially recognized activities, organizations, and sports;

(i) Weight and height statistics for members of athletic teams;

(j) Dates of attendance (quarters in attendance);

(k) Enrollment status (number of credits enrolled);

(l) Honor roll;

(m) Degrees and awards received;

(n) Most recent previous educational agency or institution attended by the student.

(5) Protecting directory information from disclosure. Students have the right to prohibit the release of directory information. A student may prevent the release of directory information by personally submitting a request in writing to the enrollment services office. This request to prevent the release of information becomes a part of the student's record and remains in effect (even after graduation) until the student instructs the college, in writing, to remove the hold status on the record.

(6) Disclosure exceptions. In addition to directory information the college will, at its discretion, make disclosures from education records without the student's prior written consent or to the following listed parties:

(a) Education officials with a legitimate educational interest;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) To persons specified in a lawfully served judicial order or subpoena, provided the college makes a reasonable

effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification);

(e) In connection with financial aid for which the student has applied or received;

(f) To accrediting organizations, or organizations conducting studies for or on behalf of the institution;

(g) To appropriate parties in a health or safety emergency (campus security will personally relay message of an emergent nature to students);

(h) To parents of a dependent student, upon receipt of their most recently filed tax return, that shows the student as a dependent or upon receipt of a written statement approving the release of nondirectory information from the student. The following information can be released to the parents of dependent college students:

(i) Tuition account balances;

(ii) Financial aid eligibility;

(iii) Reason for an account hold (not to include titles of library materials);

(iv) Explanation of the satisfactory academic progress policy;

(v) Violation of student conduct policies concerning alcohol and controlled substances.

Faculty and staff of the college may provide job references for students, and may respond to inquiries from employers regarding students. Statements made by college personnel regarding students that are based on that person's personal observations do not require a written release from the student. However, if college personnel provide in either verbal or written form personally identifiable information about a student that is obtained from education records (grades, GPA, etc.) the person is required to obtain prior written permission from the student. In cases where consent of the student is required for release of education records, the student shall submit a written, signed and dated statement specifying the records to be disclosed, the purpose of the disclosure, and the name of the party to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to education officials or the student, the education official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

(7) Student's rights and responsibilities regarding student records.

(a) Students have the right to inspect and review their records by submitting a written, signed request to the enrollment services office stating the record they wish to review. Charges may be assessed for reproduced copies of education records.

(b) Students have the right to seek to amend their education records. Students who believe that information contained in their education record is inaccurate, misleading, or in violation of privacy rights, may submit a written request to amend their records to the appropriate education official. The education official(s) will make every effort to settle disputes through informal meetings and discussion with the stu-

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dent. In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the education official involved shall advise the student of the right to a hearing by the student submitting a written request, appealing the decision of the education official, to the registrar or dean of students. Should the registrar or dean of students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate education official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

(c) Students have the right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.

(d) Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints is:

The Family Educational Rights and Privacy Act Office (FERPA)

Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, DC 20201

Web site: <http://www.ed.gov/offices/om/fpco/>

(e) Students have the right to obtain a copy of the college's student records policy. Copies are available through the associated student body and the enrollment services office.

WSR 05-10-063

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed May 2, 2005, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-097.

Title of Rule and Other Identifying Information: Chapter 246-323 WAC, Residential treatment facilities for psychiatrically impaired children and youth; chapter 246-325 WAC, Adult residential rehabilitation centers and private adult treatment homes; and chapter 246-326 WAC, Alcoholism treatment facilities.

The proposed rules create new chapter 246-337 WAC.

Hearing Location(s): Department of Health, 310 Israel Road S.E., Conference Room 152, Tumwater, WA 98501, on June 7, 2005, at 1:00 p.m.

Date of Intended Adoption: June 10, 2005.

Submit Written Comments to: Allen Spaulding, 310 Israel Road, P.O. Box 47852, Tumwater, WA 98504-7852, or <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by June 7, 2005.

Assistance for Persons with Disabilities: Contact Allen Spaulding by June 3, 2005, TTY (800) 833-6388 or (360) 236-2929.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules develop chapter 246-337 WAC with a core set of requirements that address all facility service categories, plus program specific requirements, that are flexible to meet the changing needs of the adult and child populations receiving treatment in community based residential treatment facilities for chemical dependency and mental illness.

The proposal repeals existing chapters 246-323, 246-325, and 246-326 WAC.

Reasons Supporting Proposal: The proposed rules combine like requirements into one core chapter to establish consistency amount the different service categories, remove any unnecessary requirements and increase clarity.

Statutory Authority for Adoption: Chapter 71.12 RCW.
Statute Being Implemented: Chapter 71.12 RCW.

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

Name of Proponent: Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Runyon, 310 Israel Road, Tumwater, WA 98504-7852, (360) 236-2937; Enforcement: Gary Bennett, 310 Israel Road, Tumwater, WA 98504-7852, (360) 236-2902.

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

Small Business Economic Impact Statement

Background: Under RCW 71.12.670, the Washington State Department of Health is empowered to adopt rules as necessary to assure that each residential treatment facility (RTF) will be operated and maintained in a manner consistent with the health and safety of the members of the public using such facilities.

Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is "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."

1. Briefly describe the proposed rule: The proposed rule outlines the minimum public health and safety standards for the licensure and operations of an RTF in Washington state.

Minor Changes:

- Condense and clarify wording, grammar, structure, and formatting.
- Clarify requirements for licensing, reporting, documentation, and compliance.
- Remove issues unrelated to public health.
- Update terminology to reflect current usage and populations served.

Changes Easing Requirements:

- Reflect the current building code in describing adequate space as providing at least a three-foot clear path of egress from one side of each bed or mattress in case of fire.
- Allow licensees to wash and sanitize laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions.
- Allow the use of domestic type dishwashers for facilities with sixteen or fewer residents.
- Establish consistency among the requirements for facilities providing residential treatment services when possible.
- Establish eight service categories that may be provided under one RTF license.

- Allow the issuance of a single RTF license to a campus of two or more buildings.

Changes Imposing Additional Requirements:

- Require a written basic emergency preparedness plan.
- Maintain documentation of an on-going training procedure for implementing the emergency preparedness plan.
- A facility-wide approach to process design and performance measurement (coordinated quality improvement program).

Other Components of the Rule:

- DOH process in case of facility deficiencies.

2. Is an SBEIS required for this rule? Yes.

3. Which industries are affected by this rule? In preparing this SBEIS, the Department of Health used the following SIC codes:

SIC Industry Code and Title	No. of Businesses	No. of Employees	Average No. of Employees For Smallest Businesses	Average No. of Employees for 10% of Largest Businesses
8059 Nursing and personal care, not elsewhere classified	110	4081	35.2	159.5
8361 Residential Care	1534	20252	8.0	97.4
8052 Intermediate Care Facilities	29	1651	22.3	146.6

4. What are the costs of complying with this rule for small businesses (those with fifty or fewer employees) and for the largest 10% of businesses affected? The following tables show cost impacts of the proposed rules vary for small and large RTF's. The last column in Table 2 shows the "ratio" of costs per employee for small versus large facilities. A ratio of less than one indicates that no disproportionate economic burden would exist for the indicated industry; a ratio greater than one indicates that a disproportionate burden would exist for the industry. As is evident from these calculations, disproportionate burdens appear to exist for all industries, but to a varying degree. Although a disproportionate burden exists for RTF, the absolute economic burden and cost per employee are low.

**Table 1
Significant WAC Rules with New Fiscal Impact**

WAC	Annual Cost for Typical Small Business	Annual Cost for Typical Large Business
246-337-045(5) Coordinated quality improvement	\$600	\$1200
246-337-050(3) Age appropriate CPR training	\$100	\$200
246-337-070 Emergency disaster plan	\$1280	\$1280
246-337-070(4) Three day emergency food supply	\$576	\$1440
TOTAL	\$2556	\$4120

**Table 2
Small Business Economic Impact Analysis**

SIC	Costs for Typical Small Business	Costs for Typical Large Business	Average Number of Employees for Small Business	Average Number of Employees for Large Business	Costs Per Employees for Typical Small Business	Cost Per Employees for Typical Large Business	Cost Per Employee Ratio (Small/Large)
8059	\$2556	\$4120	35.2	159.5	\$72.60	\$25.80	2.8
8361	\$2556	\$4120	8.0	97.4	\$319.50	\$42.30	7.6
5052	\$2556	\$4120	22.3	146.6	\$114.60	\$28.10	4.1

PROPOSED

5. Does the rule impose a disproportionate impact on small businesses? Yes. As the ratios in the last column of Table 2 show, the rule imposes a disproportionate impact on small businesses.

6. If the rule imposes a disproportionate impact on small businesses, what efforts were taken to reduce that impact (why is it not "legal and feasible" to do so) by:

(a) Reducing, modifying, or eliminating substantive regulatory requirements? The department implemented the following changes and/or techniques in effort to reduce impacts throughout the proposed WAC chapter:

- Reflect the current building code in describing adequate space as providing at least a three-foot clear path of egress from one side of each bed or mattress in case of fire.
- Allow licensees to wash and sanitize laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions.
- Allow the use of domestic type dishwashers for facilities with sixteen or fewer residents.
- Establish consistency among the requirements for facilities providing residential treatment services when possible.
- Establish eight service categories that may be provided under one RTF license.
- Allow the issuance of a single RTF license to a campus of two or more buildings.
- Condense and clarify wording, grammar, structure, and formatting.
- Clarify requirements for licensing, reporting, documentation, and compliance.
- Remove issues unrelated to public health.
- Update terminology to reflect current usage and populations served.

(b) Simplifying, reducing, or eliminating record keeping and reporting requirements? The department eliminated duplicative standards by collaborating with DSHS Mental Health Division and the Division of Alcohol and Substance Abuse to improve accuracy, compatibility, consistent interpretation and nonduplication by agencies.

(c) Reducing the frequency of inspections? The frequency of inspections is not addressed in the proposed rules.

(d) Delaying compliance timetables? Although the department plans to offer statewide training on the proposed rules, no compliance delay is scheduled for its implementation.

(e) Reducing or modifying fine schedules for noncompliance? Fine schedules for noncompliance are not addressed in the proposed rules.

(f) Any other mitigation techniques? WAC 246-337-020 retroactivity allows RTF's that are currently licensed and operating on the date of adoption of the proposed chapter to continue without change to physical plant, except as is specifically covered in the chapter, or as deemed necessary for the general safety and welfare of the occupants and public by either the local building official, licensing regulators, or state fire marshal.

7. How are small businesses involved in the development of this rule? Department staff worked closely with constituents, small businesses and the public to minimize the

burden of this rule. The department notified all licensees and stakeholders when it first started developing the rule. Interested parties were invited to participate in a stakeholders workgroup including participants from small and large businesses. Four stakeholder workgroup meetings were held in Kent, Washington. The department also sought comment on draft language throughout the rule development process.

A copy of the statement may be obtained by contacting Allen Spaulding, Department of Health, Facilities and Services Licensing, 310 Israel Road, Tumwater, WA 98504-7852, phone (360) 236-2929, fax (360) 236-2901, e-mail al.spaulding@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Allen Spaulding, Department of Health, Facilities and Services Licensing, 310 Israel Road, Tumwater, WA 98504-7852, phone (360) 236-2929, fax (360) 236-2901, e-mail al.spaulding@doh.wa.gov.

Bill White
for Mary C. Selecky
Secretary

Chapter 246-337 WAC

RESIDENTIAL TREATMENT FACILITY

NEW SECTION

WAC 246-337-001 Scope and purpose. (1) This chapter implements chapter 71.12 RCW and sets the minimum health and safety standards for licensure and operations of twenty-four hour private, county or municipal residential treatment facilities (RTF) providing health care services to persons with mental disorders or substance abuse.

(2) Additionally, these rules apply to residential treatment facilities licensed by the department of health under chapter 71.12 RCW and certified by the department of social and health services under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), and chapter 71.34 RCW (Mental health services for minors).

(3) These rules are intended to supplement other applicable federal, state and local laws, rules and ordinances. If any provision of this chapter is more restrictive than local codes and ordinances this chapter shall prevail over any less restrictive provision.

NEW SECTION

WAC 246-337-005 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) **"Administrator"** means an individual person responsible for managing the day-to-day operations of the RTF.

(2) **"Adult"** means an individual age eighteen years or older.

(3) **"Approved"** means approved by the department, unless otherwise specified.

(4) **"Authorized"** means mandated or permitted, in writing, by the administrator to perform an act that is within a health care provider's lawful scope of practice, or that was lawfully delegated to the health care provider or to the unlicensed staff member.

(5) **"Bathroom"** means a room containing at least one bathtub or shower.

(6) **"Chemical dependency"** means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(7) **"Chemical dependency RTF"** means all or part of an RTF certified by DSHS under chapter 70.69A RCW, that provides twenty-four hour evaluation, stabilization and treatment services for persons with chemical dependency within one or more of the following service categories:

(a) **"Acute detoxification"** as defined in chapter 388-805 WAC;

(b) **"Subacute detoxification"** as defined in chapter 388-805 WAC;

(c) **"Intensive inpatient services"** as defined in chapter 388-805 WAC;

(d) **"Long-term treatment services"** as defined in chapter 388-805 WAC;

(e) **"Recovery house services"** as defined in chapter 388-805 WAC.

(8) **"Child"** or **"minor"** means an individual under the age of eighteen.

(9) **"Communicable disease"** means a disease caused by an infectious agent that can be transmitted from one person, animal, or object to another individual by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(10) **"Confidential"** means information that may not be disclosed except under specific conditions permitted or mandated by law or legal agreement between the parties concerned.

(11) **"Construction"** means:

(a) The erection of a facility;

(b) An addition, modification, alteration or change of an approved use to an existing facility; or

(c) The conversion of an existing facility or portion of a facility for use as a RTF.

(12) **"DASA"** means division of alcohol and substance abuse, within DSHS.

(13) **"Department"** means the Washington state department of health.

(14) **"DSHS"** means the Washington state department of social and health services.

(15) **"Emergency health care"** means services provided consistent with the health care needs of the resident for an acute illness, injury, or unexpected clinical event as determined by an authorized health care provider.

(16) **"Facility"** means a building or portion of a building.

(17) **"First aid"** means care for a condition that requires immediate assistance from an individual trained and certified in first-aid procedures.

(18) **"Hand hygiene"** means handwashing, antiseptic hand wash, or antiseptic hand or surgical hand antiseptics.

(19) **"Health"** means a state of complete physical and mental well-being and not merely the absence of disease or infirmity.

(20) **"Health assessment"** means a systematic examination of the person's body conducted by an authorized health care provider.

(21) **"Health care"** means any care, service, or procedure provided by a health care provider to diagnose, treat, or maintain a resident's physical or mental condition, or that affects the structure or function of the human body.

(22) **"Health care provider"** means an individual who is licensed, registered or certified under Title 18 RCW to provide health care within a particular profession's statutorily authorized scope of practice.

(23) **"Health care screen"** means the process approved by an authorized health care provider to determine the health care needs of a resident.

(24) **"Licensee"** means the person, corporation, association, organization, county, municipality, public hospital district, or other legal entity, including any lawful successors thereto to whom the department issues a RTF license.

(25) **"Medication"** means a legend drug prescribed for a resident by an authorized health care provider, or nonprescription drugs, also called "over-the-counter medications," that can be purchased by the general public without a prescription.

(26) **"Medication administration"** means the direct application of a medication or device by ingestion, inhalation, injection, or any other means, whether self-administered by a resident, or administered by a parent or guardian (for a minor), or an authorized health care provider.

(27) **"Medication self-administration"** or **"self-medication administration"** means a process by which each resident obtains his/her container of medication from a supervised and secure storage area, removes the dose needed and ingests or applies the medication as directed on the label while being observed by staff.

(28) **"Medication error"** includes any failure to administer or receive a medication according to an authorized health care provider's order, or according to the manufacturer's directions for nonprescription drugs.

(29) **"Medication protocol"** means a specific group of orders to be used for specific symptoms for specific residents and authorized by a health care provider.

(30) **"Mental health RTF"** means all or part of a RTF providing twenty-four hour evaluation, stabilization and treatment services for persons with a mental disorder and certified by DSHS under chapters 71.05 or 71.34 RCW, within one or more of the following service categories:

(a) **"Adult residential treatment"** as defined in chapter 388-865 WAC;

(b) **"Inpatient evaluation and treatment"** as defined in chapter 388-865 WAC;

(c) **"Child long-term inpatient treatment"** as defined in chapter 388-865 WAC.

(31) **"Parent"** means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under joint custody agreement; or

(b) An individual or agency judicially appointed as legal guardian or custodian of the child.

(32) "**Resident**" means an individual (adult or child) admitted to the RTF licensed under this chapter.

(33) "**Residential treatment facility**" or "**RTF**" means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

(34) "**Restraint**" means a continuum of methods used to prevent or limit free body movement.

(35) "**Room**" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(36) "**Seclusion**" means the involuntary confinement of a resident alone in a room or area from which the resident is physically prevented from leaving.

(37) "**Sink**" means a properly trapped plumbing fixture, capable of holding water, with approved potable hot and cold running water under pressure.

(38) "**Survey**" means an inspection or investigation conducted by the department to evaluate and monitor a licensee's compliance with chapter 71.12 RCW and this chapter.

(39) "**Toilet room**" means a room containing a water closet (toilet).

(40) "**WISHA**" means the state of Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

NEW SECTION

WAC 246-337-010 Initial licensure and renewal process. (1) **Initial:** An applicant for an initial RTF license must submit to the department, sixty days or more before starting:

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee, including:

(i) The identity of each officer and director, or their equivalent, of the licensee;

(ii) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator in accordance with chapter 43.43 RCW;

(iii) The license fee specified in WAC 246-337-990; and

(iv) A reduced floor plan on 8-1/2 x 11 size paper that shows each room within the facility in a manner that is easily seen and understood.

(b) Evidence of applicant's compliance with chapter 71.12 RCW and this chapter including:

(i) The department approved construction documents and functional program plan;

(ii) Documentation of application for certification by DSHS under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), or chapter 71.34 RCW (Mental health services for minors);

(iii) Approval of the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(iv) Compliance with all applicable federal, state and local laws, rules, and codes; and

(v) Completion of an initial on-site survey.

(c) Other information as required by the department.

(2) If the applicant has met all requirements for licensure set forth in subsection (1) of this section, the department shall issue a RTF license (listing the service categories). An RTF license is effective for one year from the date it is issued.

(3) **Renewal:** At least thirty days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

(b) Disclosure statements and criminal history background checks obtained within three months of the renewal date for the administrator in accordance with chapter 43.43 RCW;

(c) The fee specified in WAC 246-337-990;

(d) Documentation satisfactory to the department of licensee's compliance with chapter 71.12 RCW and this chapter, including the following:

(i) Compliance with rules adopted by the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(ii) Compliance with all applicable federal, state and local laws, and rules; and

(e) Other information as required by the department.

(4) At least sixty days prior to changing any of the license service categories, number of resident beds, location or use of rooms as listed on the licensed room list, or the physical structure of the RTF, the licensee must:

(a) Notify the department in writing of the intended change;

(b) Request the department to determine the need for review by the department's construction review services; and

(c) If the change involves an approved increase in beds, the licensee must pay a fee under WAC 246-337-990;

(5) At least sixty days prior to selling, leasing, renting or otherwise transferring control of a license, that results in a change of the Uniform Business Identifier Number (UBI #), the licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change;

(d) Plans for preserving resident records, consistent with WAC 246-337-095; and

(e) Other information required by the department.

(6) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(7) A RTF license is not transferable.

NEW SECTION

WAC 246-337-015 Service categories. A licensee may provide services under a single RTF license for one or more of the following service categories:

(1) Chemical dependency acute detoxification;

(2) Chemical dependency subacute detoxification;

(3) Chemical dependency intensive inpatient;

- (4) Chemical dependency long-term treatment;
- (5) Chemical dependency recovery house;
- (6) Mental health adult residential treatment (includes crisis services for twenty-four hours or more);
- (7) Mental health inpatient evaluation and treatment;
- (8) Mental health child long-term inpatient treatment.

NEW SECTION

WAC 246-337-020 Responsibilities and rights of the licensee and department. (1) The licensee must:

- (a) Comply with chapter 71.12 RCW and this chapter;
- (b) Maintain and post in a conspicuous place on the premises:
 - (i) A current RTF license; and
 - (ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and description of ombudsman services;
- (c) Provide services limited to each service category that appears on the RTF license;
- (d) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF;
- (e) Cooperate with the department during on-site surveys;
- (f) Respond to a statement of deficiencies by submitting to the department:
 - (i) Within ten working days of receipt, a written plan of correction for each deficiency cited that includes a target date and is subject to approval by the department; and
 - (ii) A written progress report attesting to the final completion of the correction of deficiencies identified in the plan of correction.

(2) The department shall:

- (a) Issue or renew a license when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;
- (b) List, in writing, the service category(ies) the RTF is licensed to provide under this chapter;
- (c) Verify compliance with RCW 71.12.485 and chapter 212-12 WAC administered by the Washington state patrol fire marshal fire protection service;
- (d) Verify compliance with applicable state and local codes;
- (3) The department may issue a single RTF license to include two or more RTF (campus), if the applicant or licensee:
 - (a) Meets the licensure requirements of chapter 71.12 RCW and this chapter; and
 - (b) Operates the multiple RTF as a single integrated system with:
 - (i) Governance by a single authority or body over all buildings;
 - (ii) All services provided by an integrated staff; and
- (4) Conduct on-site surveys. After completing a survey, the department may:
 - (a) Give the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter 71.12 RCW and this chapter observed during an on-site survey;

- (b) Obtain, review, and approve written plan of correction with dates to be completed;
- (c) Review the progress report attesting to correction of deficiencies;
- (d) Conduct a follow up on-site assessment at the discretion of the department;
- (e) Document, during an initial survey or as needed, a department-approved room list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved resident beds, and other information related to the licensed resident bed capacity. This list will be kept as part of the RTF licensure file.

NEW SECTION

WAC 246-337-025 Exemptions and alternative methods. (1) An applicant or licensee may request an exemption from any part of this chapter by submitting a written request to the department, including:

- (a) The specific section, or sections, of rules for which the exemption is requested;
- (b) An explanation of the circumstances involved;
- (c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and
- (d) Any supporting research or other documentation.
- (2) After review and consideration, the department may grant an exemption if the exemption does not:
 - (a) Negate the purpose and intent of these rules;
 - (b) Place the safety or health of the residents in the RTF in jeopardy;
 - (c) Reduce any fire and life safety or infection control laws or rules; or
 - (d) Adversely affect the structural integrity of a facility.
- (3) The department will send a copy of the exemption decision to the licensee, and shall maintain the exemption as part of the current RTF file. The licensee shall maintain the documented exemption decision on file in the RTF.

NEW SECTION

WAC 246-337-030 Retroactivity. Any construction on or after the effective date of this chapter must comply with this chapter. RTFs that are licensed and operating on the effective date of this chapter may continue to operate without modifications to the facility, unless specifically required under this chapter, or as deemed necessary by either the local building official, the department, other licensing regulators, the state fire marshal, for the general safety and welfare of the occupants and public.

NEW SECTION

WAC 246-337-035 Procedures to deny, suspend, modify or revoke a license. (1) The department may deny, suspend, modify, or revoke a RTF facility license under chapters 71.12, 43.70, 34.05 RCW and 246-10 WAC, if the applicant or licensees have:

- (a) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found

civily liable or criminally convicted of operating the facility without a license;

(b) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(c) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(d) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident;

(e) Retaliated against a staff member, resident or other individual for reporting suspected abuse or other alleged improprieties;

(f) Failed to comply with any of the provisions of chapter 71.12 RCW or this chapter; or

(g) Failed to meet DSHS certification standards under chapters 71.05, 70.96A and 71.34 RCW.

(2) An applicant or licensee may contest a disciplinary decision or action of the department under RCW 43.70.115, chapters 34.05 RCW and 246-10 WAC.

(3) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(4) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 71.12 RCW or this chapter by:

(a) Offering a plan of correction if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee and approved by the department, that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) Offering a directed plan of correction if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems;

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame; and/or

(d) Taking administrative action initiated under chapter 34.05 RCW:

(i) An administrative action may result in a hearing before a presiding officer and the issuance of formal findings and a directed order;

(ii) The administrative action and any resulting order constitute formal action under the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 246-337-040 Review of construction documents and functional program. (1) Prior to beginning any construction or remodeling, the applicant or licensee must submit an application and fee, if applicable, to the department and receive written authorization by the department to proceed.

(2) The licensee or applicant must submit a written functional program, in accordance with RCW 71.12.470, outlining the service categories and types of residents to be served and how the needs of the residents will be met including, but not limited to:

- (a) Program goals;
- (b) Staffing and health care to be provided;
- (c) Infection control;
- (d) Security and safety;
- (e) Seclusion and restraint;
- (f) Laundry;
- (g) Food and nutrition; and
- (h) Medication.

(3) The licensee or applicant must submit accurate, timely, and complete construction documents that comply with all governing rules.

(4) Construction documents must include:

(a) Drawings prepared, stamped, and signed by an architect licensed by the state of Washington under chapter 18.08 RCW. The services of a consulting engineer licensed by the state of Washington may be used for the various branches of the work, if appropriate; and

(b) Drawings with coordinated architectural, mechanical, and electrical work drawn to scale showing complete details for construction, including:

(i) Site plan(s) showing streets, driveways, parking, vehicle and pedestrian circulation, utility line locations, and location of existing and new buildings;

(ii) Dimensioned floor plan(s) with the function of each room and fixed/required equipment designated;

(iii) Elevations, sections, and construction details;

(iv) Schedule of floor, wall, and ceiling finishes;

(v) Schedules of doors and windows - sizes and type, and door finish hardware;

(vi) Mechanical systems - plumbing and heating/venting/air conditioning; and

(vii) Electrical systems, including lighting, power, and communication/notification systems;

(c) Specifications that describe with specificity the workmanship and finishes; and

(d) Shop drawings and related equipment specifications for:

(i) An automatic fire sprinkler system when required by other codes; and

(ii) An automatic fire alarm system when required by other codes.

(5) A license may not be issued for a new RTF, a new facility within an RTF, or changes in resident bed capacity or licensed service category(ies) for a currently licensed RTF, without written approval from the department's construction review services unit and residential care services program.

(6) The applicant or licensee must:

(a) Comply with the standards as adopted by the Washington state building code council;

(b) Assure conformance to the approved plans during construction;

(c) Submit addenda, change orders, construction change directives or any other deviation from the approved plans prior to their installation;

(d) Provide a written construction project completion notice to the department indicating:

(i) The completion date; and

(ii) The actual construction cost;

(e) Make adequate provisions for the health, safety, and comfort of residents during construction projects.

NEW SECTION

WAC 246-337-045 Governance and administration. The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

(1) Adopting, periodically reviewing, and updating as necessary, policies that:

(a) Govern the organization and functions of the RTF including:

(i) A brief narrative explaining the scope of services provided;

(ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and

(iii) A policy addressing that sufficient resources such as personnel, facilities, equipment, and supplies are provided to meet the needs of the population served;

(b) Provide a process for communication and conflict resolution for both staff and residents; and

(c) Provide clear lines of authority for both management and operation of the RTF.

(2) Establishing procedures for selecting and periodically evaluating a qualified administrator to assure that he or she carries out the goals and policies of the governing body. The administrator must:

(a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services properly;

(b) Be available, or assure that a designated alternate who has similar qualifications is available, one hundred percent of the time, either in person, by telephone or electronic pager (or similar electronic means), to carry out the goals, objectives and standards of the governing body.

(3) Establishing written policies and procedures that implement all applicable rules, which are routinely reviewed by the administrator and the governing body to ensure they are kept current, made known to staff, made available at all times to all staff, and are complied with within the RTF.

(4) Establishing a personnel system that assures:

(a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;

(b) Staff are assigned, oriented, trained, supervised, monitored, and evaluated;

(c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident are competent by training, experience and capability;

(d) Contractors have current contracts on file clearly stating the responsibilities of the contractor;

(e) Staff with unsupervised access to residents complies with WAC 246-337-055.

(5) Establishing a RTF-wide approach to a coordinated quality improvement program for resident care services under chapter 71.12 RCW and equivalent to the provisions outlined in chapter 246-50 WAC.

NEW SECTION

WAC 246-337-050 Management of human resources. The licensee must ensure residents receive health care by adequate numbers of staff authorized and competent to carry out assigned responsibilities, including:

(1) A sufficient number of personnel must be present on a twenty-four hour per day basis to meet the health care needs of the residents served; managing emergency situations; crisis intervention, implementation of health care plans; and required monitoring activities.

(2) Personnel trained, authorized and credentialed (where applicable) to carry out assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual plan of care/treatment;

(3) The presence of at least one individual trained in basic first aid and age appropriate cardiopulmonary resuscitation twenty-four hours per day.

(4) Written documentation to verify credentials, training, and performance evaluations for each staff member including, but not limited to:

(a) Employment application/hire date;

(b) Verification of education, experience and training;

(c) Current job description;

(d) Criminal disclosure statement and results of a Washington state patrol background inquiry;

(e) HIV/AIDS training or verification;

(f) Current license/certification/registration (if applicable);

(g) Current basic first aid and age appropriate cardiopulmonary resuscitation training (if applicable);

(h) Current food and beverage service worker permit (if applicable);

(i) Current driver's license (if applicable);

(j) Tuberculosis screening (refer to WAC 246-337-060);

(k) Performance evaluation(s);

(l) Staff using restraint and seclusion procedures must receive initial and ongoing education and training in the proper and safe use of seclusion and/or restraints;

(m) Initial orientation and ongoing training to address the safety and health care needs of the population served.

(5) If independent contractors, consultants, students, volunteers and trainees are providing direct on-site residential care, the licensee must ensure their compliance with this section.

NEW SECTION

WAC 246-337-055 Personnel criminal history, disclosure, and background inquiries. The licensee must ensure that all staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents are screened for criminal history disclosure and background requirements consistent with RCW 43.43.830 through 43.43.842.

NEW SECTION

WAC 246-337-060 Infection control. The licensee must ensure each resident's care is provided in an environment that prevents the transmission of infections and communicable disease among residents, staff, and visitors including:

(1) Implementing and maintaining an infection control program by assignment of responsibility for infection control and monitoring to a specified staff member.

(2) Maintaining an infection control program that includes adoption and implementation of written policies and procedures for:

(a) Meeting the standards as outlined in the most recent edition of the department's *Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Curriculum Manual*, including:

- (i) Hand hygiene;
- (ii) Disinfection;
- (iii) Standard/universal precautions;

(b) Residents with poor hygiene;

(c) Control of bloodborne pathogens in accordance with WISHA, chapter 296-823 WAC;

(d) Control of tuberculosis consistent with WISHA, department guidelines, and chapter 246-170 WAC;

(e) Exclusion of staff from work who have a communicable disease in an infectious stage; and

(f) Environmental management and housekeeping functions.

(3) Ensuring that staff report notifiable conditions and cooperate with public health authorities to facilitate investigation of a case, suspected case, or outbreak of a notifiable condition, consistent with chapter 246-101 WAC.

(4) Providing the equipment necessary to implement the RTF infection control policies and procedures.

(5) Complying with chapter 246-100 WAC "Communicable and certain other diseases."

NEW SECTION

WAC 246-337-065 Health and safety. The licensee must protect resident health and safety by developing written

policies and procedures that are consistent with the requirements of this chapter, and address:

(1) Coordination of interagency and intra-agency services, if any, to meet and provide for resident health care needs.

(2) The provision of health care services.

(3) The provision for transportation for residents in accordance with Washington state laws and rules governing transportation.

(4) Smoking policies and procedures in compliance with applicable Washington state laws and rules.

(5) Security to protect residents, visitors, staff and property including, but not limited to:

(a) Controlling access to and egress (elopement and evacuation) from the RTF; and

(b) Investigating, and recording all security incidents.

(6) Reporting to the department serious or undesirable resident outcomes including, but not limited to, death, suicide, or major disruption of services through internal or external emergency events.

NEW SECTION

WAC 246-337-070 Emergency disaster plan. (1) The licensee must ensure resident health and safety by establishing and implementing an emergency plan designed for response to internal and external emergency safety situations. The emergency plan must:

(a) Be specific to the RTF, and each building that comprises the RTF;

(b) Be communicated to the residents and staff;

(c) Be coordinated with local emergency plans;

(d) Address actions the licensee will take if residents cannot return to the facility;

(e) Be posted or readily available to all staff and residents; and

(f) Require emergency phone numbers to be adjacent to appropriate phones.

(2) The emergency plan must identify:

(a) Who is responsible for each aspect of the plan;

(b) Procedures for accounting for all residents and staff during and after the emergency;

(c) How the premises will be evacuated, if necessary, and the meeting location after evacuation;

(d) How to address care of residents with special needs during and after an emergency;

(e) Provisions for emergency medications, food, water, clothing, shelter, heat and power;

(f) How family members will be contacted; and

(g) Transportation arrangements if necessary.

(3) The licensee must evaluate the effectiveness of the emergency plan, including:

(a) Review at least annually and revise as needed;

(b) Conduct and document, at least annually, emergency drills for residents and staff; and

(c) Debrief and evaluate the plan after each emergency incident or drill.

(4) Supplies and first-aid equipment must be:

(a) In a designated location;

- (b) Readily available to staff during all hours of operation including during transportation of residents;
- (c) Sufficient in type and quantity according to staff and residents' needs; and
- (d) Sufficient to maintain a three-day emergency supply of dry or canned food and water for all staff and residents.

NEW SECTION

WAC 246-337-075 Resident rights. The licensee must establish a process to ensure resident rights are protected in compliance with chapter 71.12 RCW, this chapter, and with chapters 70.96A, 71.05, and/or 71.34 RCW, as applicable, depending on the service categories that are part of the RTF license. This process must address, at a minimum, how the RTF will:

- (1) Inform each resident in an understandable manner, his or her personal representative, designee or parent, of all rights, treatment methods, and rules applicable to the proposed health care of a particular resident.
- (2) Document that each resident received a written copy of his or her rights on or before admission.
- (3) Address use of emergency interventions such as use of youth behavior management guidelines, restraint and/or seclusion, the use of special treatment interventions, restriction of rights and parameters of confidentiality.
- (4) Allow residents, their personal representatives, and parents, to review resident files in accordance with chapter 70.02 RCW.
- (5) Ensure that each resident is treated in a manner that respects individual identity, human dignity and fosters constructive self-esteem by ensuring each resident has the right to:
 - (a) Be free of abuse, including being deprived of food, clothes or other basic necessities;
 - (b) Be free of restraint and/or seclusion, except as provided in WAC 246-337-110;
 - (c) Participate or abstain from social and religious activities;
 - (d) Participate in planning his or her own health care and treatment that considers their own medical and/or mental health advance directives;
 - (e) Refuse to perform services for the benefit of the RTF unless agreed to by the resident, as a part of the individual health care plan and in accordance with applicable law;
 - (f) Inform each resident of the cost of treatment;
 - (g) Inform each resident in writing of the department contact information, including telephone number and mailing address;
 - (h) Inform each resident that the resident may file a complaint with the department regarding the RTF's noncompliance with any part of this chapter, without interference, discrimination or reprisal. The resident may choose whether to notify the RTF of the complaint;
 - (i) Promote a healthy, safe, clean and comfortable environment;
 - (j) Protect each resident from invasion of privacy: Provided that reasonable means may be used to detect or prevent items that may be harmful or injurious to the resident or others, from being possessed or used on the premises.

(6) Protect the confidentiality of treatment and personal information when communicating with individuals not associated or listed in the resident individual's treatment plan or confidentiality disclosure form.

(7) Comply with reporting requirements of suspected incidents of child or adult abuse and neglect in accordance with chapters 26.44 and 74.34 RCW.

(8) Account for each resident's assets, including allowance, earnings from federal or state sources and expenditures.

(9) Assist each resident, upon request, in sending written communications of the fact of the resident's commitment in the RTF to friends, relatives, or other persons.

NEW SECTION

WAC 246-337-080 Resident care services. (1) **Policies and procedures:** The licensee must establish and implement policies and procedures that describe how residents are provided care and personal equipment to meet their health care needs including:

- (a) Admission, transfer, discharge and referral process.
- (b) Addressing how the licensee provides or makes provision for health care services.
- (c) Addressing the action of RTF personnel when medical emergencies or a threat to life arises when a physician or authorized health care provider is not present including:
 - (i) Having current policies and procedures signed by a physician or authorized health care provider, reviewed as needed and at least biennially;
 - (ii) How resident medical and related data shall be transmitted in the event of a transfer;
 - (iii) Need for the notification of legal guardian or next of kin, the department or other regulatory agencies in the event of a serious change in the resident's condition, transfer of a resident to another facility, elopement, death, or when unusual circumstances occur; and
 - (iv) When to consult with internal or external resource agencies or persons e.g., poison control, fire department and police.
- (d) Addressing how the RTF must provide for each resident's need for personal care items and durable medical equipment.
- (e) Addressing provisions for transfer and appropriate prenatal and postnatal care services for pregnant residents.
- (f) Addressing how a licensee providing twenty-four hours per day nursing service functions provides systems for supervision, assessment and delegation in accordance with applicable statute and rules including chapter 18.79 RCW, Nursing care.
- (g) Addressing how a RTF providing health care for chemical dependency will ensure resident health and safety in accordance with chapters 70.96A RCW and 308-805 WAC.
- (h) Addressing how a licensee providing acute detoxification services must ensure resident health and safety including:
 - (i) A licensed nurse must be on-site when a resident is receiving acute detoxification services;

(ii) Registered nurse responsible for supervising resident care nursing services shall be on-site at least four hours per week and available on-call to the licensed practical nurse; and

(iii) Policies and procedures for acute detoxification services approved by an authorized health care provider.

(i) Addressing how licensees providing subacute detoxification services must ensure resident health and safety, including:

(i) Implementing policies and procedures establishing agreements with authorized health care providers or hospitals that includes:

(A) Criteria for determining the degree of medical stability of a potential resident in a subacute detoxification facility;

(B) Monitoring the resident after being admitted;

(C) Reporting abnormal symptoms according to established criteria;

(D) Criteria requiring immediate transfer to a hospital; and

(E) Resident discharge or transfer criteria;

(ii) Monitoring of residents by a staff including observing a resident for signs and symptoms of illness or trauma; and

(iii) Observing the resident to self-administer his or her own medication as prescribed by the resident's health care provider.

(2) **Delivery of resident care services:** The licensee must ensure the provision of or for that resident care services to meet the health care needs of the resident including:

(a) Admission is limited to residents for whom a facility is qualified by staff, services, equipment, building design and occupancy to give safe care.

(b) A health care screen of each resident that is to be conducted upon admission and updated as changes occur or when additional health care needs are identified.

(c) A completed comprehensive health assessment and medical history that is to be conducted by a health care provider following admission to an RTF, unless a current comprehensive health assessment or review was performed and is available upon admission to an RTF providing mental health or acute detoxification services.

(d) A health assessment by a health care provider, any time a resident exhibits signs and symptoms of an injury, illness or abnormality for which medical diagnosis and treatment are indicated.

(e) Access to and availability of authorized health care providers to develop and implement the resident plan of care.

(f) Sufficient numbers of trained personnel who are available to provide health care according to the resident's health care plan.

(g) Provision for or access by referral to health care for residents admitted to the RTF including, but not limited to:

(i) Assisting residents in following all prescribed treatments, modified diets, activities or activity limitations.

(ii) Assisting residents to keep health care appointments.

(iii) Medication administration or observing the resident self-administer his or her own medication as prescribed by the resident's authorized health care provider.

(iv) Incorporating resident's health care needs and behavioral needs into the resident's overall health care plan;

(v) Emergency health care.

(h) Provision for twenty-four hours per day nursing service functions to include availability by phone; when the RTF provides mental health inpatient evaluation and treatment, mental health adult residential treatment, mental health child long-term inpatient treatment, and/or chemical dependency acute detoxification.

(i) Provision is made either on the premises, through a contract laboratory or through a health care provider for service(s) required by the resident.

(j) Storing and labeling each resident's personal care items separately preventing contamination and access by other residents.

(3) **Documentation:** The licensee must ensure documentation of health care received or provided in the resident's health care record.

NEW SECTION

WAC 246-337-085 Accepting a child with a parent in treatment. A chemical dependency facility that accepts a child with a parent in treatment must assure child care services are provided for the child and the services of a health care provider who is responsible for developing health care policies, provides consultation and monitors the child's health care. The facility shall:

(1) Operate or arrange for child care licensed by DSHS under chapter 388-295 WAC, Minimum licensing requirements for child day care centers, chapter 388-151 WAC, School-age child care center minimum licensing requirements, chapter 388-155 WAC, Minimum licensing requirements for family child day care homes which the children will attend during treatment hours of the parent;

(2) Allow an infant under one month of age to be cared for by the staff of the RTF to supplement care by the mother;

(3) Allow the parent to be responsible for the care of his/her own child during the hours the parent is not in treatment, with the following conditions:

(a) The parent's management of the child is subject to the policies and procedures of the RTF;

(b) A parent may designate another resident to care for a child, if the designation is in writing and includes:

(i) A specified time period;

(ii) Any special instructions; and

(iii) Is signed by the parent, designee and staff member who approves of the designation;

(4) Establish policies and procedures addressing the chronological and developmental needs of the children to be accepted;

(5) Obtain a health history for each child following admission;

(6) Develop with the parent a plan of care for each child that addresses the child's health care needs including medications.

NEW SECTION

WAC 246-337-090 Food and nutrition services. The licensee must ensure that nutritionally adequate and appetizing meals that meet resident needs are stored, prepared and served in accordance with chapter 246-215 WAC.

(1) The licensee shall provide:

(a) Food and dietary services managed by a person knowledgeable in food services, and, when needed, consultative services provided by a registered dietician;

(b) Food and water daily, supplying at least one hundred percent of the current nationally recommended dietary allowance for meals and snacks, adjusted for:

(i) Age, gender, development, activities and health conditions; and

(ii) Reasonable accommodations for cultural and religious preferences.

(2) The licensee shall provide at least three meals at regular intervals without more than fourteen hours between the last meal of the day and the first meal of the next day.

(3) If modified food plans are needed for residents receiving detoxification services or who have other nutritional needs, the licensee must:

(a) Provide modified diets, nutrient supplements and concentrates to residents as prescribed by an authorized health care provider;

(b) Limit modified meal content or frequency to no more than forty-eight hours without an authorized health care provider's orders; and

(c) Notify staff of any resident with food allergies or other medical conditions, symptoms of allergic reactions to watch for, and emergency measures to take if they occur.

(4) The licensee must allow sufficient time for residents to consume meals.

(5) The licensee must designate at least one individual having a current food and beverage service worker's permit to monitor and oversee food handling at the RTF; and require that all residents who do not have food and beverage worker permits, but have been medically screened and cleared to work in the kitchen, be oriented and supervised by staff with current food and beverage worker permits at all times when working in the kitchen.

(6) Menus must be dated, available and conspicuously posted one week or more in advance. The licensee must:

(a) Keep records of all food served, and substitutions;

(b) Retain menu records of food served for at least three months.

(7) All food must be prepared on-site unless the licensee has a signed contract or agreement with a food establishment.

(8) Each licensee must keep on file:

(a) A description of how food will be handled, prepared and stored; and

(b) A written plan of action should food be in an unacceptable condition.

(9) Staff must follow manufacturer's instructions in operating kitchen equipment.

(10) A licensed RTF with sixteen or fewer residents may use domestic or home-type kitchen appliances.

(11) An RTF with more than sixteen residents must use commercial appliances.

NEW SECTION

WAC 246-337-095 Resident health care records. The licensee must ensure the RTF meets the following requirements:

(1) Develop and implement procedures for maintaining current health care records as required by chapter 70.02 RCW and RCW 71.05.390 or by applicable laws.

(2) Make health care records accessible for review by appropriate direct care staff, the resident and the department in accordance with applicable law.

(3) Ensure health care records are legibly written or retrievable by electronic means.

(4) Document medical information on the licensee's standardized forms.

(5) Record health care information by the health care provider or direct care staff with resident contact to include typed or legible handwriting in blue or black ink, verified by signature or unique identifier, title, date and time.

(6) Maintain the confidentiality and security of health care records in accordance with applicable law.

(7) Maintain health care records in chronological order in their entirety or chronological by sections.

(8) Keep health care records current with all documents filed according to the licensee's written timeline policy.

(9) Inclusion of the following, at a minimum, in each record:

(a) Resident's name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, date of discharge, previous address and phone number, if any;

(b) Resident's receipt of notification of resident's rights and responsibilities, if applicable;

(c) Resident's consent for health care provided by the RTF;

(d) A copy of any authorizations, advance directives, powers of attorney, letters of guardianship, or other similar documentation provided by the resident;

(e) Original reports, where available or, if not available, durable, legible copies of original reports on all tests, procedures, and examinations performed on the resident;

(f) Health assessments;

(g) Health care plan, including the names, relationship to the resident and addresses of those individuals the resident states with whom the RTF may freely communicate regarding the health care of the resident without violating the resident's right to confidentiality or privacy of health care information;

(h) Dated and signed (or initialed) notes describing health care provided for each contact with the resident pertinent to the resident's health care plan including, but not limited to:

(i) Physical and psychosocial history;

(ii) Medication administration, medical/nursing services, and treatment provided, resident's response to treatment and any adverse reactions and resolution of medical issues;

(iii) Use of restraint or seclusion consistent with WAC 246-337-110;

(iv) Instructions or teaching provided to resident in connection with his or her health care; and

(v) Discharge summary, including:

(A) Concise review of resident's physical and mental history, as applicable;

(B) Condition upon discharge;

(C) Recommendations for services, follow-up or continuing care; and

(D) Date and time of discharge.

(10) Retaining the health care records at least six years beyond resident's discharge or death date, whichever occurs sooner, and at least six years beyond the age of eighteen.

(11) Destroying the health care records in accordance with applicable law and in a manner that preserves confidentiality.

NEW SECTION

WAC 246-337-100 Health care plan. The licensee must ensure that an individual health care plan is developed and implemented for each resident based on health assessment(s) on admission and updated as additional needs are identified during treatment that includes the following:

(1) The health care plan must be prepared by one or more staff involved in the resident's care with participation by the resident and by either his or her legal representative or parent when minors are involved;

(2) An initial or provisional health care plan addressing the health care needs of the resident on admission to a RTF;

(3) A discharge (aftercare) health care plan if the resident will require less than a fourteen-day treatment, if appropriate; and

(4) A comprehensive health care plan developed by participants providing health care to the resident addressing and including, but not limited to:

(a) Health care needs;

(b) Implementation, modification and review of health care needs documented in the health care plan and health care record;

(c) Needs of a mother and child during pregnancy and after delivery, if applicable;

(d) Work assignments given to residents as part of their health care plan, if applicable; and

(e) Discharge health care needs.

NEW SECTION

WAC 246-337-105 Medication management. The licensee is responsible for the control and use of all medications within the RTF, including:

(1) Ensuring policies and procedures and medication protocols are developed, approved, reviewed and implemented by licensed health care providers, administration and pharmacist (as needed). The policies and procedures must be consistent with the rules of the department and the department's board of Pharmacy and address all aspects of medication administration, including the following:

(a) Timely procurement;

(b) Medication administration;

(c) Prescribing;

(d) Proper storage conditions addressing security, safety, sanitation, temperature, light, moisture and ventilation;

(e) Use of nonprescription drugs:

(i) List of drugs available;

(ii) Parameters of use;

(f) Receipt;

(g) Proper labeling;

(h) Disposal;

(i) Medication brought into RTF by a resident;

(j) Accountability;

(k) Starter supply of psychotropic, detoxification and emergency drugs not for a specific resident;

(l) Emergency allergy response kit of prepackaged medications and supplies for the treatment of anaphylactic shock; and

(m) Medications for short term authorized absence (pass) from the RTF, where applicable.

(2) Establishing and maintaining of an organized system that ensures accuracy in receiving, transcribing and implementing policies and procedures for medication administration, including ensuring residents receive the correct medication, dosage, route, time, and reason.

(3) Documentation of all medications administered or self-administered, including the following data:

(a) Name and dosage of medication;

(b) Start/stop date;

(c) Time;

(d) Route;

(e) Staff or resident initials indicating medication was administered, self-administered or issued;

(f) Notation if medication was refused, held, wasted or not administered or self-administered;

(g) Allergies;

(h) Resident response to medication when given as necessary or as needed (PRN);

(i) Medical staff notification of errors, adverse effects, side effects; and

(j) Within established parameters for nonprescription drugs.

(4) Ensuring written orders are signed by an authorized health care provider with prescriptive authority for all legend drugs and vaccines. Verbal orders for legend drugs and vaccines must be signed by the prescriber as soon as possible, but no later than seven days after the verbal order.

(5) Ensuring use of nonprescription drugs that are self-administered are:

(a) Within parameters established for nonprescription drugs; and

(b) According to established list.

(6) Having a current established drug reference resource available for use by RTF staff.

NEW SECTION

WAC 246-337-110 Use of seclusion and restraint. Any RTF that utilizes restraint or seclusion must ensure that restraint or seclusion is performed in compliance with chapters 70.96A, 71.05, 71.34 RCW, this chapter, and other applicable federal and state laws and rules. Restraint and seclusion must be performed in a manner that is safe, proportionate and appropriate to the severity of the behavior, the resident's chronological and developmental age, size, gender, physical, medical and psychiatric condition, and personal history.

(1) The licensee may use seclusion or restraint only in emergency situations needed to ensure the physical safety of the individual resident or other residents or staff of the facil-

ity, and when less restrictive measures have been found to be ineffective to protect the resident or others from harm.

(2) Seclusion and restraint procedures must be implemented in the least restrictive manner possible in accordance with a written modification to the resident's health care plan and discontinued when the behaviors that necessitated the restraint or seclusion are no longer in evidence.

(3) "Whenever needed" or "as needed" (PRN) orders for use of seclusion or restraint are prohibited.

(4) A physician or other authorized health care provider must authorize use of the restraint or seclusion within one hour of initiating the restraint or seclusion.

(5) Each order of restraint or seclusion is limited in length of time to:

(a) **Adults:** Four hours;

(b) **Children and adolescents ages nine to seventeen:** Two hours; and

(c) **Children under nine years of age:** One hour.

(6) A physician or an authorized health care provider, authorized by the licensee, may only renew the original order in accordance with these limits for up to a total of twenty-four hours.

(7) A licensed physician must examine the resident, before the restraint or seclusion exceeds more than twenty-four hours. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(8) Within one hour of initiation of restraint or seclusion, an authorized health care provider must conduct a face-to-face assessment of the physical and psychological well-being of the resident.

(9) The resident's clinical record must include the following documentation should restraint or seclusion be used:

(a) Order for the restraint or seclusion including name of the physician or authorized health care provider authorizing restraint or seclusion;

(b) Date/time order obtained;

(c) The specific intervention ordered including length of time and behavior that would terminate the intervention;

(d) Time restraint or seclusion began and ended;

(e) Time and results of one hour assessment;

(f) Resident behavior prior to initiation of restraint or seclusion;

(g) Any injuries sustained during the restraint or seclusion; and

(h) Post intervention debriefing with resident to discuss precipitating factors leading to the need for intervention.

(10) Safety health checks must be conducted and documented at a minimum of every fifteen minutes, to include:

(a) Behavior;

(b) Food/nutrition offered;

(c) Toileting; and

(d) Physical condition.

(11) Staff shall continuously observe and monitor residents in seclusion or restraint by an assigned staff member (face-to-face) or by staff using both video and audio equipment.

(12) Staff involved in the restraint or seclusion will debrief and address effectiveness and safety issues.

(13) The licensee must ensure that restraint and seclusion is carried out in a safe environment. This room must:

(a) Be designed to minimize potential for stimulation, escape, hiding, injury, or death;

(b) Have a maximum capacity of one resident;

(c) Have a door that opens outward;

(d) Have a staff-controlled, lockable, adjoining toilet room;

(e) Have a minimum of three feet of clear space on three sides of the bed; and

(f) Have negative pressure with an independent exhaust system with the exhaust fan at the discharge end of the system.

(14) Restraint equipment must be clean and in good repair.

NEW SECTION

WAC 246-337-115 Cleaning, maintenance and refuse disposal. The licensee must ensure that the RTF, equipment and furnishings are safe, sanitary, and maintained in good repair. The RTF shall provide for:

(1) Sanitary disposal and collection of garbage and refuse, by including:

(a) Use of noncombustible waste containers in resident rooms and common use areas;

(b) Containers constructed of nonabsorbent material, which are water-tight, covered, and adequate to store garbage and refuse generated by the RTF;

(c) A storage area location convenient for resident and staff use;

(d) An area and containers that are cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(2) Management of biohazardous and nonmedical waste in accordance with applicable federal, state and local rules, including the use of appropriate containers and collection and disposal services if infectious wastes are generated.

(3) A locked housekeeping room on each level of the RTF that is equipped with:

(a) A utility sink or equivalent means of obtaining and disposing of mop water separate from food preparation and service areas; and

(b) Storage for cleaning supplies and wet mops which is mechanically ventilated to the outside according to standards adopted by the state building code council, chapter 51-13 WAC.

(4) Adequate storage space for:

(a) Clean and soiled equipment and linens;

(b) Lockable, shelved storage impervious to moisture, for cleaning supplies, disinfectants and poisonous compounds; and

(c) Separate, locked storage for flammable materials or other fire and safety hazards.

(5) A safe and cleanable area is designated for pouring stock chemicals and cleaning supplies into separate, properly labeled containers if stock chemicals are used.

(6) An effective pest control program so that the RTF is free of pests such as rodents and insects.

NEW SECTION

WAC 246-337-120 Facility, environment, and space requirements. The licensee must ensure that each RTF, exterior grounds and component parts such as, but not limited to, fences, equipment, outbuildings and landscape items are safe, free of hazards, clean, and maintained in good repair, including:

- (1) Each RTF shall be located on a site which is:
 - (a) Free of standing water; and
 - (b) Accessible by emergency vehicles on at least one street, road or driveway usable under all weather conditions and free of major potholes or obstructions.
- (2) Develop and implement systems for routine preventative maintenance, including:
 - (a) Heating ventilation and air conditioning, plumbing and electrical equipment;
 - (b) Certification and calibration of biomedical and therapeutic equipment; and
 - (c) Documentation of all maintenance.
- (3) Rooms shall be provided for dining, multipurpose, counseling, therapy and social activities, including:
 - (a) At least forty square feet per resident for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies;
 - (b) A ceiling height of at least seven and one-half feet over the required floor area throughout the RTF;
 - (c) At least one private area for visitation of residents and guests;
 - (d) Therapy rooms for individual and group counseling that maintain visual and auditory confidentiality in the ratio of at least one room per twelve residents; and
 - (e) A medical examination room, when there is routine physical examination of residents within the RTF. The examination room must be equipped with:
 - (i) An exam table with at least three feet of space on two sides and end of the table for staff access;
 - (ii) An examination light;
 - (iii) Storage units for medical supplies and equipment;
 - (iv) A handwashing sink;
 - (f) Dining room(s) or area(s) are large enough to accommodate all residents at a single sitting or in no more than three shifts. If the space is used for more than one purpose, that space must be designed to accommodate each of the activities without unreasonable interference with one another.
- (4) Equip stairways with more than one riser and ramps with slopes greater than one in twenty with handrails on both sides. Ends of handrails are designed in a manner that eliminates a hooking hazard.
- (5) School facilities, excluding child care, serving residents on the same grounds as the RTF must meet all requirements for health and safety and comply with chapter 246-366 WAC, Primary and secondary schools.

NEW SECTION

WAC 246-337-125 Toilet rooms and bathrooms. The licensee must ensure that private or common-use toilet rooms and bathrooms are available to residents including:

- (1) Provision for a minimum of one toilet (water closet) and handwashing sink for every eight residents, or fraction

thereof. Urinals may count for up to one-third of the required toilets in a male-only toilet room.

(2) A toilet and handwashing sink in, or immediately accessible to each bathroom.

(3) A minimum of one bathing fixture for every eight residents.

(4) Rooms containing more than one water closet or more than one bathing area must:

(a) Be designated for use by one gender, unless it is a toilet specifically designated for children under the age of six years;

(b) Provide for privacy during toileting, bathing, and dressing through the use of doors or dividers;

(5) Each toilet room and bathroom must be equipped with:

(a) Water resistant, smooth, easily cleanable, slip-resistant bathtubs, showers, and floor surfaces;

(b) Washable walls to the height of splash or spray;

(c) Washable cabinets and counter tops;

(d) Plumbing fixtures designed for easy cleaning;

(e) Clean, nonabsorbent toilet seats free of cracks;

(f) Grab bars installed at each water closet and bathing fixture;

(g) Shatter resistant mirrors when appropriate;

(h) Adequate lighting for general illumination;

(i) One or more handwashing sink with soap and single use or disposable towels with a mounted paper towel dispenser, unless a blower or equivalent hand-drying device is provided;

(j) Toilet tissue with a reachable mounted tissue dispenser by each toilet.

(6) Reasonable access to bath and toilet rooms must be provided by:

(a) Locating a toilet room and bathing facilities on the same floor or level as the sleeping room of the resident; and

(b) Providing access without passage through any food preparation area or from one bedroom through another bedroom.

(7) If a toilet room or bathing facility adjoins a bedroom, the bathing facility is restricted to use by those residents residing in the adjoining bedrooms.

NEW SECTION

WAC 246-337-130 Water supply, sewage and waste disposal. The licensee must ensure that water supply and waste disposal in each facility meet the provisions of chapter 246-290 or 246-291 WAC, whichever applies, including:

(1) Maintaining tempered water between one hundred and one hundred twenty degrees Fahrenheit in resident areas.

(2) Maintaining the plumbing systems free of cross connections.

(3) Assuring all sewage and waste water drain into a public sewer system in compliance with applicable laws and rules, or meet the requirements of chapters 246-272 and 173-240 WAC, and local laws and rules.

NEW SECTION

WAC 246-337-135 Heating, ventilation and air conditioning. (1) The licensee must ensure that all rooms used

by residents are able to maintain interior temperatures between sixty-five degrees Fahrenheit and seventy-eight degrees Fahrenheit year-round.

(2) Direct evaporative coolers may not be used for cooling. In existing facilities, no new or replacement evaporative coolers may be used after adoption of these rules. Facilities currently using direct evaporative coolers (swamp coolers or similar equipment) shall follow manufacturer's instructions and develop and implement a written preventive maintenance program.

(3) All areas of the building must be ventilated to prevent excessive odors and moisture. The ventilation system must be in compliance with chapter 51-13 WAC. Facilities licensed prior to July 1991 may continue to use windows for ventilating toilet rooms, bathrooms, and janitor rooms if the windows are equipped with sixteen gauge mesh screens.

NEW SECTION

WAC 246-337-140 Lighting, emergency lighting, and electrical outlets. The licensee must ensure that lighting, emergency lighting, and electrical outlets are adequate and safe including:

(1) Light fixtures are protected against light bulb breakage by using appropriately fitted shields, bulbs, or tubes manufactured with shatter resistant materials in all areas occupied by residents, including common areas, and in medication and food preparation areas.

(2) Each room or area occupied by children under age five or residents with unsafe behaviors must have tamper resistant electrical outlets.

(3) Each electrical outlet within six feet of a sink or wet area must be of the ground fault interrupter type or be controlled by a ground fault circuit interrupter.

(4) Provide emergency lighting on each floor.

(5) Provide operable exterior lighting with solar or battery backup at the exit and entry doors.

NEW SECTION

WAC 246-337-145 Laundry. The licensee must ensure that laundry facilities, equipment, handling and processes ensure linen and laundered items provided to residents are clean, in good repair and adequate to meet the needs of residents including:

(1) The licensee must provide laundry and linen services on the premises, or by commercial laundry.

(2) The licensee must handle, clean, and store linen according to acceptable methods of infection control. The licensee must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources;

(d) Ensure all staff wears appropriate personal protective equipment and uses appropriate infection control practices when handling laundry;

(e) Ensure that damp textiles or fabrics are not left in machines for longer than twelve hours;

(f) Ensure that gross soil is removed before washing and proper washing and drying procedures are used; and

(g) Ensure that contaminated textiles and fabrics are handled with minimum agitation to avoid contamination of air, surfaces and persons.

(3) The licensee must use and maintain laundry equipment according to manufacturers' instructions.

(4) The licensee must use washing machines that have a continuous supply of hot water with a temperature of one hundred forty degrees Fahrenheit, or that automatically dispense a chemical sanitizer and detergent or wash additives as specified by the manufacturer, whenever the licensee washes:

(a) Licensee's laundry;

(b) Licensee's laundry is combined with resident's laundry into a single load; or

(c) More than one resident's laundry is combined into a single load.

(5) The licensee or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below one hundred forty degrees Fahrenheit provided chemicals suitable for low temperature washing at proper use concentration and according to the cleaning instructions of the textile, fabric or clothing are used.

(6) The licensee must ventilate laundry rooms and areas to the exterior including areas or rooms where soiled laundry is held for processing by off-site commercial laundry services.

(7) The licensee must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(8) If the licensee provides a laundry area where residents may do their personal laundry, the laundry area must be arranged to reduce the chances of soiled laundry contaminating clean laundry and equipped with:

(a) A utility sink;

(b) A table or counter for folding clean laundry;

(c) At least one washing machine and one clothes dryer; and

(d) Mechanical ventilation to the exterior.

NEW SECTION

WAC 246-337-150 Resident rooms, furnishings and storage. The RTF shall ensure that residents have an accessible, clean, well-maintained room with sufficient space, light, and comfortable furnishings for sleeping and personal activities including, but not limited to:

(1) Sleeping rooms designed to provide at least a three-foot clear access aisle from the entry door, along at least one side of each bed, and in front of all storage equipment.

(2) If a bunk bed is used, a minimum access aisle of five feet shall be provided along at least one side of the bunk bed.

(3) Room identification and resident capacity per sleeping room consistent with the approved room list and evacuation floor plan.

(4) Direct access to a hallway, living room, lounge, the outside, or other common use area without going through a laundry or utility area, a bath or toilet room, or another resident's bedroom.

PROPOSED

(5) Each sleeping room having one or more outside windows that:

(a) Is easily opened if necessary for fire exit or ventilation;

(b) Is marked with a solid color or barriers to prevent residents from accidentally walking into them if clear glass windows or doors extend to the floor;

(c) Has adjustable curtains, shades, blinds, or equivalent installed at the windows for visual privacy; and

(d) Is shatterproof, screened, or of the security type as determined by the resident needs.

(6) Sleeping rooms equipped with:

(a) One or more noncombustible waste containers;

(b) An individual towel and washcloth rack or an equivalent method to provide clean towels and washcloths;

(c) Storage facilities for storing a reasonable quantity of clothing and, when requested by the resident, storage in a lockable drawer, cupboard, locker, or other secure space somewhere in the building;

(d) Furniture appropriate for the age and physical condition of each resident, must be provided, including:

(i) A chair, which may be used in either the bedroom or a group room interchangeably;

(ii) A bed of appropriate size equipped with:

(A) A mattress that is clean, in good repair, and fits the frame;

(B) One or more pillows that are clean, and in good repair for each resident over two and one-half years;

(C) Bedding that includes a tight-fitting sheet or cover for the sleeping surface, and a clean blanket or suitable cover; and

(D) Bedding that is in good repair, changed weekly or more often as necessary to maintain cleanliness;

(iii) A bed thirty-six or more inches wide for adults and appropriate size for children, spaced thirty-six inches apart;

(iv) A single level nonstacking crib, infant bed, bassinet or playpen for children twenty-four months and younger meeting chapter 70.111 RCW, and including:

(A) Sleep equipment having secure latching devices; and

(B) A mattress that is:

(I) Snug-fitting to prevent the infant from becoming entrapped between the mattress and crib side rails;

(II) Waterproof and easily sanitized; and

(III) Free of crib bumpers, stuffed toys or pillows;

(v) A youth bed or regular bed for children twenty-five months and older;

(vi) If bunk beds are used, children six years of age or less are prohibited from utilizing the upper bunk.

NEW SECTION

WAC 246-337-155 Pet management and safety. The licensee must ensure the health and safety of residents and all service animals, therapy animals, and pets when allowed on the premises.

NEW SECTION

WAC 246-337-990 Licensing fees. Submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/initial application fee	\$150.00
License bed fee (per bed)	\$136.10
Annual renewal fee (per bed)	\$136.10
Late fee (per bed)	\$25.00 (up to \$500.00)
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	\$1000.00

If a written request is submitted for withdrawal after the department has begun the licensure review process, but before licensure, the department may refund any portion of the fees not consumed by departmental action taken prior to the request for withdrawal.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-323-010	Definitions.
WAC 246-323-020	Licensure.
WAC 246-323-022	Criminal history, disclosure, and background inquiries.
WAC 246-323-030	Administration.
WAC 246-323-040	HIV/AIDS education and training.
WAC 246-323-050	Client care services.
WAC 246-323-060	Pharmaceutical services.
WAC 246-323-070	Infection control.
WAC 246-323-080	Clinical records.
WAC 246-323-090	Physical environment.
WAC 246-323-990	Fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-325-010	Definitions.
WAC 246-325-012	Licensure—Adult residential rehabilitation centers and private adult treatment homes.
WAC 246-325-015	Licensure—Private adult treatment home.
WAC 246-325-020	Administration—Adult residential rehabilitation center.

WAC 246-325-022	Criminal history, disclosure, and background inquiries.	WAC 246-326-090	Physical plant and equipment.
WAC 246-325-025	HIV/AIDS education and training.	WAC 246-326-100	Special additional requirements for facilities providing alcoholism detoxification service.
WAC 246-325-030	Resident care services in adult residential rehabilitation centers or private adult treatment homes.	WAC 246-326-990	Fees.
WAC 246-325-035	General resident safety and care—Policies, procedures, practices.		
WAC 246-325-040	Pharmaceutical services in adult residential rehabilitation centers.		
WAC 246-325-045	Food storage—Preparation—Service.		
WAC 246-325-050	Infection control in adult residential rehabilitation centers.		
WAC 246-325-060	Clinical records.		
WAC 246-325-070	Physical environment in adult residential rehabilitation centers.		
WAC 246-325-100	Resident care services in private adult treatment homes.		
WAC 246-325-120	Physical environment requirements for private adult treatment homes.		
WAC 246-325-990	Fees.		

WSR 05-10-064
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed May 2, 2005, 4:44 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Facility licensing fees for: WAC 246-329-990 Child birth centers, 246-360-990 Transient accommodations, and 246-380-990 State institutional survey.

These sections establish licensure fees for the facilities. The fees paid by these facilities support the facilities licensure activities and programs within the department.

RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of programs operations.

Hearing Location(s): Point Plaza East, 310 Israel Road S.E., Room 152, Tumwater, WA 98501, on June 7, 2005, at 10:30 a.m.

Date of Intended Adoption: June 10, 2005.

Submit Written Comments to: Yvette Fox/Alisa Harris, P.O. Box 47852, Olympia, WA 98504-7852, web site www3.doh.wa.gov/policyreview, fax (360) 236-2901, by June 5, 2005.

Assistance for Persons with Disabilities: Contact Yvette Fox/Alisa Harris by June 5, 2005, TTY (800) 833-6388, or (360) 236-2928 or (360) 236-2907.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to the current rules increase fees for child birth centers, transient accommodations, and state institutional survey by 2.82% which is allowable within the fiscal growth factor.

This proposal also allows for an initial applicant to request, prior to licensure, options for withdrawal of an application and refund (for each WAC section). Currently the department has no refund policy for applications that are withdrawn prior to licensure.

WAC 246-380-990 (1)(a) is changed to update the WAC reference for a food service establishment.

The purpose of the fee increases is to support the licensure and inspection programs within the Facilities and Services Licensing Division. The fee increases will allow these programs to continue their current level of public health activities such as licensing, surveys and complaint investigations during fiscal year 2006.

Reasons Supporting Proposal: The department is requesting fee increases by percentages allowable within the

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-326-010	Definitions.
WAC 246-326-020	Licensure.
WAC 246-326-030	Administrative management.
WAC 246-326-035	HIV/AIDS education and training.
WAC 246-326-040	Patient care and services—General.
WAC 246-326-050	Health and medical care services—All facilities.
WAC 246-326-060	Medication responsibility—Administration of medications and treatments.
WAC 246-326-070	Maintenance and housekeeping—Laundry.
WAC 246-326-080	Site and grounds.

PROPOSED

fiscal growth factor (consistent with I-601). The fee increases are necessary for the department to fulfill its public health obligation in these programs.

Statutory Authority for Adoption: RCW 43.70.250, 43.70.110, 18.46.030, 70.62.220, 71.12.470.

Statute Being Implemented: RCW 43.70.250, 43.70.110.

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

Name of Proponent: Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 19.85.025(3) and does not require an SBEIS. However, the department prepared fee analyses which provide documentation of the need for the fee increases. To obtain a copy of a fee analysis, contact Yvette Fox or Alisa Harris at P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928 or (360) 236-2907, fax (360) 236-2901, e-mail Yvette.fox@doh.wa.gov or alisa.harris@doh.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. Section 201, chapter 403, Laws of 1995 does not apply to rules that set or adjust fees or rates pursuant to procedural rules according to RCW 34.05.328 (5)(a)(i), (c)(i)(B) or (c)(iii).

Mary Selecky
Secretary

AMENDATORY SECTION (Amending WSR 04-19-141, filed 9/22/04, effective 10/23/04)

WAC 246-329-990 Fees. (1) Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred (~~sixty-four~~) eighty dollars and (~~forty~~) thirty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

AMENDATORY SECTION (Amending WSR 05-05-072, filed 2/15/05, effective 3/18/05)

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	\$ ((154.50)) <u>158.80</u>
11 - 49	\$ ((307.10)) <u>315.70</u>
50 - over	\$ ((618.20)) <u>635.60</u>

(b) A late fee of (~~((fifty-one))~~) fifty-two dollars and (~~((fifty))~~) ninety cents, in addition to the full license renewal fee, if the full license renewal fee is not received by the department on the expiration date (see RCW 70.62.260);

(c) An additional fee of (~~((fifty-one))~~) fifty-two dollars and (~~((fifty))~~) ninety cents for an amended license due to changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees (~~((only when all the following conditions are met:~~

~~(a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020;~~

~~(b) Transfer of ownership is not finalized;~~

~~(c) The applicant requests a refund in writing; and~~

~~(d) The department receives the fee and the request for refund in the same biennium))~~ paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

AMENDATORY SECTION (Amending WSR 03-22-020, filed 10/27/03, effective 11/27/03)

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

PROPOSED

	Annual Fee Per Facility		Annual Fee Per Facility
(1) Food Service			
<p>(a) As defined in WAC ((246-215-009)) <u>246-215-011</u>(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system.</p>	<p>\$(567.60)) <u>583.60</u></p>	<p>(a) <u>If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.</u></p>	
<p>(b) Food service establishments or concessions that do not prepare potentially hazardous foods.</p>	<p>\$(284.80)) <u>292.80</u></p>	<p>(b) <u>If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.</u></p>	
<p>(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.</p>		<p>(c) <u>No fees paid by the applicant will be refunded if any of the following applies:</u></p> <p>(i) <u>More than one on-site visit for any purpose has been performed by the department;</u></p> <p>(ii) <u>One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or</u></p>	
(2) State institutions or facilities.			
<p>(a) Institutions or facilities operating a food service: The annual fee shall be nine dollars times the population count plus five hundred ((sixty-seven)) <u>eighty-three</u> dollars and sixty cents. The population count shall mean the average daily population for the past twelve months (January through December).</p>		<p>(iii) <u>The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.</u></p>	
<p>(b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars <u>and twenty-five cents</u> times the population count.</p>			
<p>(c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.</p>			

WSR 05-10-066
WITHDRAWAL OF PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 (By the Code Reviser's Office)
 [Filed May 3, 2005, 8:51 a.m.]

WAC 352-32-252, proposed by the Parks and Recreation Commission in WSR 04-21-103 appearing in issue 04-21 of the State Register, which was distributed on November 3, 2004, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

(3) The department shall refund fees paid by the applicant for initial licensure as follows:

WSR 05-10-069
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed May 3, 2005, 10:48 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 363-116-185 Tariffs and pilotage rates for the Grays Harbor pilotage district.

Hearing Location(s): 2911 Second Avenue, Level B Conference Room, Seattle, WA 98121, on June 9, 2005, at 9:30 a.m.

Date of Intended Adoption: June 9, 2005.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2911 Second Avenue, Seattle, WA 98121, e-mail larsonp@wsdot.wa.gov, fax (206) 515-3906, by June 2, 2005.

Assistance for Persons with Disabilities: Contact Judy Bell by June 6, 2005, (206) 515-3647.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to establish a 2005-2006 annual tariff for the Grays Harbor pilotage district.

The proposed rule reflects an increase in the vessel draft charge of \$9.01 per meter or \$2.79 per foot; a \$200 increase in the boarding fee per each boarding/deboarding from a boat or helicopter; and a \$10 decrease in the pension charge per pilotage assignment, including cancellations.

All other tariff charges remain the same.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: Chapter 88.16 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Grays Harbor pilotage district expire on July 31, 2005. New rates must be set accordingly.

All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from any interested party or member of the public.

Name of Proponent: Port of Grays Harbor, public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services and the application of the rate changes is clear in the proposed tariff shown below.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this rule adoption. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

April 29, 2005
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 04-14-018, filed 6/28/04, effective 8/1/04)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours August 1, ((2004)) 2005, through 2400 hours July 31, ((2005)) 2006.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Fees for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

Draft and tonnage fees:

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district. The draft charges shall be \$((80.99)) 90.00 per meter (or \$((24.64)) 27.43 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$5,000 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2 or that go to anchor and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage fees listed above.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter \$((800.00)) 1000.00

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$647.88
Delays per hour \$154.49
Cancellation charge (pilot only) \$258.22
Cancellation charge (boat or helicopter only) \$774.69

PROPOSED

Pension charge:

Charge per pilotage assignment, including cancellations	\$((190.00))
	<u>180.00</u>

Travel allowance:

Transportation fee per assignment	\$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$903.82 for each day or fraction thereof, and the travel expense incurred	\$903.82

Bridge transit:

Charge for each bridge transited	\$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	\$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

protecting those natural resources under its jurisdiction while simultaneously monitoring appropriate public enjoyment of renewable resources. This proposed rule-making action is intended to define and establish limits and procedures for the harvesting of nonmarine edible plants and edible fruiting bodies, including fungi, for personal consumption. This action would maintain harvesting of edibles as a recreational activity while helping to preserve such natural resources of the parks.

Reasons Supporting Proposal: Recently, the harvest of nonmarine edible plants and edible fruiting bodies in state parks has become excessive and potentially threatening to park visitors and damaging to the natural resources of the parks. The excessive nature of the harvest has indicated that refinements are needed to chapter 352-28 WAC including: The adoption of a definition for "personal consumption," establishment of a daily limit on the quantity of edibles a person could harvest in a park for personal use, prohibition of raking and other ground-disturbing harvest techniques in order to protect park resources and expansion of the director/designee's authority to allow for harvest closures for the protection of public health, safety, and welfare.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070 and 79A.05.075.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Washington State Parks and Recreation Commission has lead agency jurisdiction and the statutory responsibility to apply modern conservation practices to maintain and enhance ecological resources of the lands under its jurisdiction. The adoption of the proposed rule-making action would provide for the necessary protection of the natural resources in state parks and would not extend the commission's authority or result in substantive fiscal impact on the commission's budget.

Name of Proponent: The Washington State Parks and Recreation Commission and specifically the Stewardship Service Center, governmental.

Name of Agency Personnel Responsible for Drafting: Lisa Lantz, Washington State Parks, Southwest Region, 11838 Tilley Road South, Olympia, WA 98512, (360) 956-4803; Implementation: Rob Fimbel, State Parks Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8592; and Enforcement: Phil Shave, State Parks Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8606.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commis-

WSR 05-10-071
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 [Filed May 3, 2005, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-06-125.

Title of Rule and Other Identifying Information: The Washington State Parks and Recreation Commission has determined the need to amend rules in chapter 352-28 WAC, Tree, plant and fungi cutting, removal and/or disposal.

Hearing Location(s): United States Forest Service Office, Colville National Forest, Headquarters Building, 765 South Main Street, Colville, WA 99114, (509) 684-7000, on June 9, 2005, at 8:00 a.m.

Date of Intended Adoption: June 9, 2005, at 8:00 a.m.

Submit Written Comments to: Lisa Lantz, Environmental Planner, Washington State Parks, Southwest Region HQ, 11838 Tilley Road South, Olympia, WA 98512, phone (360) 956-4803, fax (360) 586-4272, e-mail Lisa.Lantz@parks.wa.gov, by May 23, 2005.

Assistance for Persons with Disabilities: Contact Pauli Larson by June 2, 2005, TTY (360) 664-3133 or (360) 902-8505.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington State Parks and Recreation Commission is responsible for

PROPOSED

sion, nor has the commission voluntarily applied those requirements.

May 3, 2005

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 96-01-078, filed 12/18/95, effective 1/18/96)

WAC 352-28-010 Cutting and removal criteria. (1) Significant trees:

(a) Significant trees in any area under the jurisdiction and/or management of the commission shall, except in fire, weather, or other natural emergencies, be cut or removed only upon the written approval of the director or the assistant directors of the operations and resources development divisions when so designated by the director. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. Significant trees include all old-growth trees, mature trees, and all other younger trees of ten inches or greater in diameter at four and one-half feet in height. In case of fire, weather, or other natural emergencies, the director or the designee of the director may declare that an emergency exists and thereby authorize the cutting or removal of damaged or down significant trees that are an imminent threat to persons and/or property.

(b) The cutting or removal of any significant trees in a natural area, natural forest area or a natural area preserve shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of fish and wildlife and the department of natural resources Washington natural heritage program, the preparation of a mitigation plan for affected resources, and a public hearing on each such proposed cutting or removal conducted in the county/counties in which the cutting or removal is to take place as determined by the director. Prior notice of a hearing shall be published in a newspaper of general circulation in the county/counties in which the park is located. Any person who requests notification of such proposed cutting or removal shall be sent prior notice of a hearing by mail. A summary of the testimony presented at a hearing or received in writing shall be presented to the director.

(2) **Protected species:** The cutting or removal of trees, other plants, or dead organic matter in any area known to be inhabited by endangered, threatened, or sensitive species shall, except in emergencies as defined in subsection (1)(a) of this section, follow requirements of the department of fish and wildlife for animals and of the department of natural resources for plants and be approved only by the director after consultation with those agencies, and the preparation of a mitigation plan for affected species.

(3) **Land classification criteria:** Trees or other plants may be cut and/or removed from the areas listed below for the following reasons only:

(a) Natural area preserves:

(i) Maintenance or construction of service roads, boundary fences, or trails, or modification of conditions only as

may be required to maintain a native plant community, species population, or ecological process as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

(v) Maintenance or construction of fire lanes for abatement of fires.

(b) Natural areas and natural forest areas:

(i) Maintenance or construction of trails, trail structures, trail head facilities, interpretive sites, or service roads.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur, after consultation with the natural heritage program and other agencies and groups with expertise in forest health as deemed appropriate by the director.

(iv) Prevent the deterioration or loss of historical/cultural resources.

(v) Maintenance or construction of service roads for abatement of fires.

(vi) Modification of conditions only as may be required to maintain or restore a native plant community, species population, or ecological process.

(c) Recreation areas, resource recreation areas, and heritage areas:

(i) Area clearing necessary for park maintenance, and/or park development projects for day use and overnight recreation facilities, road and utility easements, and administrative facilities.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities on or adjacent to park land.

(iii) Cleanup of trees fallen, tipped, or damaged by the weather, fire, or other natural causes.

(iv) Creation of diversity of tree size, age, and species to achieve visual aspects that resemble a formal landscape, natural or historical setting, or to improve wildlife habitat.

(v) Daylighting as appropriate to the site.

(vi) Maintenance or creation of a regenerating natural environment that will sustain low ground cover, shrubs, and understory and overstory trees to provide screening, wind, and sun protection.

(vii) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(viii) Prevent the deterioration or loss of historical/cultural resources.

(ix) Maintenance or construction of service roads for abatement of fires.

(x) Modification of conditions to maintain or restore a desired plant community, species population, or ecological process.

(xi) Grazing, hay removal, or other similar activities when performed under authority of a permit from the commission or director.

~~(4) ((Harvest of edibles: Nonmarine edible plants and edible fruiting bodies, including fungi, shall be managed in accordance with subsections (1) through (3) of this section, except as follows and solely for the purpose of personal consumption or scientific or educational purposes:~~

~~(a) Within a natural area preserve, no harvesting of edible plants or edible fruiting bodies, including fungi, is permitted, other than for scientific or educational purposes.~~

~~(b) Within a recreation area, resource recreation area, natural area, natural forest area, or heritage area harvesting of edible plants and edible fruiting bodies, including mushrooms, berries and nuts is permitted. Provided, That the director or designee may close, temporarily close or condition such harvesting upon a finding that the activity is degrading or threatens to degrade the park's natural or cultural resources.~~

~~(c) Prior to enforcement of any harvest restrictions pursuant to this subsection, state park areas so restricted shall be conspicuously posted with appropriate signs.~~

~~(5))~~ **Hazard tree review:** At least two persons, one being a qualified professional in forestry or arboriculture, shall examine potentially hazardous trees and rate such trees in accordance with department of natural resources, report number 42, detection and correction of hazard trees in Washington's recreation areas. The rating of each tree examined shall be recorded on a hazard tree form by each of the two persons who examine such trees. For trees identified as hazardous and when feasible, action such as, but not limited to, pruning, topping, crown reduction, and relocation of a target facility, shall be taken prior to tree cutting or removal.

~~((6))~~ **(5) Tree cutting and removal operations:** Tree cutting or removal shall be done by park personnel, unless the personnel lack necessary expertise. If tree cutting or removal work is done by a contractor, park personnel shall provide daily on-site supervision to ensure that work and safety standards are met to prevent harm or damage to persons, trees, shrubbery, soils, and other park resources. When feasible, trees shall be felled in sections with the tops and limbs lowered first by guy wires and ropes in order to protect adjacent old-growth trees and the integrity of the remaining stand. Only skid trails premarked by park personnel may be used and equipment shall be kept on existing roads and parking areas to the fullest extent possible. When feasible, all trees damaged during cutting or removal shall be repaired.

~~((7))~~ **(6) Use of fallen trees:** Except where they may create safety hazards and/or interfere with the normal operation of a park, fallen trees shall be left on the ground when deemed environmentally beneficial or used for park purposes such as, but not limited to, approved building projects, trail mulching, and firewood. In natural forest areas and natural areas first consideration shall be given to leaving trees on the ground for natural purposes.

NEW SECTION

WAC 352-28-030 Harvest of edibles. Nonmarine edible plants and edible fruiting bodies, including mushrooms, shall be managed by the agency in accordance with WAC 352-28-010. The commercial harvest of edibles is not allowed on park lands. The harvest of edibles for personal consumption, or scientific or educational projects, is subject to the following conditions:

(1) Personal consumption: The recreational harvest, possession, or transport of edible plants and edible fruiting bodies including, but not limited to, mushrooms, berries, and nuts, is allowed up to an amount of two gallons per person per day, unless otherwise posted at the park. The harvest amount may be comprised of one or more species. The harvest may occur within the following park classification areas: Recreation, resource recreation, natural, natural forest, heritage, or in parks not yet classified. No harvest of edible plants or edible fruiting bodies, including mushrooms, is allowed within a natural area preserve.

(2) Scientific or educational projects: The harvest of edible plants and/or edible fruiting bodies, including mushrooms, for scientific or educational projects is subject to the prior written approval of the director or designee. The approval shall specify a harvest amount not to exceed the minimum quantity necessary for the purposes of the project. The harvest may occur within all park classification areas.

(3) Harvest techniques that involve raking or other techniques that have the potential to degrade park natural or cultural resources are prohibited.

(4) The director or designee may close, temporarily close, or condition public access to certain park areas for recreational harvesting of edibles upon finding that the activity degrades or threatens to degrade the park's natural or cultural resources, or to protect public health, safety, and welfare. Such closure shall be posted at the entrance to the park area affected and at the park office.

**WSR 05-10-076
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 3, 2005, 12:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-03-091.

Title of Rule and Other Identifying Information: Amendments to ethylene oxide, the Department of Labor and Industries is proposing to rewrite and clarify requirements relating to ethylene oxide. The requirements in chapter 296-62 WAC will be renumbered and moved to chapter 296-855 WAC. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity and ease of use. The department is eliminating unnecessary requirements and outdated terminology. Ethylene oxide relating to agriculture will remain in chapter 296-62 WAC.

Hearing Location(s): Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on June 23, 2005, at 9:30 a.m.

Date of Intended Adoption: August 23, 2005.

Submit Written Comments to: Beverly Clark, P.O. Box 44620, Olympia, WA 98504-4620, e-mail Clah235@lni.wa.gov, fax (360) 902-5529, by June 30, 2005.

Assistance for Persons with Disabilities: Contact Kimberly Johnson by June 16, 2005, Rhok235@lni.wa.gov or (360) 902-5008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to make the ethylene oxide rule easy to read, understand and more usable for employers. This proposal will move requirements relating to ethylene oxide into chapter 296-855 WAC, Ethylene oxide. Ethylene oxide related to agriculture industries will remain in chapter 296-62 WAC. This rule making is part of our plan to rewrite all safety and health rules for clarity.

NEW SECTIONS

WAC 296-855-100 Scope.

- Created this section to explain the requirements relating to ethylene oxide.

WAC 296-855-200 Basic rules.

- Created this summary page to include all the sections located in WAC 296-855-200 that relate to general requirements for ethylene oxide.

WAC 296-855-20010 Preventive practices.

- Requirements in this section were moved from WAC 296-62-07373.

WAC 296-855-20020 Exposure controls.

- Requirements in this section were moved from WAC 296-62-07363.
- Requirements in this section were moved from WAC 296-62-07373.

WAC 296-855-20040 Personal protective equipment (PPE).

- Requirements in this section were moved from WAC 296-62-07367.

WAC 296-855-20050 Employee protective measures.

- Moved from chapter 296-841 WAC, Respiratory hazards, for clarity of requirements.

WAC 296-855-20060 Exposure evaluations.

- Requirements in this section were moved from WAC 296-62-07361.
- Requirements in this section were moved from WAC 296-62-07377.

WAC 296-855-20070 Notification.

- Requirements in this section were moved from WAC 296-62-07361.

WAC 296-855-20080 Exposure records.

- Requirements in this section were moved from WAC 296-62-07375.

WAC 296-855-20090 Training.

- Requirements in this section were moved from WAC 296-62-07373.

WAC 296-855-300 Exposure and medical monitoring.

- Created this summary page to include all the sections located in WAC 296-855-300 that relate to exposure and medical monitoring.

WAC 296-855-30010 Periodic exposure evaluations.

- Requirements in this section were moved from WAC 296-62-07361.

WAC 296-855-30030 Medical evaluations.

- Requirements in this section were moved from WAC 296-62-07371.

WAC 296-855-30080 Medical records.

- Requirements in this section were moved from WAC 296-62-07375.

WAC 296-855-400 Exposure controls.

- Created this summary page to include all the sections located in WAC 296-855-400 that relate to exposure controls.

WAC 296-855-40010 Exposure control plan.

- Requirements in this section were moved from WAC 296-62-07365.
- Requirements in this section were moved from WAC 296-62-07369.

WAC 296-855-40030 Exposure control areas.

- Requirements in this section were moved from WAC 296-62-07365.

WAC 296-855-40040 Respirators.

- Requirements in this section were moved from WAC 296-62-07367.

WAC 296-855-500 Definitions.

- The following definitions have been added or moved from chapter 296-62 WAC: Action level, authorized personnel, director, emergency, ethylene oxide (EtO), and exposure.

AMENDED SECTIONS

WAC 296-62-07355 Ethylene oxide. Scope and application.

- The scope and application relating to ethylene oxide has been moved to WAC 296-855-100.

WAC 296-841-100 Scope.

- Update references.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael Wood, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because this rule will not impose more than a minor cost on businesses. The amendments made to these rules will make WISHA rules

easier for employers and employees to understand and use, and thus save them time.

A cost-benefit analysis is not required under RCW 34.05.328. There are no costs to assess with this rule making. The amendments will require employers to provide notification of exposure evaluation results to employees within five days. Currently employers are required to provide this information within fifteen days. Therefore, this amendment will require employers to provide this information to employees quicker and will not require additional costs.

May 3, 2005
Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 04-18-079, filed 8/31/04, effective 11/1/04)

WAC 296-841-100 Scope. This chapter applies **only** if your employees:

- Are exposed to a respiratory hazard
- OR**
- Could be exposed to one of the specific hazards listed below.

This chapter applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed
- Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material
- Use respirators if controls are not feasible or if they cannot completely remove the hazard.

Definition:

Exposed or exposure:

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

- Note:**
- Examples of substances that may be respiratory hazards when airborne include:
 - Chemicals listed in Table 3
 - Any substance
 - Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances
 - For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
 - That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
 - Atmospheres considered oxygen deficient
 - Biological agents such as harmful bacteria, viruses or fungi
 - Examples include airborne TB aerosols and anthrax
 - Pesticides with a label requirement for respirator use
 - Chemicals used as crowd control agents such as pepper spray
 - Chemicals present at clandestine drug labs.
 - These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.
- Reference:**
- Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE).

See WAC 296-800-160, Personal protective equipment, for additional information and requirements.

• If any of the following hazards are present in your workplace, you will need both this chapter and any of the following specific rules that apply:

Hazard	Rule that applies
Acrylonitrile	WAC 296-62-07336
Arsenic (inorganic)	WAC 296-62-07347
Asbestos	WAC 296-62-077
Benzene	<u>Chapter 296-849</u> WAC ((296-62-07523))
Butadiene	WAC 296-62-07460
Cadmium	WAC 296-62-074 through 296-62-07449 or 296-155-174
Carcinogens	Chapter 296-62 WAC, Part F
Coke ovens	Chapter 296-62 WAC, Part O
Cotton dust	Chapter 296-62 WAC, Part N
1, 2-Dibromo-3-chloropropane	WAC 296-62-07342
Ethylene oxide	<u>Chapter 296-855</u> WAC ((296-62-07355))
Formaldehyde	WAC 296-62-07540
Lead	WAC 296-62-07521 or 296-155-176
Methylene chloride	WAC 296-62-07470
Methylenedianiline	WAC 296-62-076 or 296-155-173
Thiram	WAC 296-62-07519
Vinyl chloride	WAC 296-62-07329

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-62-07355 Ethylene oxide. Scope and application.

Note: The requirements in WAC 296-62-07355 through 296-62-07386 apply only to agriculture. The requirements for all other industries relating to ethylene oxide have been moved to chapter 296-855 WAC. Ethylene oxide.

(1) WAC 296-62-07355 through 296-62-07389 applies to all occupational exposures to ethylene oxide (EtO), Chemical Abstracts Service Registry No. 75-21-8, except as provided in subsection (2) of this section.

(2) WAC 296-62-07355 through 296-62-07389 does not apply to the processing, use, or handling of products containing EtO where objective data are reasonably relied upon that demonstrate that the product is not capable of releasing EtO in airborne concentrations at or above the action level, and may not reasonably be foreseen to release EtO in excess of the excursion limit, under the expected conditions of processing, use, or handling that will cause the greatest possible release.

(3) Where products containing EtO are exempted under subsection (2) of this section, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in WAC 296-62-07375(1).

Chapter 296-855 WAC

ETHYLENE OXIDE

NEW SECTION

WAC 296-855-100 Scope. This chapter applies to all occupational exposure to ethylene oxide.

Definition:

- *Ethylene oxide (EtO)* is an organic chemical represented by the Chemical Abstract Service (CAS) registry number 75-21-8. It is a flammable colorless gas that is commonly used to sterilize medical equipment and as a fumigant for certain agricultural products. It is also used as an intermediary in the production of various chemicals such as ethylene glycol, automotive antifreeze, and polyethylene.

- *Exposure* is the contact an employee has with EtO, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, or skin and eye contact.

Exemption: This chapter does not apply to laboratories subject to the requirements in hazardous chemicals in laboratories, WAC 296-62-400, the General occupational health standards, chapter 296-62 WAC.

Some of the requirements in this chapter may not apply to every workplace with an occupational exposure to EtO. The following steps will show which requirements apply to your workplace based on employee exposure monitoring results.

Step one: Follow requirements in the basic rules section, WAC 296-855-20010 through 296-855-20090.

Step two: Use employee exposure monitoring results from the exposure evaluations required by, Exposure evaluations, WAC 296-855-20060, and follow Table 1 to find out which additional sections of this chapter apply to your workplace.

Step three: You need only follow exposure records, WAC 296-855-20090 and Medical records, WAC 296-855-30080 if you have documentation conclusively demonstrating that employee exposure for ethylene oxide and the operation where it's used, cannot exceed the AL or STEL during any conditions reasonably anticipated.

- Such documentation can be based on observations, data, calculations, and previous air monitoring results. Previous air monitoring results:

- Must meet the accuracy required in step five of the Exposure evaluations, WAC 296-855-20060.

- May be from outside sources, such as industry or labor studies.

- Must be based on data that represents conditions being evaluated in your workplace.

Table 1

Sections That Apply to Your Workplace

If:	Then continue to follow the basic rules, and the additional requirements in:
Employee exposure monitoring results are below the AL, and STEL	No additional requirements if exposures remain stable
Employee exposure monitoring results are above the PEL	<ul style="list-style-type: none"> • Exposure and medical monitoring, WAC 296-855-30010 through 296-855-30080; AND • Exposure control, WAC 296-855-40005 through 296-855-40045
Employee exposure monitoring results are above the AL; OR Above the STEL	Exposure and medical monitoring, WAC 296-855-30010 through 296-855-30080
When there is a possibility of an emergency release of EtO	Establish a written emergency response plan and a means of alerting potentially exposed employees as found in Exposure control plan, WAC 296-855-40005

NEW SECTION

WAC 296-855-200 Basic rules.

Summary:

Your responsibility:

To measure and eliminate, or minimize, employee exposure to ethylene oxide.

IMPORTANT:

- The requirements in basic rules apply to all employers covered by the scope of this chapter, WAC 296-855-100. Additional sections may apply to you, based on employee exposure monitoring results. Turn to the Scope, WAC 296-855-100, and follow Table 1.

NEW SECTION

WAC 296-855-20010 Preventive practices.

You must:

- Make sure that all containers of EtO whose contents are capable of causing employee exposure above the action level or above the STEL are labeled, tagged, or marked with this warning:

Danger
Contains Ethylene Oxide
Cancer Hazard and Reproductive Hazard

AND

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A warning stating that breathing airborne concentrations of EtO is hazardous.

• Keep container labels free of statements that contradict or detract from the labels' hazard warning.

Note: • EtO is highly flammable and should be kept in a tightly covered container, and in a cool, well-ventilated area away from any type of ignition source.

You must:

• Make sure warning labels remain on containers of EtO when these containers are transported.

Exemption: • Reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers and do not require labeling.
 • Labeling requirements do not apply when EtO:
 – Is used as a pesticide as defined by the Federal Insecticide, Fungicide, and Rodenticides Act (7 U.S.C. 136 et seq.);
AND
 – Meets the Environmental Protection Agency labeling requirements for pesticides.

NEW SECTION

WAC 296-855-20020 Exposure control areas.

You must:

• Establish temporary or permanent exposure control areas where airborne concentrations of ethylene oxide (EtO) exceed or may exceed the permissible exposure limits (PELs) by doing all the following:

– Clearly identify the boundaries of exposure control areas in any way that minimizes employee access.

– Post signs at access points to exposure control areas that:

■ Are easy to read (for example, they are kept clean and well lit).

AND

■ Include this warning:

DANGER
ETHYLENE OXIDE
CANCER AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE
REQUIRED TO BE WORN IN THIS AREA

• Keep signs and areas near them free of statements that contradict or detract from their message.

Note: • This requirement does not prevent you from posting other signs.

You must:

• Allow only authorized personnel to enter exposure control areas.

Note: • When identifying the boundaries of exposure control areas you should consider factors such as:
 – The level and duration of airborne exposure.
 – Whether the area is permanent or temporary.
 – The number of employees in adjacent areas.
 • You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish exposure control areas or separate them from the rest of the workplace.

You must:

• Make sure employees entering exposure control areas use appropriate respirators.

• Prevent all of the following activities from occurring in exposure control areas:

- Eating food.
- Drinking beverages.
- Smoking.
- Chewing tobacco or gum.
- Applying cosmetics.
- Storing food, beverages, or cosmetics.

NEW SECTION

WAC 296-855-20040 Personal protective equipment (PPE).

You must:

• Make sure employees wear appropriate PPE as protection from skin or eye contact with ethylene oxide (EtO), liquid EtO, or EtO solutions.

• Provide appropriate PPE at no cost to employees.

Note: • Harmful amounts of EtO can enter the body through skin or eye contact.

NEW SECTION

WAC 296-855-20050 Employee protective measures.

You must:

• Implement appropriate protective measures, such as respirators, for employees performing activities with exposure to airborne ethylene oxide that could exceed the PEL, while you conduct your exposure evaluation.

NEW SECTION

WAC 296-855-20060 Exposure evaluations.

IMPORTANT:

This section applies when there is a potential for airborne exposure to ethylene oxide (EtO) in your workplace.

When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.

Following this section will also meet the requirements to identify and evaluate respiratory hazards found in another chapter, Respiratory hazards, chapter 296-841 WAC.

You must:

• Conduct an employee exposure evaluation to accurately determine airborne concentrations of EtO by completing Steps one through six of the exposure evaluation process, each time any of the following apply:

- No evaluation has been conducted.
- Changes have occurred in any of the following areas that may result in new or increased employee exposures:

- Production.
- Processes.
- Personnel.
- Exposure controls such as ventilation systems or work practices.

– You have any reason to suspect new or increased employee exposure may occur.

• Provide affected employees and their designated representatives an opportunity to observe any exposure monitoring during Step six of the exposure evaluation process.

• Make sure observers entering areas with EtO exposure:

PROPOSED

– Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

AND

– Follow all safety and health requirements that apply.

Exposure evaluation process

Step one: Identify all employees who have potential exposure to airborne ethylene oxide (EtO) in your workplace.

Step two: Identify operations where employee exposures could exceed EtO's fifteen-minute short-term exposure limit (STEL) of five parts per million (ppm).

Step three: Select employees from those working in the operations you identified in Step two who will have their STEL exposures measured.

Step four: Select employees from those identified in Step one who will have their eight-hour exposures monitored.

- Make sure the exposures of the employees selected represent eight-hour exposures for all employees identified in Step one including each job classification, work area, and shift.

- If you expect all employee exposures to be below the action level (AL), you can choose to limit your selection to those employees reasonably believed to have the highest exposures. If you find these employees' exposure to be above the AL, then you'll need to repeat Step four to represent all employees identified in Step one.

Note: You can use Steps three through six of this process to create a written description of the procedure used for obtaining representative employee exposure monitoring results, which is a requirement in Exposure records, WAC 296-855-20090.

Exemption: • You can skip Steps four through seven if you have documentation conclusively demonstrating that employee exposure for a particular material and the operation where it's used, cannot exceed the AL or PEL during any conditions reasonably anticipated.

- Such documentation can be based on observations, data, calculations, and previous air monitoring results:

- Must meet the accuracy required by Step five.

- May be from outside sources, such as industry or labor studies.

- Must be based on data that represents conditions being evaluated in your workplace.

Step five: Determine how you will obtain accurate employee exposure monitoring results. Select and use an air monitoring method with a confidence level of ninety-five percent, that's accurate to:

- ±twenty-five percent when concentrations are potentially above the AL or eight-hour time-weighted average of one part per million (ppm).

- ±thirty-five percent when concentrations are potentially above the AL of 0.5 ppm or the STEL of five ppm.

Note: Here are examples of air monitoring methods that meet this accuracy requirement:

- OSHA Method thirty found by going to: <http://www.osha.gov/dts/sltc/methods/toc.html>.

- NIOSH Method thirty eight hundred found by going to: <http://www.cdc.gov/niosh/homepage.html> and linking to the NIOSH Manual of analytical methods.

Step six: Obtain employee monitoring results by collecting air samples representing employees identified in Steps three and four.

- Collect STEL samples for employees and operations selected in Step three.

- Collect samples representing the eight-hour exposure, for at least one shift, for each employee selected in Step four.

- Make sure samples are collected from each selected employee's breathing zone.

Note: • You may use any sampling method that meets the accuracy specified in Step five. Examples of these methods include:

- Real-time monitors that provide immediate exposure monitoring results.

- Equipment that collects samples that are sent to a laboratory for analysis.

- The following are examples of methods for collecting samples representative of eight-hour exposures.

- Collect one or more continuous samples, such as a single eight-hour sample or four two-hour samples.

- Take a minimum of five brief samples, such as five fifteen-minute samples, during a work shift at randomly selected times.

- For work shifts longer than eight hours, monitor the continuous eight-hour portion of the shift expected to have the highest average exposure concentration.

Step seven: Have the samples you collected analyzed to obtain monitoring results for eight-hour and STEL exposures.

- Determine if employee exposure monitoring results are above or below the following values:

- Eight-hour time-weighted average (TWA₈).

- Short term exposure limit (STEL).

- Eight-hour action level (AL).

Note: • You may contact your local WISHA consultant for help:

- Interpreting data or other information.

- Determining eight-hour or fifteen-minute employee exposure monitoring results.

NEW SECTION

WAC 296-855-20070 Notification.

You must:

- Provide written notification of exposure monitoring results to employees represented by your exposure evaluation, within five business days after monitoring results become known to you.

- In addition, when employee exposure monitoring results are above the permissible exposure limit (PEL), provide written notification of all the following within fifteen business days after the results become known to you:

- Corrective actions being taken and a schedule for completion;

AND

- Any reason why exposures can not be lowered to below the PEL.

Note: • You can either notify employees individually or post the notifications in areas readily accessible to affected employees.

- Posted notification may need specific information that allows affected employees to determine which monitoring results apply to them.
- Notification may be:
 - In any written form, such as hand-written or e-mail.
 - Limited to the required information, such as exposure monitoring results.
- When notifying employees about corrective actions, your notification may refer them to a separate document that is available and provides the required information.

- Monitoring procedures and observations to detect the presence or release of EtO.
- The physical and health hazards of EtO.
- Actions employees can take to protect themselves from EtO exposure such as work practices, emergency procedures, and PPE.
 - Hazard communication.
 - Areas and operations where EtO is present.
 - The following information found in the General occupational health standards, chapter 296-62 WAC:
 - The Substance safety data sheet, WAC 296-62-07383 Appendix A.
 - The Substance technical guidelines, WAC 296-62-07385 Appendix B.
 - Medical surveillance guidelines, WAC 296-62-07387 Appendix C.
 - A description of the medical monitoring requirements of this chapter found in Medical evaluations, WAC 296-855-30030.

PROPOSED

NEW SECTION

WAC 296-855-20080 Exposure records.

You must:

- Establish and keep complete and accurate records for all exposure monitoring evaluations conducted under this chapter. Make sure the record includes, at least:
 - The name, unique identifier, and job classification of:
 - The employee sampled;
- AND**
- All other employees represented by the sampled employee.
 - A description of the methods used to obtain exposure monitoring results and evidence of the methods' accuracy.
 - A description of the procedure used to obtain representative employee exposure monitoring results.
 - The date, number, duration, location, and the result of each sample taken.
 - Any environmental conditions that could affect exposure concentration measurements.
 - Any personal protective equipment (PPE) worn by the employee including the type of respirator.

Note: • You can use Steps three through six of the exposure evaluation process in Exposure evaluations, WAC 296-855-20060, to create a description of the procedure you used for obtaining representative employee exposure monitoring results.

You must:

- Keep exposure monitoring records for at least thirty years.

NEW SECTION

WAC 296-855-20090 Training.

You must:

- Train employees who are potentially exposed above the:
 - Action level (AL) 0.5 parts per million (ppm);
- OR**
- STEL of five ppm as averaged over a sampling period of fifteen minutes.
 - Provide training:
 - At the time of initial assignment;
- AND**
- At least every twelve months.
 - Make sure training and information includes all of the following:
 - A review of this chapter.
 - The purpose of medical evaluations and a description of your medical evaluation program required in Medical evaluations, WAC 296-855-30030 in this chapter.

NEW SECTION

WAC 296-855-300 Exposure and medical monitoring.

Summary:

Your responsibility:

To monitor employee health and workplace exposures to ethylene oxide (EtO).

IMPORTANT:

• These sections apply when employee exposure monitoring results are either above the:

- Action level (AL) of 0.5 parts per million (ppm);

OR

- Either of the permissible exposure limits for EtO.

Note: • Exposure can result in skin or eye irritation.

NEW SECTION

WAC 296-855-30010 Periodic exposure monitoring.

Exemption: Periodic employee exposure monitoring is not required if exposure monitoring results conducted to fulfill requirements in Exposure evaluation, WAC 296-855-20060, are below the action level (AL).

You must:

- Obtain employee exposure monitoring results according to the frequency specified in Table 2, Periodic Exposure Evaluation Frequencies.

Note: • If you documented that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you may limit sample collection to the work shift with higher exposures and use those results to represent all employees performing the operation on other shifts.

Table 2

Periodic Exposure Evaluation Frequencies

If employee exposure monitoring results:	Then:
Are between the: • Action level (AL) of 0.5 parts per million (ppm);	Conduct additional exposure monitoring at least every 6 months.

Table 2
Periodic Exposure Evaluation Frequencies

If employee exposure monitoring results:	Then:
AND •TWA ₈ of 1 ppm	
OR Are above the TWA ₈ ; Above the STEL	Conduct additional exposure monitoring at least every 3 months.
Have been obtained at least every 3 months; AND Have 2 consecutive monitoring results, taken at least 7 days apart, showing 8-hour employee exposure monitoring results that have dropped below the TWA ₈ , but remain at or above the AL	You may decrease your evaluation frequency to every 6 months.
Have 2 consecutive evaluations, taken at least 7 days apart, showing 8-hour employee exposure monitoring results that have dropped below the AL and STEL	You may stop periodic exposure evaluations.

PROPOSED

– Initially, when employees are assigned to work in an area where exposure monitoring results are, or will likely be, above the action level (AL) for at least thirty days in a twelve-month period.

– Every twelve months for employees exposed above the AL for at least thirty days in the preceding year unless the examining physician determines that they should be provided more frequently.

– When employment with exposure ends, if the employee has not had an evaluation within the six-month period before exposure ends.

- Note:**
- Employees who decline to receive medical examination and testing to monitor for health effects caused by EtO are not excluded from receiving a separate medical evaluation for respirator use.
 - If employers discourage participation in medical monitoring for health effects caused by EtO, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing complaint, instituting proceedings, or testifying prohibited—Procedure—Remedy.

Helpful tool: **Declination form for nonemergency related medical evaluations**
 You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to ethylene oxide (EtO). To see this form, go to the resources section within this chapter.

Medical evaluation process

Step one: Select an appropriate licensed health care professional (LHCP) who will conduct or supervise examinations and procedures.

- If the LHCP is not a licensed physician, make sure individuals who conduct pulmonary function tests have completed a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

Step two: Make sure the LHCP receives all of the following information before the medical evaluation is performed:

- A copy of:
 - This chapter.
 - The following information found in the General occupational health standards, chapter 296-62 WAC:
 - The Substance safety data sheet, WAC 296-62-07383(1) Appendix A.
 - The Substance technical guidelines, WAC 296-62-07385(2) Appendix B.
 - Medical surveillance guidelines, WAC 296-62-07387(3) Appendix C.
 - A description of the duties of the employee being evaluated and how these duties relate to EtO exposure.
 - The anticipated or representative exposure monitoring results for the employee being evaluated.
 - A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.
 - Information from previous employment-related examinations when this information is not available to the examining LHCP.

NEW SECTION

WAC 296-855-30030 Medical evaluations.

IMPORTANT:

Medical evaluations meeting all requirements of this section will fulfill the medical evaluation requirement found in another chapter, Respirators, chapter 296-842 WAC.

Employees who wear respirators need to be medically evaluated to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators.

You must:

- Make medical evaluations available to current employees:
 - Who have been, are, or may be exposed above the action level (AL) for at least thirty days in any twelve-month period.
 - At no cost including travel costs and wages associated with any time spent obtaining the medical evaluation.
 - At reasonable times and places.
 - Exposed to EtO during an emergency situation.
 - Wanting medical advice on EtO exposure and reproductive health.
 - Whenever the employee develops signs and symptoms commonly associated with ethylene oxide.
- Complete Steps one through four of the medical evaluation process at the following times:

• Instructions that the written opinions the LHCP provides you be limited to the following information:

- Results from examinations and tests.
- Whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to EtO.
- Any recommended limitations for EtO exposure and use of respirators or other PPE.
- A statement that the employee has been informed of medical results and medical conditions caused by EtO exposure requiring further examination or treatment.

Step three: Make medical evaluations available to the employee. Make sure they include the content listed in Table 3, Content of Medical Evaluations.

Step four: Obtain the LHCP's written opinion for the employee's medical evaluation and make sure the employee receives a copy within twenty business days after you receive the written opinion.

• Make sure the written opinion is limited to the information specified for written opinions in Step two.

Note: • If the written opinion contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

Table 3
Content of Medical Evaluations

When conducting:	Include:
An initial and annual evaluation	<ul style="list-style-type: none"> • A work history and medical history includes emphasis on: <ul style="list-style-type: none"> - Pulmonary, hematological, neurological, reproductive systems; AND - The eyes and skin. • A physical examination that includes emphasis on: <ul style="list-style-type: none"> - Pulmonary, hematological, neurological, and reproductive systems; AND - The skin and eyes. • A complete blood count including a: <ul style="list-style-type: none"> - White cell count with differential - Red cell count - Hematocrit - Hemoglobin.

Table 3
Content of Medical Evaluations

When conducting:	Include:
	<ul style="list-style-type: none"> • Additional examinations the licensed health care professional (LHCP) believes appropriate based on the employee's exposure to ethylene oxide (EtO) or respirator use. • Additional testing: <ul style="list-style-type: none"> - Pregnancy test, and laboratory evaluation for fertility if requested by employee and approved by evaluating LHCP.
Evaluations due to termination of employment	• The same content as specified for initial and annual evaluations.
Evaluations due to reassignment to area where EtO exposure is below the AL	<ul style="list-style-type: none"> • The same content as specified for initial and annual evaluations. • As determined by the LHCP.
Evaluations due to exposure during an emergency	• The same content as specified for initial and annual evaluations.
Evaluations triggered by employee signs and symptoms commonly associated with overexposure to EtO or request for reproductive advice	<ul style="list-style-type: none"> • The content of medical examinations and consultations shall be determined by the examining LHCP. - Pregnancy test, and laboratory evaluation for fertility if requested by employee and approved by evaluating LHCP.
Evaluations determined necessary by LHCP for exposed employees	<ul style="list-style-type: none"> • LHCP may determine short frequencies of evaluations for any and all examinations. • Respiratory protection.

PROPOSED

NEW SECTION

WAC 296-855-30080 Medical records.

IMPORTANT:

This section applies when a medical evaluation is performed, or any time a medical record is created for an employee exposed to ethylene oxide (EtO).

You must:

- Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation for EtO and make sure the records include all the following:
 - The employee's name and unique identifier.
 - A description of the employee's duties.

– A copy of the licensed health care professional's (LHCP's) written opinions.

– The anticipated or representative employee exposure monitoring results provided to the LHCP for the employee.

– A copy of the information required in Step two of the medical evaluation process, found in WAC 296-855-30030, except the copy of this chapter and the appendices.

• Maintain medical records for the duration of employment plus thirty years.

Note: • Your medical provider may keep these records for you. Other medical records, such as the employee's medical history or X rays, need to be kept as confidential records by the medical provider.

NEW SECTION

WAC 296-855-400 Exposure control.

Summary:

Your responsibility:

To protect employees from exposure to ethylene oxide (EtO) by using feasible exposure controls and appropriate respirators.

IMPORTANT:

• These sections apply when employee exposure monitoring results are above either of the following permissible exposure limits (PELs):

– The eight-hour time-weighted average (TWA₈) of one part per million (ppm);

OR

– The STEL of five ppm.

NEW SECTION

WAC 296-855-40010 Exposure control plan.

You must:

• Establish and implement a complete written exposure control plan that includes at least the following:

– Schedules for the following:

■ Developing and implementing feasible exposure controls to reduce EtO exposure to, or below, the PEL.

■ Periodic leak detection surveys.

– Make sure employee rotation is not included as a method to control employee exposure.

• Review and update your exposure control plan at least every twelve months or when one of the following occurs:

– New equipment is placed into service.

– New processes are employed.

– Exposure evaluation results are above the PEL.

• Provide a copy of your exposure control plan to affected employees and their designated representatives, when they ask to review or copy it.

• Establish a written plan for emergency situations for each work area where there is a possibility of an emergency from a release of EtO. The plan must include, at a minimum:

– Emergency escape:

■ Procedures.

■ Route assignments.

– Emergency evacuation plans and procedures to account for all employees after emergency evacuation has been completed.

– Procedures to be followed by employees who remain to operate critical plant operations before they evacuate.

– Requirements for the use of respiratory protection as required in WAC 296-855-40045.

– Rescue and medical duties for those employees who will perform them.

– The preferred means of reporting fires and other emergencies.

– Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

You must:

• Establish an employee alarm system that meets the requirements of Employee alarm systems, WAC 296-800-31070 in the safety and health core rules.

– The employee alarm system must be distinctive and recognizable as a signal to perform actions designated under the emergency response plan.

NEW SECTION

WAC 296-855-40030 Exposure controls.

IMPORTANT:

The use of an employee rotation schedule to control employee exposure to ethylene oxide (EtO) is prohibited.

Respirators and other personal protective equipment (PPE) are not exposure controls.

You must:

• Use feasible exposure controls to reduce exposure to, or below, the permissible exposure limit (PEL).

NEW SECTION

WAC 296-855-40040 Respirators.

IMPORTANT:

The requirements in this section are in addition to the requirements found in:

– Respiratory hazards, chapter 296-841 WAC.

– Respirators, chapter 296-842 WAC.

Medical evaluations meeting all requirements of WAC 296-855-30030, will fulfill the medical evaluation requirement found in Respirators, chapter 296-842 WAC.

You must:

• Add the following requirements to the program already developed for Respirators, chapter 296-842 WAC:

– Require that employees use respirators where:

■ Feasible exposure controls are being put in place.

■ You determine that exposure controls are not feasible.

■ Feasible exposure controls do not reduce exposures to or below the PEL.

■ Employees are performing tasks presumed to have exposures above the PEL.

■ Emergencies occur.

• Ensure all respirator use is accompanied by eye protection either through the use of full-facepiece respirators, hoods, or chemical goggles.

• Meet these requirements to protect employees from ethylene oxide (EtO) exposure above the PEL:

– Limit selection of escape respirators to one of the following:

- A full-facepiece respirator with EtO-approved canister, front- or back-mounted.
 - A full-facepiece positive-pressure supplied air respirator, with hood or helmet equipped with self-contained breathing apparatus (SCBA).
 - A hood-style SCBA that operates in positive-pressure mode.
- Make sure respirator cartridges or canisters are replaced at the beginning of each work shift, or sooner if their service life has expired.

NEW SECTION

WAC 296-855-500 Definitions.

Action level:

An airborne concentration of ethylene oxide of 0.5 parts per million calculated as an eight-hour time-weighted average.

Authorized personnel:

Individuals specifically permitted by the employer to enter the exposure control area to perform necessary duties, or to observe employee exposure evaluations as a designated representative.

Breathing zone:

The space around and in front of an employee's nose and mouth, forming a hemisphere with a six- to nine-inch radius.

CAS (Chemical Abstract Service) number:

CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org/about>.

Container:

Any container, except for pipes or piping systems that contains ethylene oxide. It can be any of the following:

- Barrel.
- Bottle.
- Can.
- Cylinder.
- Drum.
- Reaction vessel.
- Storage tank.

Day:

Any part of a calendar day.

Director:

The director means the director of the department of labor and industries or their designee.

Emergency:

Any event that could or does result in the unexpected significant release of ethylene oxide. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

Ethylene oxide (EtO):

Is an organic chemical represented by the CAS registry number 75-21-8. EtO is a flammable colorless gas and is commonly used to sterilize medical equipment and as a fumigant for certain agricultural products. It is also used as an intermediary in the production of various chemicals such as ethylene glycol, automotive antifreeze, and polyurethane.

Exposure:

The contact an employee has with ethylene oxide, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Licensed health care professional (LHCP):

An individual whose legally permitted scope of practice allows him or her to provide some or all of the health care services required for medical evaluations.

Permissible exposure limits (PELs):

PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters. The PELs for ethylene oxide are:

- Eight-hour time-weighted average (TWA₈) of one part per million (ppm);

AND

- Fifteen-minute STEL of five ppm.

Short term exposure limit (STEL):

An exposure limit averaged over an X-minute period that must not be exceeded during an employee's workday.

Time-weighted average (TWA₈):

An exposure limit averaged over an eight-hour period that must not be exceeded during an employee's workday.

**WSR 05-10-080
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 3, 2005, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-048.

Title of Rule and Other Identifying Information: Chapter 392-136 WAC, Conversion of sick leave upon retirement or death.

Hearing Location(s): Old Capitol Building, 600 South Washington, Olympia, WA 98504-7200, on June 7, 2005, at 9:00 a.m.

Date of Intended Adoption: July 6, 2005.

Submit Written Comments to: Administrative Resource Services, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, by June 6, 2005.

Assistance for Persons with Disabilities: Contact Sheila Emery by June 1, 2005, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule is being amended due to the changes in legislation regarding RCW 28A.400.210. Revision of the WAC is needed to address the effect of changes in law made by the legislature. Rule revision is needed to address sick leave cash out for employees returning to work pursuant to the retire-rehire legislation and those employees returning after termination and cash out.

Statutory Authority for Adoption: Chapter 28A.150 RCW.

Statute Being Implemented: RCW 28A.400.210.

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

Name of Proponent: [Superintendent of Public Instruction], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Stead, Olympia, Washington.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is not applicable to nongovernmental agencies.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not applicable to nongovernmental agencies.

May 2, 2005

Marty Daybell

for Dr. Terry Bergeson

State Superintendent

AMENDATORY SECTION (Amending WSR 01-11-098, filed 5/18/01, effective 6/18/01)

WAC 392-136-020 Conversion of sick leave upon ~~(retirement or death)~~ separation from district employment. (1) Eligible employees: Upon separation from district employment the following employees may personally, or through their estate in the event of death, elect to convert all eligible, accumulated, unused sick leave up to a maximum of one hundred eighty days to monetary compensation as provided in this section:

(a) Eligible educational service district employees are those who terminate employment with the educational service district due to either retirement or death.

(b) Eligible school district employees are those who qualify under an attendance incentive program established by the school district board of directors pursuant to WAC (~~391-136-065~~) 392-136-065 and who:

(i) Separate from employment with the school district due to death or retirement; or

(ii) After June 7, 2000, separate from employment with the school district and are at least age fifty-five and:

(A) Have at least ten years of service under teachers' retirement plan 3 as defined in RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(31); or

(B) Have at least fifteen years of service under teachers' retirement system plan 2 as defined in RCW 41.32.010(39), under Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(30), or under public employees' retirement system plan 2 as defined in RCW 41.40.010(34).

(c) In order to receive reimbursement for unused sick leave, by virtue of retirement pursuant to subsection (1)(a) or (1)(b)(i) of this section the employee must have separated from such employment and have been granted a retirement allowance under the laws governing the teachers' retirement system, the public employees' retirement system, or the school employees' retirement system whichever applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long

as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment.

(d) Eligible school district employees who qualify under an attendance incentive program established by the school district board of directors pursuant to WAC 392-136-065 and who have previously separated from a school district due to retirement may only cash out subsequent earned sick leave under the following exceptions:

(i) The employee ceases receipt of retirement benefits and reestablishes membership in the retirement system, including resuming payments into the system; or

(ii) The employee establishes, and makes payment into, a second retirement system from which they may subsequently retire.

(2) Eligible sick leave days (~~(+ A maximum of one hundred eighty days may be converted to monetary compensation pursuant to this section. Eligible days)~~) include all unused sick leave days that have been accumulated from year to year up to a maximum of the number of contracted days agreed to in a given contract, but not greater than one year, by an eligible employee (~~(at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year))~~), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes.

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) Deduction of converted days: All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(5) Exclusion from retirement allowance: Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

WSR 05-10-081

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 3, 2005, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-06-027.

Title of Rule and Other Identifying Information: Chapter 392-126 WAC, Shared leave.

Hearing Location(s): Old Capitol Building, 600 South Washington, Olympia, WA 98504-7200, on June 7, 2005, at 9:00 a.m.

Date of Intended Adoption: July 6, 2005.

Submit Written Comments to: Administrative Resource Services, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, by June 6, 2005.

Assistance for Persons with Disabilities: Contact Sheila Emery by June 1, 2005, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule is being amended due to the changes in legislation regarding HB 2266 amending RCW 41.04.655, 41.04.660, and 41.04.665.

Rule revision is needed to address donating of leave for employees who are called to voluntary and involuntary military duty.

Statutory Authority for Adoption: Chapter 28A.150 RCW.

Statute Being Implemented: RCW 41.04.655, 41.04.660, and 41.04.665.

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

Name of Proponent: [Superintendent of Public Instruction], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Stead, Olympia, Washington.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is not applicable to nongovernmental agencies.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not applicable to nongovernmental agencies.

May 2, 2005

Marty Daybell

for Dr. Terry Bergeson

State Superintendent

AMENDATORY SECTION (Amending Order 98-11, filed 11/24/98, effective 12/25/98)

WAC 392-126-006 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual leave, sick leave, or personal holiday to a fellow employee 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, or who has been called to service in the uniformed services, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

NEW SECTION

WAC 392-126-009 Definition—Program. "Program" means the leave sharing program established in RCW 41.04.660.

NEW SECTION

WAC 392-126-026 Definition—Service in the uniformed services. "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.

NEW SECTION

WAC 392-126-027 Definition—Uniformed services. "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.

AMENDATORY SECTION (Amending Order 98-11, filed 11/24/98, effective 12/25/98)

WAC 392-126-085 Donation of sick leave. An employee may donate sick leave to specific individuals or pool using the following criteria:

(1) The employee must have accrued more than ~~((sixty))~~ twenty-two days of sick leave.

(2) ~~((Employees may not donate more than six days of sick leave during any twelve-month period.~~

(3) Employees may not donate an amount of sick leave that will result in his or her sick leave account going below ~~((sixty))~~ twenty-two days.

~~((4))~~ (3) All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave.

AMENDATORY SECTION (Amending Order 25, filed 8/21/90, effective 9/21/90)

WAC 392-126-095 Documentation. The district shall require the employee or his or her legal representative, to submit, prior to approval or disapproval, documentation from a licensed physician or other authorized health care practitioner verifying the severe or extraordinary nature and expected duration of the condition, or orders verifying the employee has been called to service in the uniformed services.

WSR 05-10-098

PROPOSED RULES

NORTHWEST

CLEAN AIR AGENCY

[Filed May 4, 2005, 9:40 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Northwest Clean Air Agency Regulation.

Hearing Location(s): Northwest Clean Air Agency, 1600 South Second Street, Mount Vernon, WA 98273, on July 14, 2005, at 1:30 p.m.

Date of Intended Adoption: July 14, 2005.

Submit Written Comments to: James B. Randles, Northwest Clean Air Agency, 1600 South Second Street, Mount Vernon, WA 98273, jamie@nwcleanair.org, fax (360) 428-1620, by July 14, 2005.

Assistance for Persons with Disabilities: Contact Scott Allison by June 30, 2005, (360) 428-1617, ext. 200.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The regulation amendments will allow the NWCAA to clarify various sections of our rules.

Amendatory Sections:

SECTION 100 NAME OF AGENCY. Revise to facilitate agency name change.

SECTION 102 Policy. Delete subsection 102.7 regarding alternative compliance methods so as to eliminate Control Officer discretion.

SECTION 104 ADOPTION OF STATE AND FEDERAL LAWS AND RULES. Update to accommodate new or revised rules.

SECTION 131 VIOLATION - NOTICES. Clarify enforcement procedures and authority.

SECTION 133 CIVIL PENALTY. Clarify enforcement procedures and increase maximum civil penalty to account for inflation.

SECTION 200 DEFINITIONS. Amend to provide regulatory clarification.

SECTION 300 NEW SOURCE REVIEW. Minor revisions to be more consistent with the state new source review (NSR) program found in WAC 173-400-110 and add a subsection requiring a source to comply with issued approval orders.

SECTION 301 TEMPORARY SOURCES. Limit nonroad regulation to those that operate in a stationary manner.

SECTION 320 REGISTRATION PROGRAM. Minor clarifications.

SECTION 324 FEES. Clarify fee categories and update fee schedules through calendar year 2007.

SECTION 325 TRANSFER OR PERMANENT SHUTDOWN. Rename section and add notification and lockout requirements for sources that are permanently shutdown.

SECTION 340 REPORT OF UPSET AND BREAKDOWN. Revise reporting requirements for breakdown and upsets events that exceed emissions limits.

SECTION 341 REPORT OF SHUTDOWN OR STARTUP. Minor clarifications, reduce the time required for the advanced notification, and add reporting requirement for shutdowns or startups that exceed emission limits.

SECTION 342 OPERATION AND MAINTENANCE. Clarification and simplification of the section.

SECTION 424 OZONE STANDARD. Revise to reflect the new federal 0.08 ppm, 8-hour ambient ozone standard.

SECTION 460 WEIGHT/HEAT RATE STANDARD - EMISSION OF SULFUR COMPOUNDS. Clarifications and eliminate the exemption.

SECTION 550 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE. Minor clarifications and revise the control standard from Best Available Control Technology (BACT) to Reasonable Available Control Technology (RACT) because RACT is applicable only to existing sources per the Washington State Clean Air Act.

SECTION 570 ASBESTOS CONTROL STANDARDS. Revise criteria for asbestos removal notification, remove optional notification amendments and adjust notification fee schedule.

SECTION 590 PERCHLOROETHYLENE DRY CLEANERS. Add requirement to keep records on-site and available for inspection.

Repealers:

SECTION 130 CITATIONS - NOTICES. Section is not necessary for enforcement.

SECTION 312 ENVIRONMENTAL POLICY GUIDELINES. Rules pertaining to State Environmental Policy Act (SEPA) guidelines are now being addressed by incorporating chapter 197-11 WAC by reference in Section 104.

SECTION 360 TESTING AND SAMPLING. These requirements are now contained in new Section 367 and Appendix A.

SECTION 365 MONITORING. These requirements are now contained in new Section 367 and Appendix A.

SECTION 366 INSTRUMENT CALIBRATION. These requirements are now contained in new Section 367 and Appendix A.

SECTION 480 SOLID FUEL BURNING DEVICE STANDARDS. This section is being replaced by Section 506.

New Sections:

SECTION 305 PUBLIC INVOLVEMENT. Details the process for public involvement when handling Notice of Construction (NOC) application, Orders of Approval to Construct (OAC) revisions and other actions. This section is being added as a replacement for following WAC 173-400-171.

SECTION 367 GENERAL REQUIREMENTS FOR MONITORING AND TESTING. Rewrite requirements for operating ambient and continuous emission monitors and requirements for stack source testing. Section 367 and Appendix A replaces Sections 360, 365, 366 and the NWCAA "Guidelines for Industrial Monitoring Equipment and Data Handling" that previously applied to these activities.

SECTION 403 PARTICULATE STANDARDS (PM-2.5). Add new federal ambient standard for fine particulate.

SECTION 502 OUTDOOR BURNING. Add definitions and add provision to deny fire permit issuance to a party if there is an outstanding penalty.

SECTION 506 SOLID BURNING DEVICE STANDARDS. Repeal existing Section 480 and rewrite under Section 506. Revisions include minor clarifications, new requirements for the installation of solid fuel heating devices, and clarify under which conditions a resident can get an exemption during burn bans.

APPENDIX A - AMBIENT MONITORING, EMISSION TESTING, AND CONTINUOUS EMISSION AND OPACITY MONITORING. Rewrite requirements for operating ambient and continuous emission monitors. Section 367 and Appendix A replace Sections 360, 365, 366 and the NWCAA "Guidelines for Industrial Monitoring Equipment and Data Handling."

NWCAA Regulation Revision Timeline

State Register submittal (30+ pages for hearing after July 5)	5/4/05
Public Notice (30 days) (include a statement about SIP submittal)	6/14/05 ⇒ 7/14/05
SEPA (14 days)	6/30/05 ⇒ 7/14/05
NWCAA Board hearing and adoption	7/14/05
Effective Date	30 days after CR-103 stamped

Statutory Authority for Adoption: Chapter 70.94 RCW. Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Northwest Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Dan Mahar, 1600 South Second Street, Mount Vernon, (360) 428-1617, ext. 203; Implementation and Enforcement: James B. Randles, 1600 South Second Street, Mount Vernon, WA, (360) 428-1617, ext. 208.

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

A cost-benefit analysis is not required under RCW 34.05.328.

May 3, 2005
James B. Randles
Control Officer

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-12 issue of the Register.

WSR 05-10-099
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-021178 and TO-030288—Filed May 4, 2005, 9:44 a.m.]

Supplemental Notice to WSR 05-01-224.

Preproposal statement of inquiry was filed as WSR 02-20-105, 02-22-030, and 03-07-034.

Title of Rule and Other Identifying Information: This rule making would establish rules relating to reporting of transactions between regulated utility and transportation companies and their subsidiaries to the commission. The supplemental notice would revise several rules noticed at WSR 05-01-224, relating to issuance of securities.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on June 15, 2005, at 9:30 a.m.

Date of Intended Adoption: Wednesday, June 15, 2005.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, e-mail records@wutc.wa.gov, fax (360) 586-1150, by May 25, 2005.

Please include Docket No. A-021178 and TO-030288 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Monday, June 13, 2005, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This supplemental proposal would revise sections in chapters 480-73, 480-90, 480-100, 480-110, 480-120, and 480-121 WAC relating to issuing securities.

Affected WACs are: **Chapter 480-73 WAC, Hazardous liquid pipeline companies.**

Amending WAC 480-73-110 Filing information.

Adopts language from proposed repealers: WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Adopting WAC 480-73-170 Issuing securities.

1. Adopts language from proposed repealers: WAC 480-146-290 Securities statements and applications, 480-146-300 Filing requirements for securities statements and applications, 480-146-320 Minimum time required for commission order, and 480-146-330 Supplemental securities filings may be exempt from time limitations.

2. Adds procedures for filing a notice of a securities issuance with commission.

3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 Supplemental securities filing may be exempt from time limitations.

Adopting WAC 480-73-200 Securities report.

Adopts language from proposed repealer WAC 480-146-340 Reporting of securities transactions, and revises language to obtain pertinent information.

Chapter 480-90 WAC, Gas companies—Operations.

Amending WAC 480-90-207 Filing information.

Adopts language from proposed repealers: WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Adopting WAC 480-90-242 Issuing securities.

1. Adopts language from proposed repealers: WAC 480-146-290 Securities statements and applications, 480-146-300 Filing requirements for securities statements and applications, 480-146-320 Minimum time required for commission order, and 480-146-330 Supplemental securities filings may be exempt from time limitations.

2. Adds procedures for filing a notice of a securities issuance with commission.

3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 Supplemental securities filing [may be exempt from time limitations].

Amending WAC 480-90-248 Transfers of property.

Removes reference to chapter 480-146 WAC.

Adopting WAC 480-90-262 Securities report.

Adopts language from proposed repealer WAC 480-146-340 Reporting of securities transactions, and revises language to obtain pertinent information.

Chapter 480-100 WAC, Electric companies—Operations.

Amending WAC 480-100-207 Filing information.

Adopts language from proposed repealers: WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Adopting WAC 480-100-242 Issuing securities.

1. Adopts language from proposed repealers: WAC 480-146-290 Securities statements and applications, 480-146-300 Filing requirements for securities statements and applications, 480-146-320 Minimum time required for commission order, and 480-146-330 Supplemental securities filings may be exempt from time limitations.

2. Adds procedures for filing a notice of a securities issuance with commission.

3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 Supplemental securities filing may be exempt from time limitations.

Amending WAC 480-100-248 Transfers of property.

Removes reference to chapter 480-146 WAC.

Adopting WAC 480-100-262 Securities report.

Adopts language from proposed repealer WAC 480-146-340 Reporting of securities transactions, and revises language to obtain pertinent information.

Adopting WAC 480-100-282 Application for approval of lease of utility facilities.

Adopts language from proposed repealer WAC 480-146-370 Application for approval of lease of utility facilities.

Adopting WAC 480-100-287 Form of lease application.

Adopts language from proposed repealer WAC 480-146-380 Form of lease application.

Chapter 480-110 WAC, Water companies.

Amending WAC 480-110-457 Filing information.

Adopts language from proposed repealers: WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Adopting WAC 480-110-525 Issuing securities.

1. Adopts language from proposed repealers: WAC 480-146-290 Securities statements and applications, 480-146-300 Filing requirements for securities statements and applications, 480-146-320 Minimum time required for commission order, and 480-146-330 Supplemental securities filings may be exempt from time limitations.

2. Adds procedures for filing a notice of a securities issuance with commission.

3. Adds exemption for supplemental orders from proposed repealed WAC 480-146-330 Supplemental securities filing may be exempt from time limitations.

Adopting WAC 480-110-555 Transfers of property.

Removes reference to chapter 480-146 WAC.

Adopting WAC 480-110-565 Securities report.

Adopts language from proposed repealer WAC 480-146-340 Reporting of securities transactions, and revises language to obtain pertinent information.

Chapter 480-120 WAC, Telecommunications operations.

Amending WAC 480-120-331 Filing information.

Adopts language from proposed repealers: WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Adopting WAC 480-120-365 Issuing securities.

1. Adopts language from proposed repealers: WAC 480-146-290 Securities statements and applications, 480-146-300 Filing requirements for securities statements and applications, 480-146-320 Minimum time required for commission order, and 480-146-330 Supplemental securities filings may be exempt from time limitations.

2. Adds procedures for filing a notice of a securities issuance with commission.

3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 Supplemental securities filing may be exempt from time limitations.

Adopting WAC 480-120-389 Securities report.

Adopts language from proposed repealer WAC 480-146-340 Reporting of securities transactions, and revises language to obtain pertinent information.

Chapter 480-121 WAC, Registration, competitive classification and price lists of telecommunications companies.

Amending WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies.

Removes reference to chapter 480-146 WAC and adds references to new financial reporting rules, WAC 480-120-389 Securities report and 480-120-395 Affiliated interest and subsidiary transactions report.

Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities.

Repealing WAC 480-146-240 Application of rules.

Repealing WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

These sections adopted in proposed WAC 480-73-110 Filing information, 480-90-207 Filing information, 480-100-207 Filing information, 480-110-457 Filing information, and 480-120-331 Filing information.

Repealing WAC 480-146-290 Securities statements and applications, 480-146-300 Filing requirements for securities statements and applications, 480-146-320 Minimum time required for commission order, and 480-146-330 Supplemental securities filing may be exempt from time limitations.

These sections adopted in proposed WAC 480-73-170 Issuing securities, 480-90-242 Issuing securities, 480-100-242 Issuing securities, 480-110-525 Issuing securities, and 480-120-365 Issuing securities.

Repealing WAC 480-146-310 Commission may set securities application or statement for public hearing.

Repealer - no longer relevant.

Repealing WAC 480-146-340 Reporting of securities transactions.

This section adopted in proposed WAC 480-73-200 Securities report, 480-90-262 Securities report, 480-100-262

Securities report, 480-110-565 Securities report, and 480-120-389 Securities report.

Repealing WAC 480-146-370 Application for approval of lease of utility facilities.

This section adopted in proposed WAC 480-100-282 Application for approval of lease of utility facilities.

Repealing WAC 480-146-380 Form of lease application.

This section adopted in proposed WAC 480-100-287 Form of lease application.

Reasons Supporting Proposal: Language is proposed that would constitute a substantial change from the supplemental CR-102 proposal at WSR 05-01-224. The revisions proposed in this supplemental CR-102 would include removal of the "five business days prior to issuance" requirement, removal of the investment grade reporting waiver, repeal of the remainder of chapter 480-146 WAC, and deletion of cross-references and other references to chapter 480-146 WAC from rules adopted recently in these two dockets at WSR 05-06-051.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, and 81.04.160.

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

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

Name of Agency Personnel Responsible for Drafting: Sharyn Bate, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1295; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. 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).

May 4, 2005

Carole J. Washburn
Executive Secretary

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-73-110 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-73-170 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part II in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-73-170 Issuing securities. (1) Before a pipeline company issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 81.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 81.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(3) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(4) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a pipeline company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 81.08.030.

NEW SECTION

WAC 480-73-200 Securities report. Each pipeline company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 81.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-90-207 Filing information. (1) **Filing.** The commission record center will accept any filing under WAC 480-90-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-90-242 Issuing securities. For the purpose of this section:

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

(1) Before a gas utility issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested

effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-90-248 ((Securities and)) Transfers of property. ~~((1) Before a gas utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.~~

~~((2))~~ Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a gas utility must obtain from the commission an order authorizing such transaction in accordance with chapter 80.12 RCW (Transfers of property) and chapter 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-90-262 Securities report. Each gas utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-100-207 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-100-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-100-242 Issuing securities. For the purpose of this section:

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

(1) Before an electric utility issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a fil-

ing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-100-248 ((Securities and)) Transfers of property. ~~((1) Before an electric utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.~~

~~((2))~~ Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, an electric utility must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-100-262 Securities report. Each electric utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

PART ((5)) VI—SAFETY AND STANDARDS RULES

NEW SECTION

WAC 480-100-282 Application for approval of lease of utility facilities. Under the provisions of RCW 80.04.520, the applicant must certify that the requested approval of lease of utility facilities is necessary to exempt any owner of the facilities from being a public utility company under the Public Utility Holding Company Act of 1935.

NEW SECTION

WAC 480-100-287 Form of lease application. A filing for approval of lease of utility facilities must be submitted in the following form:

Before The Washington Utilities And Transportation Commission

In the Matter of the Application of (insert name) for an Order Approving the Lease of Utility Facilities.

No. . . .
(Number to be inserted by Commission)

.....

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities. The following general information and exhibits are furnished in support:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent.
4. State or states under which applicant is organized and form of organization.
5. A general description of the property owned by applicant and the field of its operations.

EXHIBIT "A"

A statement by applicant certifying that the requested approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of three months before the date the application is filed, and a pro forma balance sheet as of the same date showing the effect of the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjust-

ment account if such items are included in the fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "B-1"

(A) Detailed income and profit-and-loss statement for the twelve months ended as of the date of the balance sheet submitted as Exhibit "B."

(B) Reconciliation of the retained earnings account for the period covered by the income and profit-and-loss statement. Retained earnings should be segregated from other surplus accounts.

EXHIBIT "C"

1. A description of the property to be leased.
2. The historical or original cost of the property to be leased and the related accrued depreciation. (Estimated in both cases if actual amounts are not known.)
3. The amount of contributions in aid of construction.
4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts that may be pertinent to the application.

The undersigned applicant requests that the Washington Utilities and Transportation Commission enter an order granting this application.

Dated this _____ day of _____, 20__.

By _____
(Applicant/Title)

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-110-457 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-110-525 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part IV in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

PROPOSED

NEW SECTION

WAC 480-110-525 Issuing securities. (1) Before a water company issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-110-555 (~~Securities and~~) **Transfers of property.** (~~(1) Before issuing stock, evidence of indebted-~~

~~ness, or any other securities, the company must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.~~

(2)) Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a water company must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-110-565 Securities report. Each water company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-120-331 Filing information. (1) Filing. The commission records center will accept any filing under WAC 480-120-365 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part VIII in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-120-365 Issuing securities. For the purpose of this section:

PROPOSED

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness, or any obligation or liability as guarantor.

(1) Before a telecommunications company subject to the provisions of chapter 80.08 RCW issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-120-389 Securities report. (1) Each telecommunications company subject to the provisions of chapter 80.08 RCW that has issued securities during the prior year, must file with the commission by April 1 of each year

an annual securities transaction report for the period January 1 through December 31 of the preceding year. At a minimum, the report must contain:

(a) A description of the final agreements;

(b) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(c) The level of expenses for each of the securities transactions;

(d) Information to determine the individual and collective impact on capital structure; and

(e) The pro forma cost of money for the securities transactions.

(2) The company may provide by reference the information required in subsection (1)(a), (b), and (c) of this section if the information has previously been filed with the commission.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies. (1) The following regulatory requirements are waived for competitively classified companies:

(a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);

(b) RCW 80.04.310 (Commission's control over expenditures);

(c) RCW 80.04.320 (Budget rules);

(d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);

(e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);

(f) RCW 80.04.460 (Investigation of accidents);

(g) RCW 80.04.520 (Approval of lease of utility facilities);

(h) RCW 80.36.100 (Tariff schedules to be filed and open to public);

(i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);

(j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);

(k) Chapter 80.12 RCW (Transfers of property);

(l) Chapter 80.16 RCW (Affiliated interests);

(m) WAC 480-80-101 Tariff requirements through WAC 480-80-143 Special contracts for gas, electric, and water companies;

(n) Chapter 480-140 WAC (Commission general—Budgets);

(o) Chapter 480-143 WAC (Commission general—Transfers of property);

~~(p) ((Chapter 480-146 WAC (Commission general—Securities, liens, refunding of notes, lease of utility facilities);~~

~~(q))~~ WAC 480-120-102 (Service offered);

~~((+))~~ (q) WAC 480-120-339 (Streamlined filing requirements for Class B telecommunications company rate increases);

~~((+))~~ (r) WAC 480-120-311 (Access charge and universal service reporting);

~~((t))~~ (s) WAC 480-120-344 (Expenditures for political or legislative activities);
~~((a))~~ (l) WAC 480-120-352 (Washington Exchange Carrier Association (WECA));
~~((v))~~ (u) WAC 480-120-369 (Transferring cash or assuming obligation);
~~((w))~~ (v) WAC 480-120-375 (Affiliated interests—Contracts or arrangements); ~~(and~~
~~(x))~~ (w) WAC 480-120-395 (Affiliated interest and subsidiary transactions report);
(x) WAC 480-120-389 (Securities report); and
(y) WAC 480-120-395 (Affiliated interest and subsidiary transactions report).

WAC 480-146-340 Reporting of securities transactions.
 WAC 480-146-370 Application for approval of lease of utility facilities.
 WAC 480-146-380 Form of lease application.

This rule supersedes all waivers of regulatory requirements for competitively classified companies granted by the commission at the time of a company's competitive classification. However, subsequent to the adoption of this rule, the commission may revoke the waiver of any regulatory requirement set forth in (a) through ~~((x))~~ (y) of this subsection or may waive any regulatory requirement not included in (a) through ~~((x))~~ (y) of this subsection.

(2) The commission may by order revoke waivers of regulatory requirements if it determines that revocation is necessary to protect the public interest.

(3) In addition, the commission may waive regulatory requirements for telecommunications companies that it has classified as competitive if it determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-146-240 Application of rules.
- WAC 480-146-250 Filing.
- WAC 480-146-260 Commission may require additional information.
- WAC 480-146-270 Applicant may include information by reference.
- WAC 480-146-280 Applicant duty when information is unavailable.
- WAC 480-146-290 Securities statements and applications.
- WAC 480-146-300 Filing requirements for securities statements and applications.
- WAC 480-146-310 Commission may set securities application or statement for public hearing.
- WAC 480-146-320 Minimum time required for commission order.
- WAC 480-146-330 Supplemental securities filings may be exempt from time limitations.

PROPOSED



WSR 05-10-033
EXPEDITED RULES
SECRETARY OF STATE

[Filed April 28, 2005, 9:02 a.m.]

Title of Rule and Other Identifying Information: WAC 434-04-017 Description of seal for use on state flags.

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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Steve Excell, Assistant Secretary of State, Office of the Secretary of State, P.O. Box 40220, Olympia, WA 98504-0220, AND RECEIVED BY July 6, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state flag contract provided by private vendors to the Department of General Administration has expired. General administration needs the new WAC in order to provide vendors, bidding on the contract to manufacture the Washington state flag, with the most accurate specifications and color numbers.

The permanent implementation of the amendments will clarify the colors used, and the proportional dimensions of the state seal in relation to the flag background dimensions.

Additionally, industry standard color specifications and manufacturing practices will ensure the state flag will meet consistent quality standards.

Reasons Supporting Proposal: (1) Standardizing the state seal placement and proportional size will result in uniformity in the product manufactured.

(2) Defining the colors to be used and the method of application will enable flag manufacturers to enter the bidding process with well defined criteria and ultimately deliver a product consistent with the WAC.

Statutory Authority for Adoption: RCW 43.04.040.

Statute Being Implemented: WAC 434-04-017.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Excell, Legislative Building, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4155.

April 26, 2005

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 89-20-031, filed 9/29/89, effective 10/30/89)

WAC 434-04-017 Description of seal for use on state flags. (1) Each flag shall have official identical seals, one on each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

((Flag Size:	Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"))

<u>Flag</u>	<u>Size Diameter of State Seal:</u>
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3; and the ratio of the flag height to flag width shall be 1:1.6;

(3) The following color references for textiles are by cable number (~~are these colors~~) in the Standard Color (~~Card~~) Reference of America, (~~Ninth~~) Tenth Edition (~~second issue~~) of The (~~Textile~~) Color (~~Card~~) Association of the United States, Inc., New York, New York(:

- (a) ~~Flag background~~—Irish green, cable #70, 168;
 - (b) ~~State seal background~~—Oriental blue, cable #70, 209;
 - (c) ~~State seal (portrait, lettering, outer and inner rings)—black;~~
 - (d) ~~Gold used in state seal and fringe (if any)—nugget gold, cable #70, 215;~~
 - (e) ~~Face of George Washington—PMS—169 (flesh tint).~~
- (4) ~~All colors shall be of colorfast washable dyes.)~~

<u>Flag Color</u>	<u>Cable Color (Textile)</u>	<u>Pantone Color (Process CMYK Printing)</u>
<u>Flag Background</u>	<u>Irish Green 80210</u>	<u>PMS DS-268-1</u>
<u>State Seal Background</u>	<u>Oriental Blue 80176</u>	<u>PMS DS-226-3</u>
<u>State Seal (portrait, lettering, outer and inner rings)</u>	<u>Black</u>	<u>PMS Process Black</u>
<u>State Seal Gold</u>	<u>Spanish Yellow 80068</u>	<u>PMS DS-5-4</u>
<u>Fringe (if any) Gold</u>	<u>Spanish Yellow 80068</u>	<u>PMS DS-5-4</u>
<u>George Washington's Face</u>	<u>Eggshell 80004</u>	<u>PMS DS-5-9</u>

- (4) All textile colors shall be of colorfast washable dyes;
- (5) The flag may be flown or displayed in its entirety as described herein; the state seal shall not be expropriated from the flag for any other use and such expropriation is regulated

EXPEDITED

by the statutes (chapter 43.04 RCW) and administrative rules (chapter 434-04 WAC) governing the use of the Washington state seal.

WSR 05-10-060
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 2, 2005, 3:45 p.m.]

Title of Rule and Other Identifying Information: State special education program—Home and/or hospital care—Extended absences, WAC 392-122-145.

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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY July 5, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To correct a WAC reference from WAC 392-171-486 to 392-172-218 in the definition of students eligible for home and/or hospital care. There is no impact to the definition of students eligible for home and/or hospital care and no change to existing rules.

Reasons Supporting Proposal: WAC 392-122-145 currently states: "Students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows...." WAC 392-171-486 was repealed effective November 11, 1995, and was replaced by WAC 392-172-218 Home/hospital instruction.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.150.290.

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

Name of Proponent: Superintendent of Public Instruction, governmental.

Name of Agency Personnel Responsible for Drafting: Jolynn Erickson, 600 South Washington Street, Olympia, (360) 725-6142; Implementation: Calvin W. Brodie, 600 South Washington Street, Olympia, (360) 725-6300; and Enforcement: Jennifer Priddy, 600 South Washington Street, Olympia, (360) 725-6292.

April 28, 2005
 Marty Daybell
 for Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 96-03-002, filed 1/3/96, effective 2/3/96)

WAC 392-122-145 State special education program—Home and/or hospital care—Extended absences. Students eligible under WAC ((392-171-486)) 392-172-218 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

(1) Students not deemed eligible special education students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student on the next monthly enrollment report day unless attendance has resumed. Such students shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible special education students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

WSR 05-10-061
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 2, 2005, 3:46 p.m.]

Title of Rule and Other Identifying Information: State institutional education program—Eligible programs, WAC 392-122-205.

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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY July 5, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To correct a typographical error in an RCW reference, from RCW 13.40.030 to 13.40.020 in the definition of "detention facility." There is no impact to the definition of students eligible for institution education funding and no change to existing rules.

Reasons Supporting Proposal: WAC 392-122-205(2) currently states: "Juvenile detention center—i.e., facilities meeting the definition of a 'detention facility' in RCW 13.40.030." The correct RCW reference for the definition of "detention facility" is RCW 13.40.020. This was a typographical error that is being corrected.

Statutory Authority for Adoption: RCW 28A.150.290.

EXPEDITED

Statute Being Implemented: RCW 28A.150.290.

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

Name of Proponent: Superintendent of Public Instruction, governmental.

Name of Agency Personnel Responsible for Drafting: Jolynn Erickson, 600 South Washington Street, Olympia, (360) 725-6142; Implementation: Calvin W. Brodie, 600 South Washington Street, Olympia, (360) 725-6300; and Enforcement: Jennifer Priddy, 600 South Washington Street, Olympia, (360) 725-6292.

April 28, 2005
Marty Daybell
for Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 01-24-002, filed 11/21/01, effective 12/22/01)

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include those provided in:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile detention centers—i.e., facilities meeting the definition of a "detention facility" in RCW ((13.40.030) 13.40.020).

(3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

(5) Adult correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

WSR 05-10-106
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 4, 2005, 11:31 a.m.]

Title of Rule and Other Identifying Information: Commercial fishing 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 THIS 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 North, Olympia, WA 98501-1091, AND RECEIVED BY August 1, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules amend the 2005 coastal harbor commercial salmon rules pursuant to the North of Falcon recommendations. They provide commercial fishing opportunity.

Reasons Supporting Proposal: These rules have been agreed upon through a federal negotiated rule-making process.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

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

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

May 4, 2005

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 04-183, filed 7/22/04, effective 8/22/04)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for ~~((coho and chinook))~~ salmon(,) and sturgeon. All nonlegal sturgeon and steelhead must be handled with care to minimize injury and released immediately:

Time	Areas
((6:00 a.m. October 8 through 6:00 p.m. October 8, and 6:00 a.m. October 14 through 6:00 p.m. October 14, 2004	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen, and that portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.))

EXPEDITED

Time	Areas
<u>7:30 a.m. October 8 through 6:30 p.m. October 8, 2005</u>	<u>2C</u>
<u>9:30 a.m. October 13 through 5:30 p.m. October 13, 2005, and 10:30 a.m. October 14 through 6:30 p.m. October 14, 2005</u>	<u>That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.</u>
	<u>AND</u>
	<u>That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.</u>

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(i) Fishers must ~~((be willing to))~~ take department observers if requested by department staff when participating in these openings, and provide notice of intent to participate by contact to the quick reporting phone, fax or e-mail, WAC 220-69-240, ~~((by))~~ prior to 10:00 a.m. ((October 7 if intending to fish on October 8, or 10:00 a.m. October 13 if intending to fish on October 14)) the day preceding each opening.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
((6:00 a.m. October 21 through 6:00 p.m. October 21	Area 2B
6:00 a.m. October 22 through 6:00 p.m. October 22	
6:00 a.m. October 27 through 6:00 p.m. October 27	
6:00 a.m. October 28 through 6:00 p.m. October 28, and	
6:00 a.m. October 29 through 6:00 p.m. October 29, 2004))	
<u>7:30 a.m. October 15 through 6:30 p.m. October 15, 2005</u>	
<u>7:30 a.m. October 16 through 6:30 p.m. October 16, 2005</u>	
<u>7:30 a.m. October 28 through 6:30 p.m. October 28, 2005, and</u>	
<u>7:30 a.m. October 29 through 6:30 p.m. October 29, 2005</u>	

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(d) Fishers must ~~((be willing to))~~ take department observers if requested by department staff when participating in these fisheries. Notice of intent to participate not required.

AMENDATORY SECTION (Amending Order 04-183, filed 7/22/04, effective 8/22/04)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time
6:00 p.m. September ((17)) 18 through 6:00 p.m. September ((30, 2004)) 23, 2005

Area
Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of Willapa Channel Marker 40, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

6:00 p.m. September 21 through 6:00 p.m. September 22 and 6:00 p.m. September 28 through 6:00 p.m. September 29, ((2004)) 2005

Area 2K

6:00 p.m. September 24 through 6:00 p.m. October 3, 2005

Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.

6:00 p.m. October ((10)) 9 through 6:00 p.m. October 11, ((2004)) 2005

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

6:00 p.m. October ((15)) 17 through 6:00 p.m. October ((17)) 20, ((6:00 p.m. October 18 through 6:00 p.m. October 20,)) and 6:00 p.m. October 24 through 6:00 p.m. October ((26, 2004)) 27, 2005

Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Time
Noon, November 6 through noon November 30, ((2004)) 2005

Area
Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) September 1 through October 3, ((2004)) 2005 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(d) October 4 through October 31, ((2004)) 2005 - 6-1/2 inch maximum mesh.

(e) November 1 through November 30, ((2004)) 2005 - 9-inch minimum mesh.

Other

(4) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

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 05-10-107
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 4, 2005, 11:32 a.m.]**

Title of Rule and Other Identifying Information: Sport fishing 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 THIS 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 North, Olympia, WA 98501-1091, AND RECEIVED BY August 1, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules amend the 2005 salmon rules pursuant to the North of Falcon recommendations. They will provide recreational opportunity while protecting endangered stocks. They set seasons, closed areas, and limits.

Reasons Supporting Proposal: These rules have been agreed upon through a federal negotiated rule-making process.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

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

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

May 4, 2005

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 04-201, filed 8/4/04, effective 9/4/04)

WAC 220-16-470 Wild. "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish. When "wild" is used to describe a salmon, "wild" means a salmon with an ~~((intact))~~ unclipped adipose fin, regardless of whether the ~~((fish))~~ salmon is ventral fin clipped. A salmon with a clipped adipose fin and having a healed scar at the site of the clipped fin is not a wild salmon.

AMENDATORY SECTION (Amending Order 05-15, filed 2/10/05, effective 5/1/05)

WAC 220-56-118 Fish handling rules—Removal from water. In order to protect fish that are required to be released:

(1) It is unlawful to totally or partially remove oversize sturgeon from the water.

(2) It is unlawful to totally or partially remove six-gill shark from the water.

(3) In all freshwater areas, except the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to totally remove salmon, steelhead, Dolly Varden or bull trout from the water if it is unlawful to retain those salmon, steelhead, Dolly Varden or bull trout.

(4) In Marine Areas 5 through 13, it is unlawful to bring wild salmon or a species of salmon aboard a vessel if it is unlawful to retain that salmon. For purposes of this subsection, "aboard" means inside the gunnel of a vessel.

(5) In Marine Area 2-2 east of the Buoy 13 line, salmon required to be released may not be totally removed from the water, except anglers fishing from vessels thirty feet or

longer as shown on their state registration or Coast Guard documentation are exempt from this subsection.

AMENDATORY SECTION (Amending Order 04-306, filed 11/23/04, effective 12/24/04)

WAC 220-56-123 Unlawful provisions—Westport and Ocean Shores Boat Basins. During the period August 16 through January 31, in the waters of the Westport and Ocean Shores Boat Basins:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) Nonbuoyant lures other than natural bait lures must have no more than one single point hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single point hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) Barbed hooks allowed.

(d) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

~~((d))~~ (e) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use forage fish jigger gear.

AMENDATORY SECTION (Amending Order 04-306, filed 11/23/04, effective 12/24/04)

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:
- Within any freshwater river, lake, stream or pond.
 - On the bank or within 10 yards of any freshwater river, lake, stream or pond.
 - 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, except salmon, means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin (~~((, except))~~). A hatchery salmon is a salmon ((missing only the)) having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.
- (12) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having ~~((a single))~~ only one 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, defined as lures with hooks and attachments (eyes, swivels, etc.), that do not have enough buoyancy to float in freshwater, 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 defined as a lure with hooks and attachments that has enough buoyancy to float in freshwater, and all hooks must be attached to or no more than three inches below a buoyant lure or within three inches of bait or a nonbuoyant lure. No hook may be attached to the line above a buoyant 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) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(28) "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.

(29) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(30) "Wild ~~((salmon))~~" when ~~(("wild" is))~~ used to describe a salmon (chinook, coho, chum, pink or sockeye), ~~(("wild"))~~ means a salmon with an ~~((intact))~~ unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

AMENDATORY SECTION (Amending Order 04-306, filed 11/23/04, effective 12/24/04)

WAC 220-56-180 Salmon statewide rules. (1) In fresh water and in Marine Areas 2-1 beginning August 16 and 2-2 east of the Buoy 13 line beginning September 1, adult salmon are:

Chinook over 24 inches in length,

Coho over 20 inches in length,

Pink, chum or sockeye over 12 inches in length, and

Atlantic salmon of any size. In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) In Marine Areas 1 through 4, in Area 2-1 from the opening date of adjacent ocean waters through August 15, and in Area 2-2 west of the Buoy 13 line, chinook salmon must be not less than ~~((26))~~ 24 inches in length, coho salmon

must be not less than 16 inches, but there is no minimum size on other salmon.

(3) In Marine Areas 5 through 13, chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(4) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

(5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

AMENDATORY SECTION (Amending Order 04-306, filed 11/23/04, effective 12/24/04)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line run-

ning northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed July 1 through ~~(July 31)~~ August 12.

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca:

~~((a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a straight line running from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal Buoy, then southerly to Black Rock, then to the easternmost point on James Island, then to Bird Rocks, then westerly to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from Salmon Bank Buoy to the Area 7 boundary—Closed to fishing for salmon July 1—July 31.~~

~~((b))~~ Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon ~~((August))~~ July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

(10) Port Susan - waters north of a line from Camano Head to a boundary marker approximately 1.4 miles northwest of Hermosa Point closed to salmon fishing August 1 through August 31.

(11) Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the light-

house closed to fishing for salmon August 1 through September 18.

AMENDATORY SECTION (Amending Order 05-15, filed 2/10/05, effective 5/1/05)

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

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

(2) It is unlawful to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) OPEN SEASONS:

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

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

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

(13) Daily limits and minimum sizes:

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

EXPEDITED

EXPEDITED

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
	Counts as a bonus limit in rivers, streams and beaver ponds. Total of five fish, including brook trout, in these waters.	
BURBOT	Five	None
CHANNEL CATFISH	Five.	None.
<p>(a) The following game fish species are managed as trout:</p> <ul style="list-style-type: none"> Eastern brook trout Brown trout Cutthroat trout Dolly Varden/Bull trout Golden trout Grayling Kokanee/Silver trout Lake trout Landlocked Atlantic salmon Rainbow trout/Steelhead Landlocked chinook and coho Tiger trout <p>(b) Wild steelhead release is required year-round, except as provided in exceptions to statewide rules.</p> <p>(c) All waters, statewide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.</p> <p>Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to statewide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.</p>		
WALLEYE	Five, not more than one over twenty-two inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Sixteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

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

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

(16) Marine waters rules: These rules apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except:

(i) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters(, and).

(ii) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(iii) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through August 31.

(iv) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

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

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

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

AMENDATORY SECTION (Amending Order 05-15, filed 2/10/05, effective 5/1/05)

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: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device

equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31 except closed 12:01 a.m. July ((6)) 5 through 2:00 p.m. July ((7)) 6 and 12:01 a.m. July ((12)) 11 through 2:00 p.m. July ((13)) 12. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. 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: Maximum size 12 inches in length.

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. Selective gear rules. All species: Release all fish.

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): Crappie: Daily limit ten, minimum length nine inches. 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. Closed waters: August 16 through October 31 from mouth to Rodgers Street. 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. Selective gear rules. Trout: Minimum length fourteen inches.

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 Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

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 unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. 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 unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. 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.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Same rules as adjacent waters of the Columbia River.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 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 last day in February season. Nonbuoyant lure restriction, night closure and single point 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 last day in

February 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 chum and wild adult chinook 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. 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. Nonbuoyant lure restriction and night closure September 16 through November 30. 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 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.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

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 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: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

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 Landsburg Road: June 1 through August 31 season. Selective gear rules and night closure. All species: Release all fish. Landsburg Road 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, 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. October 1 through November 30, mouth to Porter Bridge, ~~((the daily limit may contain not more than 1))~~ 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 and no night closure 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): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

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.

Chikamin Creek (Chelan County): Selective gear rules.

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 Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Land-locked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. 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. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

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: Release all fish except up to two hatchery steelhead may be retained per day.

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, minimum length nine inches.

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.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee 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, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit 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 except Camas Slough, where the license of either state is valid when fishing from a floating device.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through

March 31. August 1 through September 30, daily limit 2 salmon 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. October 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon and not more than one of which may be ((*) an adult 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, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings with barbed hooks allowed and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 14 and July 24 through December 31. Minimum size when open to retain sturgeon is 45 inches.

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 June 15 daily limit 6 hatchery jack chinook. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release (~~wild chinook and~~) sockeye. 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. August 1 through December 31 the daily limit may contain not more than 1 adult chinook. Release wild chinook January 1 through March 31. Sturgeon: (1) Release sturgeon May 1 through May 14 and July 24 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 45 inches; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

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, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (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. 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 (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to markers on the Washington and Oregon shores at Beacon Rock. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from February 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to Beacon Rock. Release sturgeon on other days and during other time periods. (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 of which no more than 2 may be adult salmon. Release (~~wild chinook and~~) sockeye. 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. August 1 through December 31, daily limit may contain not more than 1 adult chinook downstream from 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 October 1 through October 31. Release all trout except hatchery steelhead November 1 through March 31. Salmon: Open only June 16 through July 31 and August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release (~~wild chinook and~~) sockeye June 16 through July 31. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. 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.

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. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release (~~wild chinook and~~) sockeye June 16 through July 31.

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. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release (~~wild chinook and~~) sockeye June 16 through July 31.

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. Salmon: Open only July 16 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. From Wells Dam to Chief Joseph Dam, open only from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. 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: Release all fish except up to two hatchery steelhead may be retained per day.

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: Closed waters: From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam, and from 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery 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 Cowlitz salmon hatchery 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. Release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. 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 12 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: Release all fish except up to two hatchery steelhead may be retained per day. 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. Sturgeon: Release sturgeon May 1 through May 14 and July 24

through December 31. Minimum size when open is 45 inches.

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: 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): Selective gear rules. Game fish: 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.

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 unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. 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.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

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. Crappie: Daily limit ten, minimum length nine inches.

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, minimum length nine inches.

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 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 November 30 season. Selective gear rules. Trout: Daily limit one fish.

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. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. 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.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

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. Trout: Minimum length fourteen inches. Salmon: Open only Octo-

ber 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 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.

Ephrata Lake (Grant County): Closed waters.

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 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: Release all fish except up to two hatchery steelhead may be retained per day.

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 Pond, North (Snohomish County): Juveniles only.

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 14 inches. Release steelhead and wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. 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, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three 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, night closure and stationary gear restriction 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: Release all fish except up to two hatchery steelhead may be retained per day.

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. 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: 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 species: When nonbuoyant lure restriction in effect, only fish hooked inside the mouth may be retained. 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 2 of which may be adult salmon. Release chum and wild coho. 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 ~~((SW 43rd Street/South 180th Street))~~ Interstate 5 Bridge: June 1 through July 31 and September ~~((16))~~ 1 through February 15 season. Nonbuoyant lure restriction and night closure September 1 through November 30 First Avenue South Bridge to ~~((Pacific Highway South Bridge and September 16 through November 30 from Pacific Highway South Bridge to SW 43rd Street/180th Street))~~ Interstate 5 Bridge. Fishing from any floating device prohibited November 1 through ~~((last day in))~~ February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September ~~((16))~~ 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 1 through December 31 ~~((First Avenue Bridge to Pacific Highway South Bridge))~~. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 1 may be a chinook. ~~((Release chinook. Open only September 16 through December 31 Pacific Highway South Bridge to SE 43rd Street/South 180th Street Bridge. Daily limit 6 fish of which not more than 3 may be adult salmon. Release chinook salmon.))~~

From the Interstate 5 Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through February 15 season. Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through

February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release chinook.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through February 15. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and October 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 3 may be adult salmon. Release chinook ~~((salmon))~~.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only June 1 through July 31 and October 16 through last day in February. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. July 1 through July 31 and October 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through last day in February 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. July 1 through November 30, one wild steelhead per day may be retained. 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: Release all fish except up to two hatchery steelhead may be retained per day. 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 Feb-

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ruary 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 Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round 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~~ ~~+~~) May 18 through April 15 season. May 18 through May 31, open Wednesday through Sunday only from mouth to Willoughby Creek only. Willoughby Creek to park boundary closed through May 31. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. Catch and release during May, except up to two hatchery steelhead may be retained on open days. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch, 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~~) 18 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. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): 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. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

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. Selective gear rules and all species: Release all fish except up to two hatchery steelhead may be retained per day, from March 1 through March 31. 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 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.

Humtuplups River (Grays Harbor County), from mouth to forks: June 1 through 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 January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release ((wild)) adult ((eoh)) chinook. October 16 through November 30 the daily limit may contain no more than 1 wild adult ((ehinook)) coho. December 1 through January 31 release wild adult ((ehinook)) coho.

Humtuplups River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtuplups Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humtuplups 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.

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. 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 (Grays Harbor County): Mouth to Ballon Creek: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 ((~~from mouth to Ballon Creek~~)). Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ballon Creek upstream, including North and South Forks: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

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.

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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. Selective gear rules. Trout: Minimum length fourteen inches.

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 Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters when the rack is installed. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to ~~((one thousand five hundred feet below))~~ the rack. All species: When nonbuoyant lure restriction in effect only fish hooked inside the mouth may be retained. 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: Release all trout except up to two hatchery steelhead may be retained per day. 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. Release hatchery coho October 16 through December 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. All species: Selective gear rules. Trout: 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: April 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 April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: April 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 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 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.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

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 one over 14 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: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit six fish of which not more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Lawful to retain sturgeon on Thursdays, Fridays and Saturdays, February 1 through July 31 and October 1 through December 31. Release sturgeon on other days and during other time periods.

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. Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. Daily limit six fish of which not more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

From 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.

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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.

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.

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 Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 31 season, except for hatchery steelhead and chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and October 1 through October 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. March 16 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 release all fish except up to two hatchery steelhead may be retained per day. 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 (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

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.

Lucky Duck Pond (Stevens County): Juveniles only.

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: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. 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 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: 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. 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 com-

bustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. 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: Release all fish except up to two hatchery steelhead may be retained per day.

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 Gose 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. Trout: Daily limit three hatchery steelhead.

From Gose 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.

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 the Quinalt Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

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. Selective gear rules. Trout: Minimum length fourteen inches.

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 from two hundred feet upstream of the Naselle Salmon Hatchery water supply intake barrier to four hundred feet downstream of the entrance to the Naselle Salmon Hatchery attraction channel closed July 16 through October 15.

Mainstem: June 1 through April 15 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. Stationary gear restrictions downstream from the Crown Main Line Bridge August 16 through November 30. Selective gear rules March 1 through April 15 from mouth to North Fork. 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. No more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

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 the fish barrier dam at Fishtrap Lake.

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 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. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North 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))~~ gear restriction 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. 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 Leonard Road. 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 Leonard Road. 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.

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 yellow marker at the FFA High School 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 yellow marker at the FFA High School barn in Deming. Open only October 16 through December 31 in mainstem from the FFA 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 pink and wild coho, release wild chinook from mouth to FFA barn, and release chinook from FFA barn to forks and in North Fork.

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 pink, 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 (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

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.

Oasis Park Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

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. Salmon: Open only July 16 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.

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: Release all fish except up to two hatchery steelhead may be retained per day.

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.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

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 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: Minimum length nine inches. 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. Single point barbless hooks, non-buoyant 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 (~~September~~) August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than ((2)) 4 may be adult salmon and of the adult salmon no more than two may be chinook, coho or chum or a combination of chinook, coho and chum. Release wild adult chinook.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through last day in February season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): 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.

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): Open year-round. May 1 through 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. March 1 through August 31 release wild adult coho and unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. 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. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to 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 twelve 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 (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

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.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): Chumming allowed. All species: Closed January 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. Walleye: 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): Chumming allowed. 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: Release all fish except up to two hatchery steelhead may be retained per day.

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) outside of Olympic National Park and Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 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 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: 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. January 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): Trout: Minimum length 14 inches in mainstem and all forks. 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.

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. Crappie: Daily limit ten, minimum length nine inches.

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.

Silvas Creek (Klickitat County): Trout: Release all trout.

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 (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

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 4~~) August 16 through December 31. Daily limit (~~three~~) two salmon except (~~release chum 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 4~~) August 16 through December 31. Daily limit (~~three~~) two salmon except (~~release chum and~~) release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. Daily limit (~~three~~) two salmon except (~~release chum and~~) release chinook.

From the Dalles Bridge at Concrete to the (~~Cascade River~~) Highway 530 Bridge at Rockport - Salmon open July 1 through July 31 except closed 12:01 a.m. July 5 until 2:00 p.m. July 6 and 12:01 a.m. July 11 until 2:00 p.m. July 12, and, 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. Daily limit (~~three~~) two salmon except release (~~chum and release~~) chinook.

From the Highway 530 Bridge at Rockport to the Cascade River - Salmon open June 1 through July 8. Daily limit two salmon. Release all salmon except hatchery chinook. Salmon open September 16 through December 31. Daily limit two salmon. Release chinook.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required (~~(September)~~ August 1 through November 30 mouth to Highway 101. June 1 through (~~(July 31 and September 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 (~~(September)~~ August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon (~~(September)~~ August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. 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.

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 Creek (Klickitat County): Trout: Release all trout.

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 (~~(September 1)~~ August 16 through December 31 mouth to Lewis Street Bridge in Monroe. Daily limit ((2)) 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. Release chinook (~~(and pink salmon)~~). Open June ((16)) 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery chinook. Open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit ((2)) 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. 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)) 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. 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 three 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. Up to but not more than 3 bass over fifteen inches in length may be retained. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. 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. ((~~Selective gear rules August 1 through~~

~~August 31.)) 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 August ((~~4~~)) 16 through December 31. Daily limit ((~~2~~)) 4 salmon of which no more than 2 may be coho or chum or a combination of coho and chum. ((~~August 1 through August 31 release all salmon except pink salmon. September 1 through December 31~~)) 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: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Sol Duc Hatchery to the 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 Sol Duc 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 March 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. March 1 through August 31 release wild adult coho and unmarked adult chinook. Unmarked chinook are chinook with unclipped adipose and ventral fins. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 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. Trout: Minimum length fourteen inches. Salmon: Open only October ((9)) 8 through October ((34)) 30 to fishing by juveniles only. Night closure October ((9)) 8 through October ((34)) 30. Terminal gear restricted to one single point 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 Sep-

tember 15 season. Crappie: Daily limit ten, minimum length nine inches.

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 Marine Drive, including all sloughs: Year-round season: Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

From Marine Drive 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. Game fish: June 1 through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Non-buoyant 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.

Swale Creek (Klickitat County): Trout: Release all trout.

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): Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

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 August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

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 31 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. Release cutthroat. 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.

Tokol 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):

Bass: Bass 12 to 17 inches in length may be retained. Up to but not more than 3 greater than 15 inches may be retained as part of the daily limit.

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: 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. Trout: Daily limit three fish.

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 up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. 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 steel-

head and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery 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 hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery 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 North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

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. Release chum, 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.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

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 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 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 pro-

hibited. 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. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery 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. Trout: Release all trout. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted.

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 steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release 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 High-

way 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, night closure and stationary gear restriction September 1 through October 31. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. 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 may be adult salmon. Release chum and wild coho. Release hatchery coho October 16 through December 31. Upstream of Little Washougal River, release chinook October 1 through November 30.

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 River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with a motor allowed. 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, including Lake Jolanda (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 no 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 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.

Wheeler Creek (Klickitat County): Trout: Release all trout.

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 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: 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. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. 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, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth 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 November 30. All species: Release all fish except 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. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Salmon and steelhead: Open March 16 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. 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 Coffer 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. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. 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. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, March 1 through March 31. 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. 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. Channel catfish: No daily limit.

From mouth to Prosser Dam: Chumming permitted. Salmon: Open only September 1 through October 22. 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 Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

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 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.

AMENDATORY SECTION (Amending Order 04-182, filed 7/22/04, effective 8/22/04)

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. Open when a daily limit is provided:

- (1) Catch Record Card Area 1:
 - (a) May 1 through ~~((June 26))~~ July 2 - Closed.
 - (b) ~~((June 27))~~ July 3 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.
 - (c) October 1 through April 30 - Closed.
 - (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 June ~~((26))~~ 25 - Closed.
 - (b) Area 2 June ~~((27))~~ 26 through September ~~((19))~~ 18 except closed to salmon fishing August 1 through September 18 in the Grays Harbor Control Zone described in WAC 220-56-195(11) and Area 2-2 west of Buoy 13 June 26 through July 31 - Open Sundays through Thursdays only. Daily limit

2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) Area 2 September ~~((20))~~ 19 through April 30 and Area 2-2 west of Buoy 13 August 1 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

- (a) May 1 through September 15 - Closed.
- (b) September 16 through November 30 - Daily limit of ~~((six))~~ 2 salmon (~~((not more than two of which may be adult salmon))~~). ~~((Of the adult salmon, not more than one may be an adult))~~ Release chinook salmon.

(c) December 1 through April 30 - Closed.

(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 June ~~((26))~~ 25 - Closed.
- (b) June ~~((27))~~ 26 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(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 June ~~((26))~~ 30 - Closed.
- (b) ~~((June 27))~~ July 1 through September ~~((19))~~ 18 - Open Tuesday through Saturday only. Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) September ~~((20))~~ 19 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, waters (~~((inside three miles from shore))~~) north of 47°50'00"N latitude and south of ~~((47°58'00"))~~ 48°00'00"N latitude open September ~~((25))~~ 24 through October ~~((10))~~ 9 - Daily limit two salmon, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

- (a) May 1 through June ~~((26))~~ 30 - Closed.
- (b) ~~((June 27))~~ July 1 through September ~~((19))~~ 18 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release chinook salmon caught east of the Bonilla-Tatoosh line August 1 through September ~~((19))~~ 18. Release chum salmon August 1 through September ~~((19))~~ 18.

(c) September ~~((20))~~ 19 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 04-182, filed 7/22/04, effective 8/22/04)

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 August 10 - Daily limit ((2)) 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, wild chinook and wild coho.

(c) August 11 through September 30 - Daily limit of ((2)) 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, chinook and wild coho.

(d) October 1 through October 31 - Closed.

(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 February 15 - Closed.

(g) February 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through August 10 - Daily limit ((2)) 4 salmon not more than 2 of which may be salmon other than pink 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.

(c) August 11 through September 30 - Daily limit of ((2)) 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum, chinook and wild coho.

(d) 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.

(e) 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.

(f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) December 1 through February 15 - Closed.

(h) February 16 through April 10 - Daily limit 1 salmon.

(i) 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)) 4 salmon, not more than one of which may be a chinook salmon and not more than two of which may be salmon other than pink salmon. Closed to salmon fishing in the Southern Rosario Strait and 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 ((2)) 4 salmon, ((of which)) not more than one of which may be a chinook salmon and not more than two of which may be salmon other than pink salmon. Release chum and wild coho. Closed to salmon fishing in the ((Southeastern)) Southern Rosario Strait and Eastern 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. November 1 through June 30 - Same rules as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon((-Release)), not more than one of which may be a chinook salmon.

(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)). Release 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 ((October 31)) September 30 - Daily limit of ((2)) 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chinook.

(c) ((November)) October 1 through ((November 30)) Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) ~~December 1 through January 31 - Closed.~~

(e) ~~February 1 through March 31 - Daily limit of 1 salmon.~~

(f) ~~April 1 through~~) April 30 - ((Closed)) Daily limit 2 salmon. Release wild chinook.

(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 - June 3 through June ((18)) 17 and June 19 through July 31, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon.

(b) August 1 through ((October 31)) September 30 - Daily limit ((2)) 4 salmon of which not more than 2 may be salmon other than pink salmon, 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 27, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon and except waters of Port Susan described in WAC 220-56-195(10) closed August 1 through August 31 and release pink salmon September 1 through September 30.

(c) ((November)) October 1 through ((November 30)) Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) ~~December 1 through February 15 - Closed.~~

(e) ~~February 16 through April 10 - Daily limit of 1 salmon.~~

(f) ~~April 11 through~~) April 30 - ((Closed)) Daily limit 2 salmon. Release wild chinook.

(6) Catch Record Card Area 9:

(a) May 1 through July ((15)) 31 - Closed.

(b) ((July 16 through July 31 - Daily limit of 2 salmon. Release chinook.

~~((e))~~ August 1 through September 30 - Daily limit of ~~((2))~~ 4 salmon of which not more than 2 may be salmon other than pink salmon. Release chum and chinook.

~~((d))~~ ~~((c))~~ October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

~~((e))~~ ~~((d))~~ November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.

~~((f))~~ ~~((e))~~ December 1 through January 31 - Closed.

~~((g))~~ ~~((f))~~ February 1 through April 15 - Daily limit 1 salmon.

~~((h))~~ ~~((g))~~ April 16 through April 30 - Closed.

~~((i))~~ ~~Hoed Canal Bridge Fishing Pontoon: Closed.~~

~~((j))~~ ~~((h))~~ Edmonds Fishing Pier: Open ~~((only June 16 through April 30))~~ year-round - 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.

(c) July 1 through ~~((October 31))~~ September 30 - Daily limit ~~((2))~~ 4 salmon not more than 2 of which may be salmon other than pink 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))~~ 23, except waters east of a line from Pier 91 to Duwamish Head open July ~~((16))~~ 8 through 11:59 a.m. August 22, and open only on Friday through ((Sunday)) Monday of each week - Daily limit ~~((2))~~ 4 salmon not more than 2 of which may be salmon other than pink salmon. Release chum August 1 through August 22.

(d) Waters of Sinclair Inlet and Port Orchard south of the Mallett 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 2 salmon July 1 through September 30. Release chum August 1 through September 15.

(e) ~~((November))~~ October 1 through ((November 30)) October 15 - Daily limit of 2 salmon ~~((, not more than one of which may be a))~~. Release chinook salmon.

(f) ~~((December 1 through December 15 - Closed.))~~ October 16 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) December ~~((16))~~ 1 through ~~((last day in February))~~ January 31 - 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))~~ January 31.

(h) ~~((March))~~ February 1 through April 30 - Closed.

(i) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open ~~((only June 16 through April 30))~~ year-round - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.

(j) East Duwamish waterway - Waters between a line projected east along the path of SW Hanford Street and a line projected east from the south tip of Harbor Island - July 1

through October 31 terminal gear restricted to bait suspended above the bottom by a float.

(8) Catch Record Card Area 11:

(a) May 1 through ~~((June 15))~~ May 31 - Closed.

(b) June ~~((16))~~ 1 through June 30 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through ~~((October 31))~~ September 30 - Daily limit of ~~((2))~~ 4 salmon not more than 2 of which may be salmon other than pink salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed ~~((June 16))~~ July 1 through ~~((July 31))~~ August 12.

~~((e))~~ ~~((d))~~ October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

~~((d))~~ ~~((f))~~ January 1 through February 15 - Closed.

~~((e))~~ ~~((g))~~ February 16 through April 10 - Daily limit of 1 salmon.

~~((f))~~ ~~((h))~~ April 11 through April 30 - Closed.

~~((g))~~ ~~((i))~~ Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier and Point Defiance Boathouse Dock: Open ~~((only June 16 through April 30))~~ year-round - 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 15 - Closed.

(g) February 16 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 ~~((June 15))~~ May 31 - Daily limit 2 salmon. Carr Inlet north of a line from Penrose Point to Green Point - Closed.

(b) June ~~((16))~~ 1 through June 30 - ~~((Daily limit 2 salmon - Waters of Carr Inlet north of a line from Penrose Point to Green Point))~~ 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 July 1 through July 31, except open to fly fishing only for hatchery coho.

EXPEDITED

(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) Fox Island Public Fishing Pier: Open (~~only June 16 through April 30~~) year-round - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

EXPEDITED

WSR 05-10-008
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF

[Filed April 25, 2005, 11:29 a.m., effective May 26, 2005]

WSR 05-10-024
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 26, 2005, 11:02 a.m., effective June 30, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To allow the board of trustees to set regular monthly meeting schedule annually.

Citation of Existing Rules Affected by this Order: Amending WAC 148-100-010.

Statutory Authority for Adoption: RCW 72.42.031.

Adopted under notice filed as WSR 05-06-103 on April 21, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 21, 2005.

Todd Reeves
 Superintendent

AMENDATORY SECTION (Amending WSR 02-22-059, filed 11/1/02)

WAC 148-100-010 Time and place of board meetings. The board of trustees (~~shall hold regular meetings on the first Wednesday of~~) customarily holds a regular meeting each month pursuant to a schedule established yearly by the board and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with RCW 42.30.080. A regular meeting may be canceled by action of the board or the board chair.

Meetings of the board shall be at the Washington School for the Deaf, 611 Grand Blvd., Vancouver, Washington 98661, or at such other location as the board may determine.

All regular and special meetings are open to the general public; however, the chair may call an executive session when permitted by law at which members of the general public shall not be present unless invited.

No official business may be conducted by the board of trustees except during a regular or special meeting. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board.

Effective Date of Rule: June 30, 2005.

Purpose: Electrical safety standards, administration, and installation (chapter 296-46B WAC). The primary purpose of this rule making is to update the electrical rules to adopt the current American National Standard Institute (ANSI) standards and the 2005 National Electrical Code (NEC), which are national consensus standards that the industry is already using. Changes also made the electrical rule easier to use and understand, corrected some typographical errors, and reformatting for usability. The rule also allowed the electrical industry to make proposals to improve code interpretations and align rules with industry practices.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-010 General. Adopted standards—Inspectors—City inspection—Variance, 296-46B-020 General definitions, 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions, 296-46B-110 General—Requirements for electrical installations, 296-46B-210 Wiring and protection—Branch circuits, 296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations, 296-46B-225 Wiring and protection—Outside branch circuits and feeders, 296-46B-230 Wiring and protection—Services, 296-46B-250 Wiring and protection—Grounding and bonding, 296-46B-300 Wiring methods and materials—Wiring methods, 296-46B-314 Wiring methods and materials—Outlet, device, pull and junction boxes, 296-46B-334 Wiring methods and materials—Nonmetallic-sheathed cable, 296-46B-410 Equipment for general use—Luminaires, 296-46B-700 Special conditions—Emergency systems, 296-46B-800 Communications systems—Communications circuits, 296-46B-900 Electrical work permits and fees, 296-46B-915 Civil penalty schedule, 296-46B-920 Electrical/telecommunications license/certificate types and scope of work, 296-46B-925 Electrical/telecommunications contractor's license, 296-46B-930 Assignment—Administrator or master electrician, 296-46B-935 Administrator certificate, 296-46B-940 Electrician/training/temporary certificate of competency or permit required, 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations, 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties, 296-46B-955 Appliance repair specialty electrician enforcement procedures, 296-46B-960 Administrator and electrician certificate of competency examinations, 296-46B-965 Training certificate required, 296-46B-970 Continuing education and 296-46B-998 Standards; new sections WAC 296-46B-590 Special occupancies—Temporary installations and 296-46B-760 Fire alarm systems; and repealing WAC 296-46B-527 Special occupancies—Temporary installations and 296-46B-951 Domestic appliance specialty.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201,

PERMANENT

19.28.211, 19.28.241, 19.28.251, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, and 19.28.551.

Adopted under notice filed as WSR 05-06-063 on March 1, 2005.

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 29, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 29, 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 29, Repealed 2.

Date Adopted: April 26, 2005.

Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.

(1) The ~~((2002))~~ 2005 edition of the National Electrical Code (NFPA 70 - ~~((2002))~~ 2005) including Annex A, B, and C ~~((, but excluding Article 80))~~; the ~~((1999))~~ 2003 edition of ~~((Centrifugal Fire Pumps))~~ standard for the Installation of Stationary Pumps for Fire Protection (NFPA 20 - ~~((1999))~~ 2003); the 2002 edition of standard for Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-7 December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - ~~A~~ - ~~((1994))~~ 2002); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-~~((1999))~~ December 2001); and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-~~((A))~~B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between ~~((Centrifugal Fire Pumps))~~ standard for Installation of Stationary Pumps for Fire Protection

(NFPA 20), standard for Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-~~((A))~~B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

Inspection.

(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to ~~((permit))~~ allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(6) Cables or raceways, fished according to the NEC, do not require visual inspection.

(7) ~~((Wires pulled into conduit systems are not considered concealed.))~~ All required equipment grounding conductors installed in concealed ~~((raceway,))~~ cable~~((s))~~ or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC

296-46B-030(3), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(10) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection - move on buildings and structures.

(11) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Classification or definition of occupancies.

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required

for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclu-

sively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review not required.

Plan review for educational, institutional or health care facilities and other buildings.

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That ((leads and)) service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(16) ~~((All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Plans are not required to be on the job site for a preliminary electrical inspection if:~~

~~(a) Completed electrical plans have been submitted and conditionally accepted by the department for review; and~~

~~(b) The permit holder has requested the inspection in writing to the department noting that the preliminary electrical inspection is conditional and subject to any changes required from the plan review process. No other inspections will be allowed until the department has approved all submitted plans and the approved plans are on the job site.~~

(17) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting electrical engineer registered under chapter 18.43 RCW, and chapters 246B-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(18) Plans for these electrical installations within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review rather than to the department,

unless the agency licensing or regulating the installation specifically requires review by the department.

(19) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(20) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid.

(21) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or electrical contractor.

(22) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(a) The date of the measurements.

(b) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(c) A diagram of the electrical system identifying the point(s) of measurement.

(d) Building demand measured continuously on the highest loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

(23) Due to their minimal load requirements, plan review of the following limited energy systems will not be required: Fire alarm, nurse call, intrusion or security alarm, intercom, public address, music, energy management, programmed clock, or telecommunications.

(24) When the service or feeder load calculation is affected five percent or less by the addition or alteration of five or less branch circuits, plan review for the branch circuits may be requested from the department's local inspection office. Permission for such small project plan review may be granted at the discretion of the electrical inspection field supervisor, the plans examiner supervisor, or the chief electrical inspector.) Electrical plan review.

(a) Electrical plan review is not required for:

(i) Lighting specific projects that result in an electrical load reduction on each feeder involved in the project;

(ii) Low voltage systems;

(iii) Projects where the:

Service and feeder load calculation is affected by five percent or less;

Work does not involve critical branch circuits or feeders as defined in NEC 517.2; and

Affected service or feeder does not exceed 250 volts, 400 amperes;

(iv) Stand-alone utility fed services that do not exceed 250 volts, 400 amperes where the project's distribution system does not include:

Emergency systems other than listed unit equipment per NEC 700.12(E);

Critical branch circuits or feeders as defined in NEC 517.2; or

A required fire pump system.

(b) Electrical plan review is required for all other new or altered electrical projects in educational, institutional, or health care occupancies classified or defined in this chapter.

(c) If a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun.

(d) Electrical plans.

(i) The plan must be submitted for plan review prior to beginning any electrical inspection. If a plan is rejected during the plan review process, no electrical inspection(s) may proceed until the plan is resubmitted and a conditional acceptance is granted.

(ii) The submitted plan will receive a preliminary review within seven business days after receipt by the department.

(iii) If the submitted plan:

Is rejected at the preliminary review, no inspection(s) will be made on the project.

Receives conditional acceptance, the permit holder may request a preliminary inspection(s) in writing to the department. The request must note that the preliminary inspection(s) is conditional and subject to any alterations required from the final plan review process.

(iv) Once the submitted plan has plan review approval, the approved plan must be available on the job site for use by the electrical inspector.

(v) The approved plan must be available on the job site, for use by the electrical inspector, prior to the final electrical inspection.

(vi) If the approved plan requires changes from the conditionally accepted plan, alterations to the project may be required to make the project comply with the approved plan.

(e) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(f) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(g) Plans for projects within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review, unless the agency regulating the installation specifically requires review by the department.

(h) Plans to be reviewed by the department must be legible, identify the name and classification of the facility,

clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid. Fees will be calculated based on the date the plans are received by the department.

(i) The department may perform the plan review for new or altered electrical installations of other types of construction when the owner or electrical contractor makes a voluntary request for review.

(j) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(i) The date of the measurements.

(ii) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(iii) A diagram of the electrical system identifying the point(s) of measurement.

(iv) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

Wiring methods for designated building occupancies.

~~((25))~~ (17) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

~~((26))~~ (18) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 010-1 and 010-2.

1. Wiring methods in accordance with the NEC unless otherwise noted.

2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that metallic raceway or cable is required in places of assembly.

3. Limited energy system may use wiring methods in accordance with the NEC.

Table 010-1 Health or Personal Care Facilities

Health or Personal Care Facility Type ⁽¹⁾	Plan Review Required
Hospital	YES
Nursing home unit or long-term care unit	YES
Boarding home or assisted living facility	YES
Private alcoholism hospital	YES
Alcoholism treatment facility	YES
Private psychiatric hospital	YES
Maternity home	YES
Birth center or childbirth center	NO
Ambulatory surgery facility	YES
Hospice care center	NO
Renal hemodialysis clinic	YES
Medical, dental, and chiropractic clinic	NO
Residential treatment facility for psychiatrically impaired children and youth	YES
Adult residential rehabilitation center	YES
Group care facility	NO

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

Educational, Institutional or Other Facility Type	Plan Review Required
Educational ⁽²⁾⁽³⁾	YES
Institutional ⁽²⁾⁽³⁾	YES
Places of assembly for 100 or more persons ⁽¹⁾	NO
Child day care center ⁽¹⁾	NO
School-age child care center ⁽¹⁾	NO
Family child day care home, family child care home, or child day care facility ⁽¹⁾	NO

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-020 General definitions. (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) "**Accreditation**" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) "**Administrative law judge**" means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

(4) "**ANSI**" means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) "**Appeal**" is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) "**Appellant**" means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) "**ASTM**" means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(8) "**AWG**" means American Wire Gauge.

(9) "**Basement**" means that portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane and not a basement where the finished surface of the floor above the basement is:

(a) More than 1829 mm (six feet) above grade plane;

(b) More than 1829 mm (six feet) above the finished ground level for more than 50% of the total building perimeter; or

(c) More than 3658 mm (twelve feet) above the finished ground level at any point.

Also see "mezzanine" and "story."

(10) "**Board**" means the electrical board established and authorized under chapter 19.28 RCW.

((+0)) (11) "**Chapter**" means chapter 296-46B WAC unless expressly used for separate reference.

((+1)) (12) "**Category list**" is a list of nonspecific product types determined by the department.

((+2)) (13) A "**certified electrical product**" is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

((+3)) (14) A "**certification mark**" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

((+4)) (15) "**Certificate of competency**" includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

((+5)) (16) A laboratory "**certification program**" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

((+6)) (17) A "**complete application**" includes the submission of all appropriate fees, documentation, and forms.

((+7)) (18) "**Construction**," for the purposes of chapter 19.28 RCW, means electrical construction.

(19) "**Department**" means the department of labor and industries of the state of Washington.

((+8)) (20) "**Director**" means the director of the department, or the director's designee.

((+9)) (21) "**Electrical equipment**" includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006(9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

((+20)) (22) An "**electrical products certification laboratory**" is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

((+21)) (23) An "**electrical products evaluation laboratory**" is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

((+22)) (24) "**Field evaluated**" means an electrical product to which a field evaluation mark is attached. Field

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evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

((23)) (25) **"Field evaluation mark"** is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

((24)) (26) A **"field evaluation program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

((25)) (27) The **"filing"** is the date the document is actually received in the office of the chief electrical inspector.

((26)) (28) **"Final judgment"** means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

((27)) (29) **"Fished wiring"** is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

((28)) (30) **HVAC/refrigeration specific definitions:**

(a) **"HVAC/refrigeration"** means heating, ventilation, air conditioning, and refrigeration.

(b) **"HVAC/refrigeration component"** means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) **"HVAC/refrigeration control panel"** means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) **"HVAC/refrigeration control system"** means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) **"HVAC/refrigeration equipment"** means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) **"HVAC/refrigeration system"** means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition

excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

((29)) (31) **"IBC"** means the International Building Code. Copies of the IBC are available from the International Code Council.

(32) An **"individual"** or **"party"** or **"person"** means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

((30)) (33) An **"installation"** includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

((31)) (34) An **"identification plate"** is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

((32)) (35) **"License"** means a license required under chapter 19.28 RCW.

((33)) (36) **"Labeled"** means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

((34)) (37) A **"laboratory"** may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

((35)) (38) A **"laboratory operations control manual"** is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

((36)) (39) **"Like-in-kind"** means having similar characteristics such as voltage requirement, current draw, circuit overcurrent and short circuit characteristics, and function within the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

((37)) (40) **"Lineman"** is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

((38)) (41) **"Listed"** means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

((39)) (42) **"Low voltage"** means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

~~((40))~~ (43) **"Mezzanine"** is the intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Also see "basement" and "story."

(44) **"NEC"** means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

~~((41))~~ (45) **"NEMA"** means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

~~((42))~~ (46) **"NESC"** means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

~~((43))~~ (47) **"NETA"** means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

~~((44))~~ (48) **"NFPA"** means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

~~((45))~~ (49) **"NRTL"** means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

~~((46))~~ (50) **"Point of contact"** for utility work, means the point at which a customer's electrical system connects to the serving utility system.

~~((47))~~ (51) **"Proceeding"** means any matter regarding an appeal before the board including hearings before an administrative law judge.

~~((48))~~ (52) **"Public area or square"** is an area where the public has general, clear, and unrestricted access.

~~((49))~~ (53) A **"quality control manual"** is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

~~((50))~~ (54) **"RCW"** means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

~~((51))~~ (55) A **"stand-alone amplified sound or public address system"** is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

~~((52))~~ (56) **"Service"** or **"served"** means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

~~((53))~~ (57) **"Story"** is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Next above means vertically and not necessarily directly above. Also see "basement" and "mezzanine."

(58) **"Structure,"** for the purposes of this chapter and in addition to the definition in the NEC, means something constructed either in the field or factory that is used or intended for supporting or sheltering any use or occupancy as defined by the IBC.

(59) A **"telecommunications local service provider"** is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

~~((54))~~ (60) **"Telecommunications network demarcation point"** is as defined in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

~~((55))~~ (61) **"TIA/EIA"** means the Telecommunications Industries Association/Electronic Industries Association which publishes the *TIA/EIA Telecommunications Building Wiring Standards*. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

~~((56))~~ (62) A **"training school"** is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

~~((57))~~ (63) **"Under the control of a utility"** for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

~~((58))~~ (64) **"UL"** means Underwriters Laboratory.

~~((59))~~ (65) **"Utility"** means an electrical utility.

~~((60))~~ (66) **"Utility system"** means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

~~((61))~~ (67) **"Utilization voltage"** means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

~~((62))~~ (68) **"Variance"** is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

~~((63))~~ (69) **"WAC"** means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions.

(1) Specific definitions for this section:

(a) **"Department evaluation"** means a review in accordance with subsection (2)(c) of this section.

(b) **"Food processing plants"** include buildings or facilities used in a manufacturing process, but do not include:

(i) Municipal or other government facilities;

(ii) Educational facilities or portions thereof;

(iii) Institutional facilities or portions thereof;

(iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(c) In RCW 19.28.010, **"industrial control panel"** means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

(d) **"Industrial plants"** include buildings or facilities used in a manufacturing process, but do not include:

(i) Municipal or other government facilities;

(ii) Educational facilities or portions thereof;

(iii) Institutional facilities or portions thereof;

(iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(e) **"Industrial utilization equipment"** means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization equipment does not include: Cold storage, warehousing, or similar storage equipment.

(f) **"Manufacturing process"** means to make or process a raw material or part into a finished product for sale using industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(g) **"Normal department inspection"** is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equip-

ment is subject to the progress inspection rates in WAC 296-46B-905.

(h) For the purposes of this section, **"panel"** means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

Safety standards.

(2) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By department evaluation showing compliance with appropriate standards. Appropriate standards are NEMA, ANSI, NFPA 79, UL 508A or International Electrotechnical Commission 60204 or their equivalent. Industrial utilization equipment is required to conform to a nationally or internationally recognized standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) The equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to an appropriate standard(s). The letter must state:

(A) The equipment manufacturer's name;

(B) The type of equipment;

(C) The equipment model number;

(D) The equipment serial number;

(E) The equipment supply voltage, amperes, phasing;

(F) The standard(s) used to manufacture the equipment.

Except for the reference of construction requirements to ensure the product can be installed in accordance with the National Electrical Code, the National Electrical Code is not considered a standard for the purposes of this section;

(G) Fault current interrupting rating of the equipment or the owner may provide documentation showing that the fault current available at the point where the building wiring connects to the equipment is less than ((10,000)) 5,000 AIC; and

(H) The date the equipment was manufactured. Equipment that was manufactured prior to January 1, 1985, is not required to meet (c)(i)(F) of this subsection.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section.

(iii) The chief electrical inspector will evaluate the equipment manufacturer's letter, equipment owner's letter, and the individual equipment.

If the equipment is determined to have had electrical modifications since the date of manufacture, the chief electrical inspector will not approve equipment using this method.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English,

of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter. At the request of the owner, the department will obtain a copy of any necessary standard to complete the review. If, per the owner's request, the department obtains the copy of the standard, the owner will be billed for all costs associated with obtaining the standard.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.010(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(3) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-110 General—Requirements for electrical installations.

012 Mechanical execution of work.

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

016 Flash protection.

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

022 Identification of disconnecting means.

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is

required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words "CAUTION - SERIES COMBINATION RATED SYSTEM" must be on the label in letters at least 13 mm (1/2") high.

030 Over 600 volts - general.

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

(6) Only licensed electrical contractors can use the Class B basic electrical inspection - random inspection process. Health care, large commercial, or industrial facilities using an employee who is a certified electrician(s) can use the Class B basic electrical inspection - random inspection process after permission from the chief electrical inspector.

(7) If the Class B basic electrical inspection - random inspection process is used, the following requirements must be met:

(a) The certified electrician performing the installation must affix a Class B installation label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

- (i) Date of the work;
- (ii) Electrical contractor's name;
- (iii) Electrical contractor's license number;
- (iv) Installing electrician's certificate number; and
- (v) Short description of the work.

(c) The contractor portion of the label must include the following:

- (i) Date of the work;
- (ii) Electrical contractor's license number;
- (iii) Installing electrician's certificate number;
- (iv) Job site address;
- (v) Contact telephone number for the job site (to be used to arrange inspection); and
- (vi) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical contractor must return the contractor's portion of the label to the Department of Labor & Industries, Electrical Section, Chief Electrical Inspector, P.O. 4460, Olympia, WA 98506-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(8) Class B basic installation labels will be sold in blocks. Installations where a Class B basic installation label is used will be inspected on a random basis as determined by the department.

(a) If any such random inspection fails, a subsequent installation in the block must be inspected.

(b) If any such subsequent installation fails inspection, all installations in the block must be inspected.

(9) Any electrical contractor or other entity using the Class B basic electrical inspection - random inspection process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(10) ~~((Class B basic electrical work is described in RCW 19-28-006 (2)(b). For the purposes of Class B basic electrical work, a device includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cabling systems, isolating switches, magnetic contactors, motor controllers, etc. A cover inspection is required for all fire-wall penetrations:~~

~~In addition, Class B basic electrical work includes the like-in-kind replacement in a household of an:~~

~~(a) Electrical/gas/oil furnace not exceeding 240 volts and 100 amps when the furnace is connected to an existing branch circuit; and~~

~~(b) Air conditioning unit or refrigeration unit not exceeding 240 volts, 30 minimum circuit amps when the air conditioning unit or refrigeration unit is connected to an existing branch circuit.~~

~~Class B basic electrical work does not include any work in:~~

~~(e) Areas classified as Class 1, Class 2, Class 3, or Zone locations per the NEC;~~

~~(d) Areas regulated by NEC 517 or 680; or~~

~~(e) Any work where electrical plan review is required.))~~

Class B basic electrical work means work other than Class A basic electrical work. See WAC 296-46B-900(8) for Class A definition. A cover inspection is required for all fire-wall penetrations.

Class B basic electrical work includes the following:

(a) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(i) No cover inspection is necessary; and

(ii) The extension does not supply more than two devices or outlets as defined by the NEC;

(b) Like-in-kind replacement of a single luminaire not exceeding two hundred seventy-seven volts and twenty amps;

(c) Like-in-kind replacement of a motor larger than ten horsepower;

(d) The following low voltage systems:

(i) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one- and two-family dwellings;

(ii) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the NEC.

(e) The like-in-kind replacement of an:

(i) Electric/gas/oil furnace not exceeding 240 volts and 100 amps when the furnace is connected to an existing branch

circuit. For the purposes of this section, a boiler is not a furnace; or

(ii) Unit heater, air conditioning unit or refrigeration unit not exceeding 240 volts, 30 minimum circuit amps when the unit is connected to an existing branch circuit;

(f) The replacement of not more than ten standard receptacles with GFCI receptacles;

(g) The combination replacement of not more than ten switches or dimmers used for controlling a luminaire(s); and

(h) The installation of a thermostat and/or thermostat cable where the thermostat cable is fished or extended in an existing building.

A device allowed in an extended circuit includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cabling systems, isolating switches, magnetic contactors, motor controllers, etc.

Class B basic electrical work does not include any work in:

(a) Areas classified as Class 1, Class 2, Class 3, or Zone locations per the NEC;

(b) Areas regulated by NEC 517 or 680; or

(c) Any work where electrical plan review is required.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-210 Wiring and protection—Branch circuits. 008B Other than dwelling units - GFCI requirements.

(1) ((For the purposes of NEC 210.8(B), all 125-volt, single-phase, 15- and 20-ampere receptacles must have ground-fault-circuit-interrupter protection for personnel as required by NEC 210.8(A). Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.)) GFCI requirements.

(a) All 125-volt, 15- and 20-ampere receptacles installed in wet locations must have Class A ground-fault circuit interrupter protections for personnel.

(b) Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.

011 Branch circuits.

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

012 Arc-fault circuit-interrupter protection.

(3) For the purpose of NEC 210.12(B), Dwelling Unit Bedroom spaces that:

(a) Are accessed only through the bedroom;

(b) Are ancillary to the bedroom's function; and

(c) Contain branch circuits that supply 125-volt, 15- and 20-ampere, outlets must be protected by an arc-fault circuit interrupter listed to provide protection ((of the entire branch circuit)) per NEC 210.12.

For the purposes of this section, such spaces will include, but not be limited to, spaces such as closets and sitting areas, but will not include bathrooms.

051(B)(5) Receptacle outlet locations.

(4) Receptacle outlets installed in appliance garages may be counted as a required countertop outlet.

052(A)(2) Dwelling unit receptacle outlets.

(5) For the purpose of NEC 210.52(A)(2)(1), "similar openings" include the following ~~((structures))~~ configurations that are a permanent part of the dwelling ~~((structure))~~ configuration or finish:

(a) Window seating; and

(b) Bookcases or cabinets that extend from the floor to a level at least 1.7 meters (five (5) feet six (6) inches) above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations.

003 Branch circuit calculations.

Occupancy lighting loads. In determining feeder and service entrance conductor sizes and equipment ratings, the currently adopted Washington state energy code unit lighting power allowance table and footnotes may be used in lieu of NEC ~~((220-3))~~ 220.12.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.

032 Location of outside feeder disconnecting means.

The building disconnecting means required by NEC 225.32 must be provided to disconnect all ungrounded conductors that supply or pass through a building or structure per the requirements of NEC 225.32 (except for Exceptions 1, 2, 3, or 4) in accordance with subsection (1) or (2) of this section.

(1) Outside location: Except for an outdoor generator set described in a NEC 700, 701, or 702 system, where the feeder disconnecting means is installed outside a building or structure, it must be on the building or structure or within sight and within fifteen feet of the building or structure supplied. The building disconnecting means may supply only one building/structure unless the secondary building(s)/structure(s) has a separate building disconnecting means meeting the requirements of the NEC and this subsection. The disconnecting means must have an identification plate with at least one-half-inch high letters identifying:

(a) The building/structure served; and

(b) Its function as the building/structure main disconnect(s).

(2) Inside location: The feeder disconnecting means may be installed anywhere inside a building or structure when there is a feeder disconnecting means, located else-

where on the premises, with overcurrent protection sized for the feeder conductors.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-230 Wiring and protection—Services.

001 General service requirements.

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

~~((002 Number of services.~~

~~(4) In addition to the items described in NEC 230.2(A), an additional service is permitted to supply a transient voltage surge suppressor. In addition, a service disconnect for a transient voltage surge suppressor is not required to be counted as one of the six service disconnects allowed in NEC 230.71))~~

028 Service or other masts.

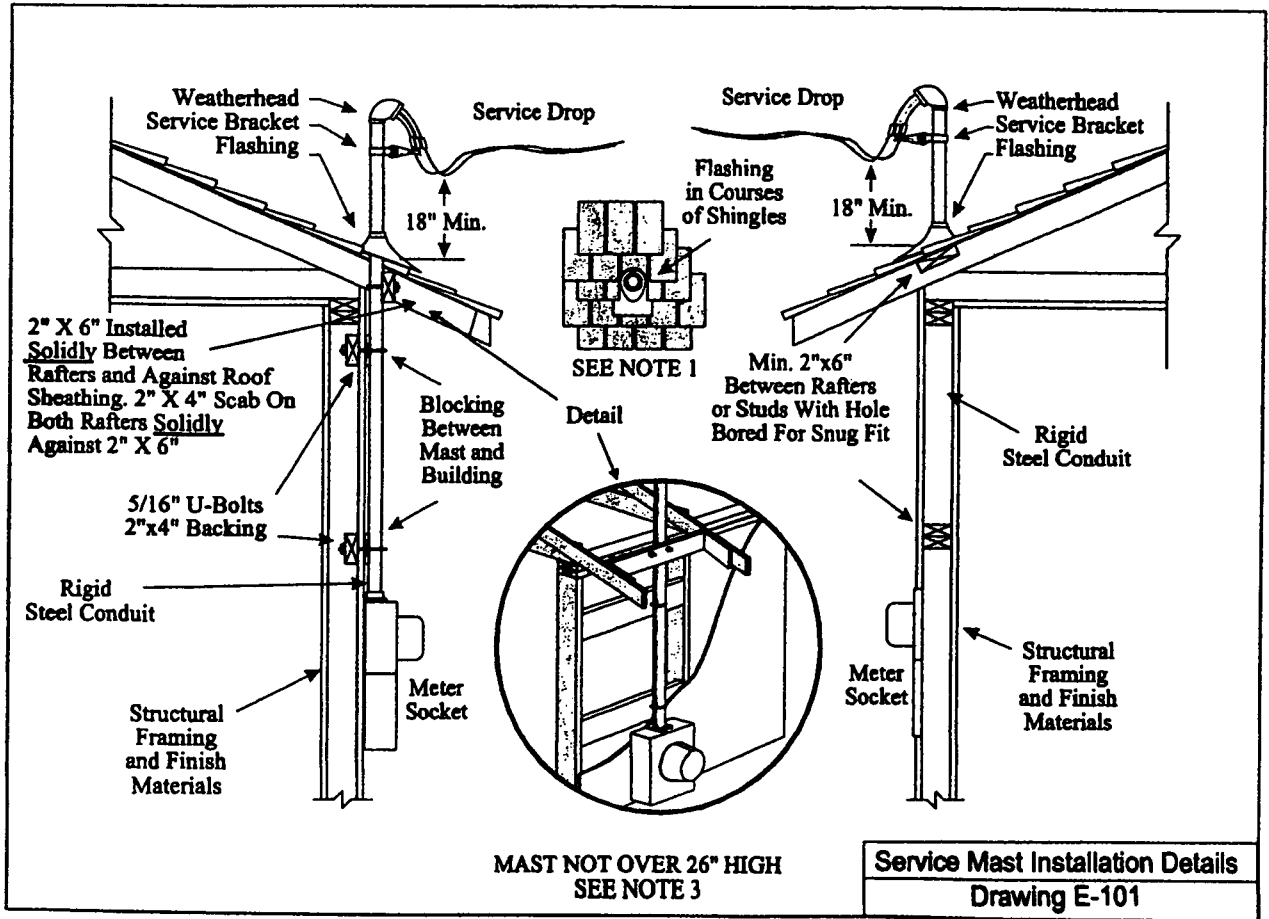
~~((5))~~ (4) Conduit extended through the roof to provide means of attaching:

(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than two inches.

(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than one and one-quarter inch. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.

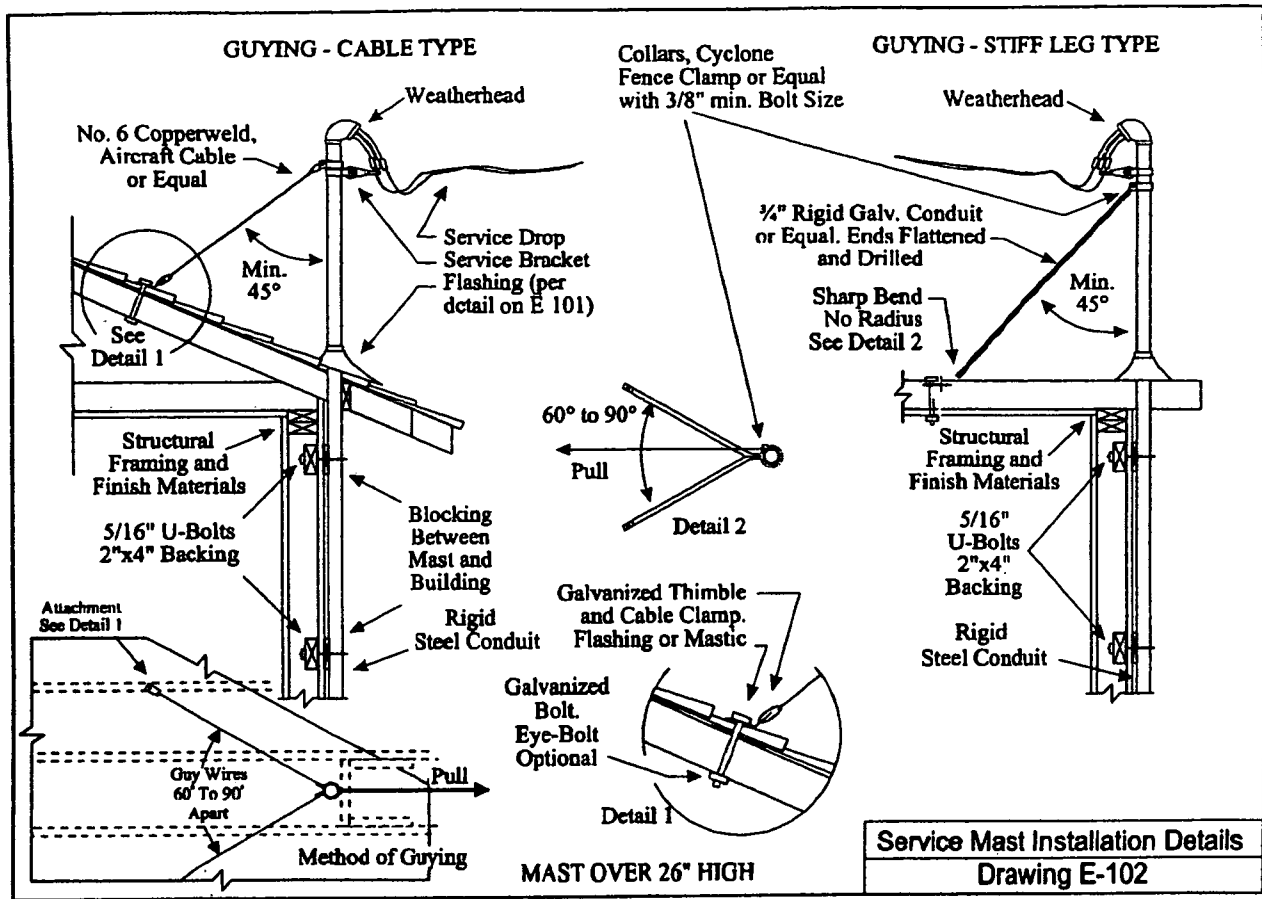
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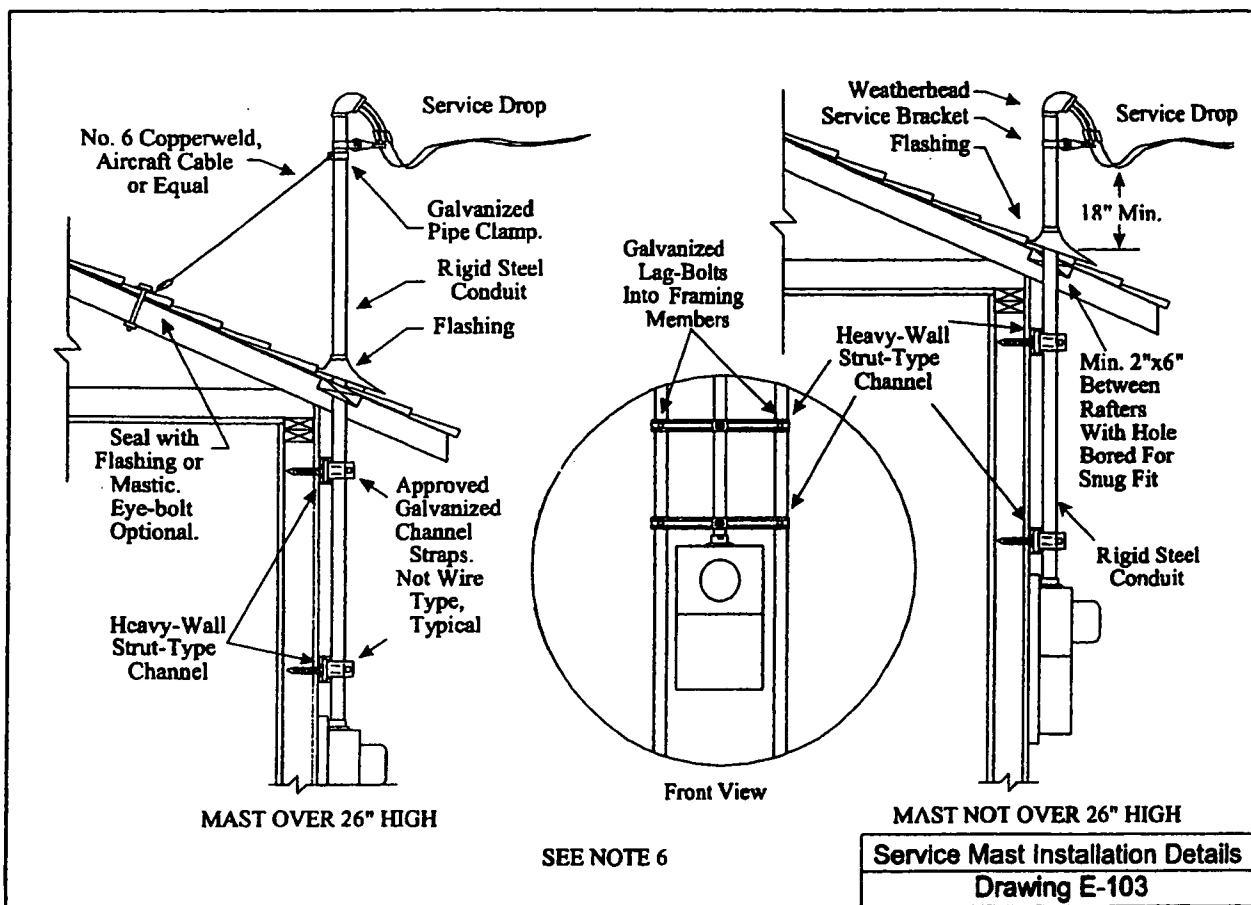
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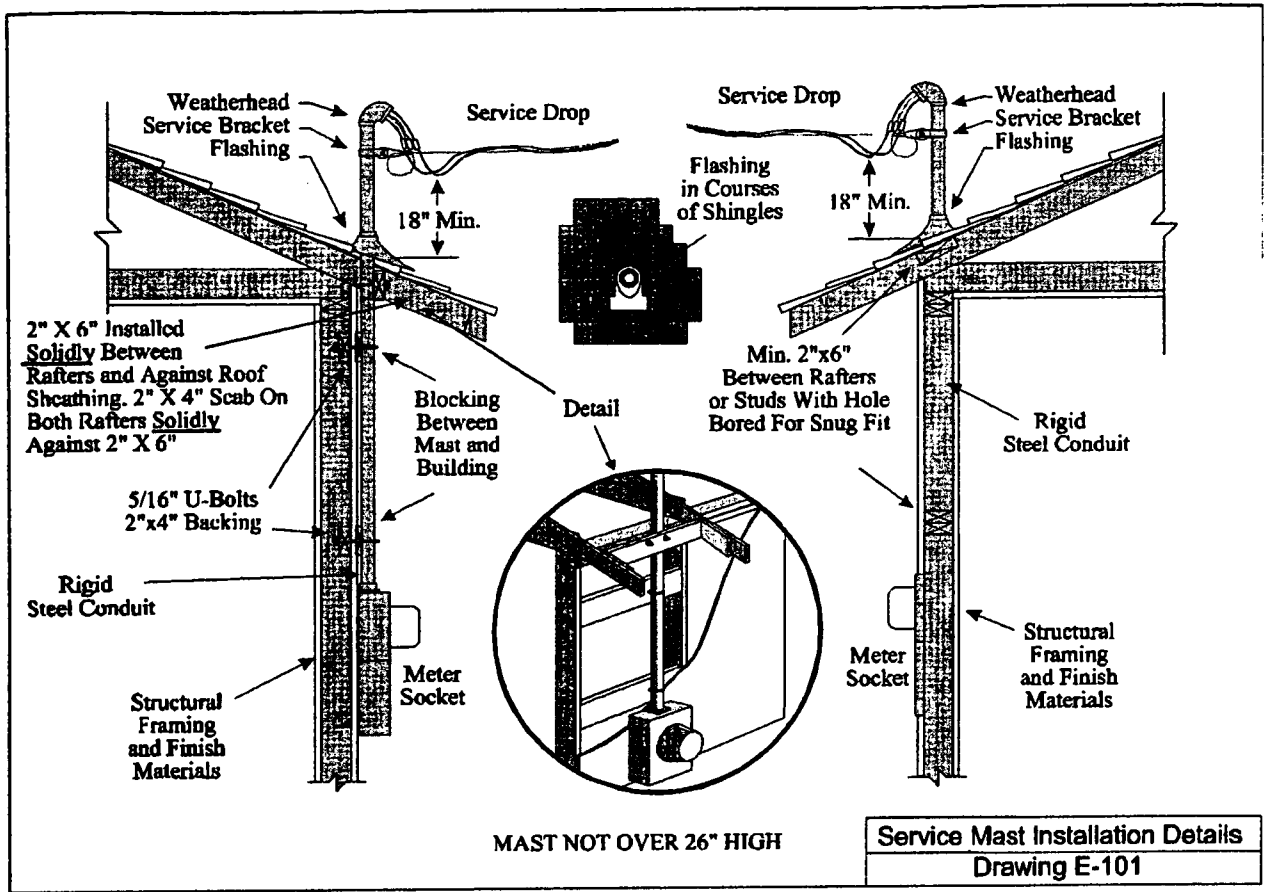
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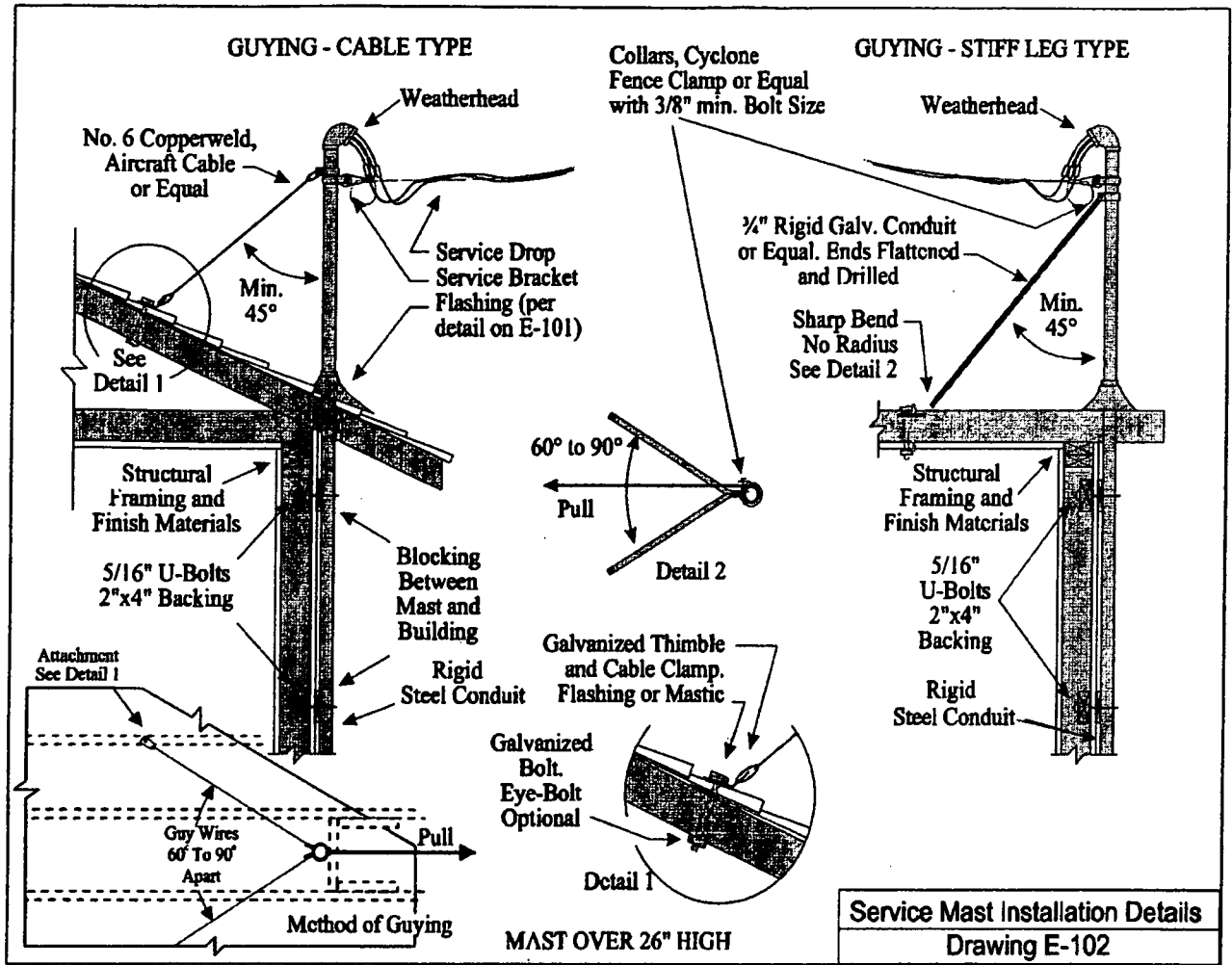


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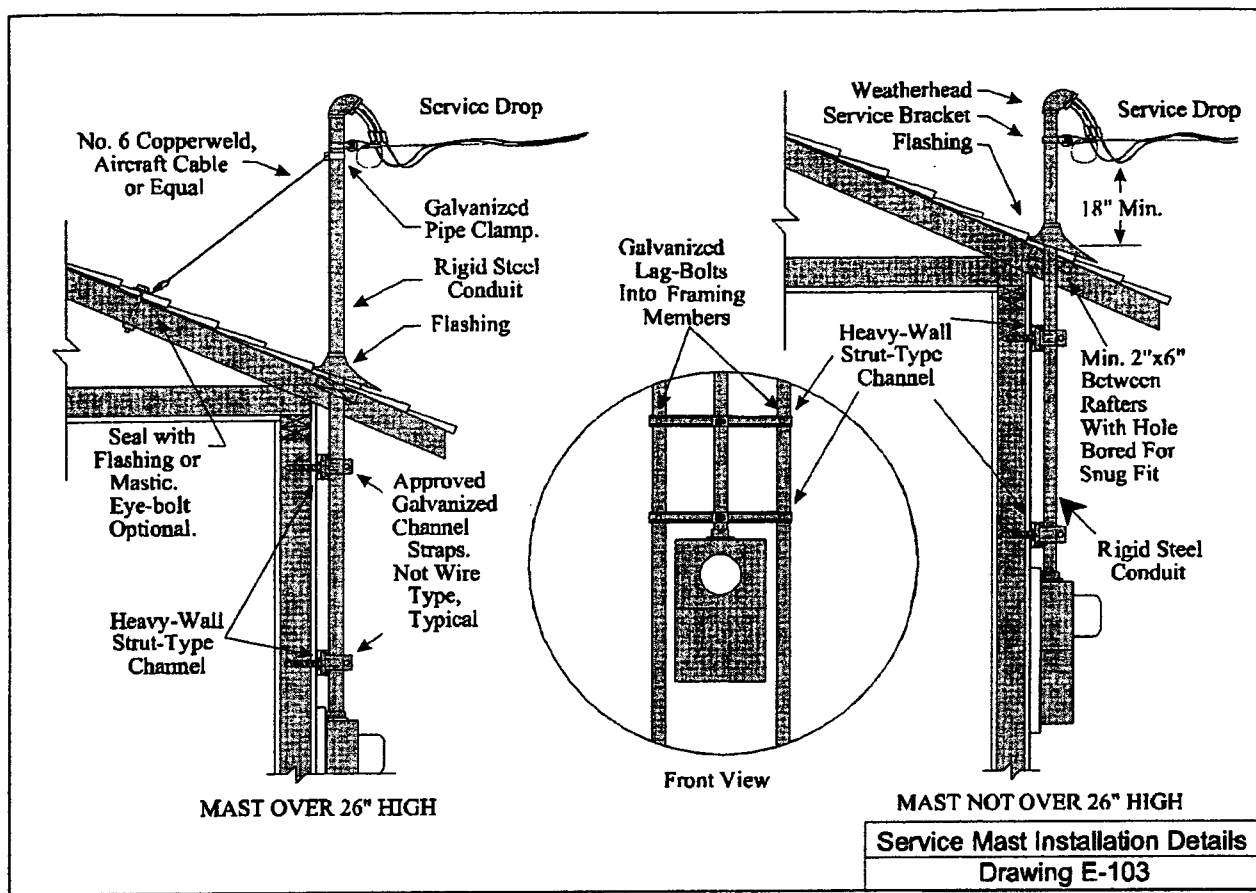
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Notes to drawings E-101, E-102, and E-103

- (1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.
- (2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.
- (3) Utilization of couplings for a mast are permitted only below the point the mast is braced, secured, or supported.
- (4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than twenty-four inches above the roof line or if the service drop is greater than one hundred feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.
- (5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.
- (6) For altered services, where it is impractical to install U bolt mast supports due to interior walls

remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with five-sixteenths inch diameter or larger galvanized lag bolts.

(7) Conductors must extend at least eighteen inches from all mastheads to permit connection to the connecting overhead wiring.

040 Service conductors - two-family and multiple-occupancy buildings.

((6)) (5) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

- (a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;
- (b) Each service drop or lateral must terminate in listed metering/service equipment;
- (c) Each occupant must have access to the occupant's service disconnecting means;
- (d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units served if the feeder disconnecting means is remote from the area or unit served.

042 Service conductor - size and rating.

((7)) (6) If the service conductors have a lesser ampacity than the overcurrent protection or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors must be installed on the service equipment.

043 Wiring methods for 600 volts, nominal or less.

((8)) (7) The installation of service conductors not exceeding 600 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

((9)) (8) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

((10)) (9) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

062 Service equipment - general.

((11)) (10) Service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in bathrooms, clothes closets, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.

((12)) (11) Temporary construction service equipment may only be used for construction purposes and must be disconnected when the permanent service is connected unless the department grants an extension of time.

070 Service disconnecting means.

((13)) (12) The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an

identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

095 Ground-fault protection of equipment.

((14)) (13) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

200 Wiring methods exceeding 600 volts.

((15)) (14) The installation of service conductors exceeding 600 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 rigid nonmetallic conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

((16)) (15) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-250 Wiring and protection—Grounding and bonding.

~~((30A)(3)(b) Grounding separately derived alternating current systems.~~

~~(1) All tap connections to the common grounding electrode conductor shall be made at an accessible location by a listed connector, an irreversible compression connector listed for the purpose, listed connections to copper busbars not less than 6 mm x 50 mm (1/4 in. x 2 in.), or by exothermic welding process. The tap conductors shall be connected to the common grounding electrode conductor in such a manner that the common grounding electrode conductor remains without a splice or joint.)~~

032 Two or more buildings or structures.

((2)) (1) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

052 Grounding electrodes.

((3)) (2) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two

or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construction service is not required to have more than one made electrode.

090 Bonding.

((4)) (3) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

((5)) (4) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

184 Solidly grounded neutral systems over 1 kV.

((6)) (5) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed

separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

((7)) (6) Multiple grounding. NEC 250.184((B)) (c)(1) is replaced with the following:

The neutral of a solidly grounded neutral system may be grounded at more than one point.

(a) Multiple grounding is permitted at the following locations:

(i) Services;

(ii) Underground circuits where the neutral is exposed; and

(iii) Overhead circuits installed outdoors.

(b) Multiple grounding is not allowed:

(i) For new systems where singlepoint and multigrounded circuits form a single system (e.g., where a single-point circuit is derived from a multigrounded circuit); or

(ii) In new single phase (i.e., single phase to ground) installations.

((8)) (7) Multigrounded neutral conductor. NEC 250.184((D)) (C)(2) through (5) is replaced with the following:

Where a multigrounded neutral system is used, the following will apply for new balanced phase to phase circuits and extensions, additions, replacements; and repairs to all existing systems of 1 kV and over:

(a) For existing systems:

(i) The cable's concentric shield must be used as the neutral and all the requirements for neutral conductors described in subsection (6) of this section must be met; or

(ii) The cable's concentric shield must be effectively grounded to a separate bare copper neutral conductor at all locations where the shield is exposed to personnel contact.

(b) For new systems:

A separate copper neutral must be installed and the cable's concentric shield is effectively grounded to the separate neutral at all locations where the shield is exposed to personnel contact.

(c) In addition to (a) and (b) of this subsection, the following is required:

(i) A minimum of two made electrodes, separated by at least six feet, must be installed at each existing and new transformer and switching/overcurrent location and connected to the neutral conductor at that location;

(ii) At least one grounding electrode must be installed and connected to the multigrounded neutral every 400 m (1,300'). The maximum distance between adjacent electrodes must not be more than 400 m (1,300');

(iii) In a multigrounded shielded cable system, the shielding must be grounded at each cable joint that is exposed to personnel contact;

(iv) All exposed noncurrent carrying metal parts (e.g., mounting brackets, manhole covers, equipment enclosures, etc.) must be effectively grounded to the neutral conductor; and

(v) An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the design of the multiple grounding installation has been reviewed by the electrical engineer and the design is in accordance with the requirements of chapter 19.28 RCW, this chapter, and normal standards of care. The electrical engineer

must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-300 Wiring methods and materials—Wiring methods.

001 Wiring methods.

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

005 Underground installations.

(2) Induction loops.

See WAC 296-46B-040 for induction detection loops that are made in a public roadway and regulated by a governmental agency.

The department will inspect induction loops that are not installed in public roadways regulated by a governmental agency. These induction loops must comply with the following requirements:

(a) General:

(i) A preformed direct burial induction loop is designed to be installed within the road surface base (e.g., concrete or asphalt) or below the road surface of a road with an unpaved surface (e.g., gravel or brick pavers);

(ii) A saw-cut induction detection loop is designed to be installed into a groove saw-cut into an existing paved road surface (e.g., concrete or asphalt);

(iii) The loop system includes the loop and the lead-in conductor;

(iv) The loop system must be:

(A) Tested to assure that at 500 volts DC, the resistance between the conductor and ground equals or exceeds 50 megohms; and

(B) Without splice; or

(C) If spliced, the splice must be soldered and appropriately insulated;

(v) The lead-in conductor must comply with the following:

(A) Must be stranded and have a lay (i.e., twist) of two turns per foot; and

(B) If installed in an electrical raceway;

• Are not required to be listed or suitable for wet locations; and

• Must have a burial cover of at least 6"; or

(C) If direct buried;

• Must be listed for the use; and

• Must have a burial cover of at least 18".

(b) Preformed direct burial induction detection loops must conform with the following:

(i) The loop conductor must be rated for direct burial and be a minimum of No. 16 AWG;

(ii) The loop design must not allow movement of the loop conductor within the outer jacket. The outer jacket containing the loop conductor is not required to be listed;

(iii) The loop yoke casing (i.e., the location where the lead-in conductor is connected to the loop):

(A) Includes any device used to house the "loop to lead-in splice" or to otherwise couple the loop with the lead-in electrical raceway;

(B) Is not required to be listed; and

(C) Must have a coupler that will create a waterproof bond with the electrical raceway, containing the lead-in conductor, or a direct buried lead-in conductor.

(c) Saw-cut induction detection loops:

(i) The loop conductor must be cross-linked ((~~poly-ethene~~)) polyethylene or EPR Type USE insulation and be a minimum of No. 18 AWG stranded;

(ii) The saw-cut groove must not cut into rebar installed within the roadway.

011 Support of raceways, cables, or boxes in suspended ceilings.

(3) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

(4) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

(5) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

(6) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11((~~(a)~~))(A) may support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; and

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required

by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

017 Conductors in raceway.

(7) Cables will be permitted in all raceway systems if:

(a) The cable is appropriate for the environment; and

(b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-314 Wiring methods and materials— Outlet, device, pull and junction boxes.

001 Boxes and fittings.

~~(1) ((Single conductors, cables, taps, or splices installed in an open bottom junction box or handhole must be suitable for direct burial. However, an open bottom box manufactured specifically for electrical use will be permitted to be used as an electrical junction box to enclose single conductors, cables, taps, or splices rated for wet locations, only under the following conditions:~~

~~(a) In vehicular traffic areas the box must be rated for not less than H-20 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "electric" or "electrical."~~

~~(b) In incidental vehicular traffic areas (e.g., parks, sports fields, sidewalks, grass lawns, etc.) the box must be rated for not less than H-10 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "electric" or "electrical."~~

~~(c) In nonvehicular traffic areas (e.g., flower beds, patio decks, etc.) the box must be designed for the purpose and be provided with a lid embossed with the identification "electric" or "electrical."~~

~~(d) All conductors must be installed in approved electrical raceways that enter vertically from the open bottom of the enclosure or horizontally from the sides of the enclosure at least 150 mm (6 in.) from the sand or gravel at the bottom of the enclosure. These raceways must be fitted with a bushing, terminal fitting, or seal incorporating the physical protection characteristics of a bushing, and project not less than 5 cm (2") above the bottom surface material. The bottom surface material must be pea gravel or sand a minimum of 5 cm (2") thick or more if required by the box manufacturer.~~

~~(2)) Conduit bodies, junction, pull, and outlet boxes must be installed so that the wiring contained in them is accessible without removing any part of the building structure, including insulation material.~~

023(H) Flexible cord connection of pendant boxes.

(2) The flexible cord and cord connection must comply with NEC 314.23(H) and the following:

(a) A suspended pendant box must not contain conduit "knockouts" and connection to a suspended box must utilize an integral threaded hub;

(b) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant box must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined using NEC Table 400.5(A) column A; and

(f) The flexible cord must be hard or extra hard usage.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-334 Wiring methods and materials— Nonmetallic-sheathed cable.

010 Nonmetallic-sheathed cable.

(1) The building classification, for subsections (2) ((and)), (3), and (4) of this section, will be as determined by the building official. For the purposes of this section, Type III, IV and V may be as defined in the International Building Code adopted in the state of Washington. The installer must provide the inspector documentation substantiating the type of building construction and finish material rating(s) prior to any electrical inspection.

(2) This section replaces NEC 334.10(2). In multifamily dwellings, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12.

(3) This section replaces NEC 334.10(3). In all other structures, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12. All cable(s) must be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.

(4) This section replaces NEC 334.10(4). Cable trays in structures of Types III, IV, and V construction, where the cable(s) is identified for the use, except as prohibited in NEC 334.12.

015 Exposed work.

(5) Where Type NMC cable is installed in shallow chases in plaster, masonry, concrete, adobe or similar material, the cable must be protected against nails or screws by:

(a) A steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe, or similar finish; or

(b) Being recessed in a chase at least 6.985 cm (2 3/4 in.) deep, as measured from the finished surface, and covered with plaster, adobe, or similar finish. The cable(s) must be at least 6.35 mm (2 1/2 in.) from the finished surface.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-410 Equipment for general use— Luminaires. 004 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed, unless specifically listed for such use; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

018 Exposed luminaire (fixture) parts.

(2) Replacement luminaires that are directly wired or attached to boxes supplied by wiring methods that do not provide a ready means for grounding and that have exposed conductive parts will be permitted only where the luminaires are provided with ground-fault circuit-interrupter protection and marked "no equipment ground."

030 Flexible cord connection (~~(pendant boxes and)~~) of electric discharge luminaires.

(3) (~~The flexible cord and cord connection must comply~~) A ground-type attachment plug cap and receptacle connection at the source junction box is not required when the flexible cord complies with NEC 410.30 and the following:

(a) Connection to a (~~suspended pendant~~) source junction box must utilize an (~~integral threaded hub~~) approved cable connector or clamp;

(b) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant luminaire must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

NEW SECTION**WAC 296-46B-590 Special occupancies—Temporary installations.****001 Temporary installations.**

(1) For the purposes of this section, any circuit used for construction purposes is considered to be temporary.

004 Temporary installations - splices.

(2) A splice or junction box is required for all wiring splice or junction connections in a temporary installation.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)**WAC 296-46B-700 Special conditions—Emergency systems.****001 Emergency systems - general.**

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in standards adopted by the state building code council under chapter 19.27 RCW.

009 Emergency systems - equipment identification.

(2) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(3) (~~Device and junction boxes for fire alarm systems other than the surface raceway type, must be substantially red in color, both inside and outside. Power limited fire protective signaling circuit conductors must be durably and plainly marked in or on junction boxes or other enclosures to indicate that it is a power limited fire protective signaling circuit.~~

(4)) All boxes and enclosures, for Article 700 NEC systems, larger than six inches by six inches, including transfer switches, generators, and power panels for emergency systems and circuits must be permanently identified with an identification plate that is substantially orange in color. All other device and junction boxes for emergency systems and circuits must be substantially orange in color, both inside and outside.

NEW SECTION

WAC 296-46B-760 Fire alarm systems. Device and junction boxes for fire alarm systems other than the surface raceway type, must be substantially red in color, both inside and outside. Power-limited fire protective signaling circuit conductors must be durably and plainly marked in or on junction boxes or other enclosures to indicate that it is a power-limited fire protective signaling circuit.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)**WAC 296-46B-800 Communications systems—Communications circuits.****001 Installation.**

(1) All telecommunications installations on an end-user's property, beyond the end-user's telecommunications network demarcation point, made by a telecommunications service provider, both inside and outside of a building or structure, must conform to all licensing, certification, installation, permitting, and inspection requirements described in chapter 19.28 RCW and this chapter.

002 Designation of demarcation point.

(2) At the point of demarcation, the telecommunications installer must install an identification plate with the following information:

(a) "Point of demarcation";

(b) Name of telecommunications utility; and

(c) Name of customer/end user of the system.

(3) The telecommunications installer must confer with the telecommunications utility when determining the point of demarcation.

AMENDATORY SECTION (Amending WSR 04-21-086, filed 10/20/04, effective 11/22/04)**WAC 296-46B-900 Electrical work permits and fees. General.**

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes the like-kind replacement of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical con-

tractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit that contains multiple components (e.g., an electrical furnace/heat pump, industrial milling machine, etc.) containing various control components or any appliance/equipment described in WAC 296-46B-110(10) for Class B permits.

A provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This

type of permit does not include new or increased service or new square footage.

Provisional electrical work permit - use/duration/refunds.

(15) Only licensed electrical or telecommunications contractors can use provisional electrical work permits.

(16) If a provisional electrical work permit label is used, the following requirements must be met:

(a) Prior to beginning the work, the certified electrician or telecommunications worker performing the installation must affix the provisional electrical work permit label on the cover of the panelboard ((~~or~~)), overcurrent device, or telecommunications equipment supplying ((~~power to~~)) the circuit or equipment ((~~prior to beginning the work~~)).

(b) The job site portion of the label must include the following:

(i) Date the work is begun;

(ii) ((~~Electrical~~)) Contractor's name;

(iii) ((~~Electrical~~)) Contractor's license number; and

(iv) Short description of the work.

(c) The contractor portion of the label must include the following:

(i) Date the work is begun;

(ii) ((~~Electrical~~)) Contractor's license number;

(iii) Job site address;

(iv) Owner's name; and

(v) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The ((~~electrical~~)) contractor must return the contractor's portion of the label to the department of labor and industries, electrical section office having jurisdiction for the inspection, within two working days after the job site portion of the label is affixed. Either receipt by department of labor and industries or postmark to a valid department of labor and industries electrical address is acceptable for meeting this requirement.

(f) The contractor must return the contractor's portion of the label to the Department of Labor & Industries, Chief Electrical Inspector, within five working days after destroying or voiding any label.

(g) The contractor is responsible for safekeeping of all purchased labels.

(17) Refunds are not available for provisional electrical work permit labels.

(18) Provisional electrical work permit labels will be sold in blocks of twenty.

(19) Any ((~~electrical~~)) contractor purchasing a provisional electrical work permit label may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

Class B electrical work permit - use.

(20) The electrical contractor must return the contractor's portion of the Class B label to the department of labor and industries, chief electrical inspector, within five working days after destroying or voiding any label.

(21) The electrical contractor is responsible for safekeeping of all purchased Class B labels.

AMENDATORY SECTION (Amending WSR 04-21-086, filed 10/20/04, effective 11/22/04)

WAC 296-46B-915 Civil penalty schedule.

((*) Each day that a violation occurs will be a separate offense.

((*) Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

((*) In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

((*) A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

- (a) That convey or utilize electrical current without having a valid electrical contractor's license.
- (b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$(400) 250
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

First offense:	\$250
Each offense thereafter:	\$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense:	\$50 (see note E)
Second offense:	\$250
Each offense thereafter:	\$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$2,000

Definition:
The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception:
Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250 ((see note E))
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(11) Failing to obtain or post an electrical/telecommunications work permit or provisional electrical work permit label prior to beginning the electrical/telecommunications installation or alteration.

Exception:
In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator or master electrician.

First offense:	\$100 (see note E except for RCW 19.28.061(5)(a) or 19.28.430(3)(a))
Second offense:	\$750
Third offense:	\$1,500
Each offense thereafter:	(\$3,000)

(a) Failing to be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator or master electrician.

First offense:	\$1,000
Second offense:	\$1,500
Each offense thereafter:	\$3,000

(b) Failing to ensure that all electrical work complies with the electrical installation laws and rules of the state.

First offense:	\$100
Second offense:	\$250

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<u>Third offense:</u>	<u>\$1,000</u>
<u>Each offense thereafter:</u>	<u>\$3,000</u>
<u>(c) Failing to ensure that the proper electrical safety procedures are used.</u>	
<u>First offense:</u>	<u>\$500</u>
<u>Second offense:</u>	<u>\$1,500</u>
<u>Each offense thereafter:</u>	<u>\$3,000</u>
<u>(d) Failing to ensure that all electrical labels, permits, and certificates required to perform electrical work are used.</u>	
<u>First offense:</u>	<u>\$250</u>
<u>Each offense thereafter:</u>	<u>\$500</u>
<u>(e) Failing to ensure that all electrical licenses required to perform electrical work are used (i.e., work performed must be in the allowed scope of work for the contractor).</u>	
<u>First offense:</u>	<u>\$500</u>
<u>Second offense:</u>	<u>\$1,500</u>
<u>Third offense:</u>	<u>\$3,000</u>
<u>Each offense thereafter:</u>	<u>\$6,000</u>
<u>(f) Failing to see that corrective notices issued by an inspecting authority are complied with within fifteen days.</u>	
<u>Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.</u>	
<u>First offense:</u>	<u>\$250</u>
<u>Second offense:</u>	<u>\$1,000</u>
<u>Each offense thereafter:</u>	<u>\$2,000</u>
<u>(g) Failing to notify the department in writing within ten days if the master electrician or administrator terminates the relationship with the electrical contractor.</u>	
<u>First offense:</u>	<u>\$500</u>
<u>Second offense:</u>	<u>\$1,000</u>
<u>Each offense thereafter:</u>	<u>\$3,000</u>
<u>(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.</u>	
RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.	
<u>First offense:</u>	<u>\$250</u>
<u>Each offense thereafter:</u>	<u>\$500</u>
All other chapter 19.28 RCW provisions and the rules developed pursuant to them.	
<u>First offense:</u>	<u>\$250</u>
<u>Second offense:</u>	<u>\$750</u>
<u>Each offense thereafter:</u>	<u>\$2,000</u>

E: Upon written request to the chief electrical inspector, the penalty amount will be waived for the first citation issued within a three-year period. The written request must be received by the department no later than twenty days after notice of penalty. If a subsequent citation is issued within a three-year period and found to be a final judgment, the penalty amount for the first citation will be reinstated and immediately due and payable. Penalty waivers will not be granted for any citation being appealed under WAC 296-46B-995(11).

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations.

(2) All specialties listed in this subsection may perform the work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. **Specialty (limited) electrical licenses and/or certificates are as follows:**

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three (~~floors~~) stories above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC 296-46B-010 (14), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection (~~(see Table 920-1))~~).

(c) **Domestic well (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase input power, regardless of motor controller output or motor voltage/phase, used in residential potable water or residential sewage disposal systems.

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

- (i) Electrical licensing/certification is not required to:
 - (A) Clean the nonelectrical parts of an electric sign;
 - (B) To form or pour a concrete pole base used to support a sign;
 - (C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to: Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

~~(On the effective date of this rule, any entity holding a currently valid electrical contractor's license, electrical administrator's certificate, master specialty electrician's certificate, or specialty electrician's certificate in this specialty will be issued combination specialty status for HVAC/refrigeration (06A) at no cost and without examination.)~~

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-020 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;

- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other (see Figure 920-2); or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) **HVAC/refrigeration (06A):**

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three (~~floors~~) stories on/above grade; or

Regardless of the number of (~~floors~~) stories above grade if the installation:

- Does not pass between (~~floors~~) stories;

- Is made in a previously occupied and wired space; and

- Is restricted to the HVAC/refrigeration system;

• Repair, replace, and maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of ((floors)) stories on/above grade.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - restricted (06B):

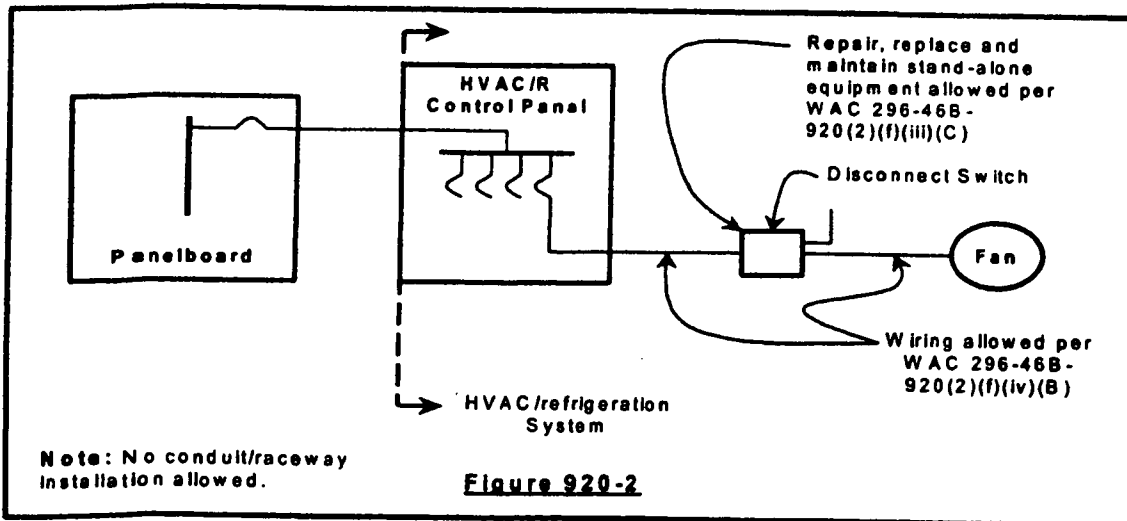
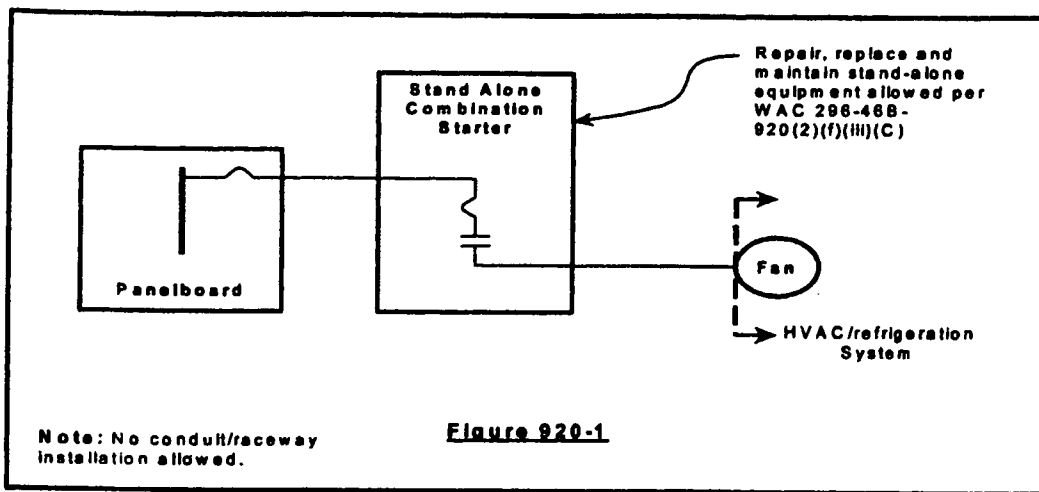
(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three ((floors)) stories on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

• The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

• Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).



(g) Nonresidential maintenance (07): Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential (02) specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection ((see Table 920-1)).

(h) Nonresidential lighting maintenance and lighting retrofit (07A): Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes

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replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

(j) **Restricted nonresidential maintenance (07C):** This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection ((see Table 920-1)).

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commer-

cial/industrial appliances, and other small utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and utilization equipment include, but are not limited to: Dish washers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

See RCW 19.28.095 for the equipment repair scope of work and definitions.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or

extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(I) Customer satellite and conventional antenna systems receiving a telecommunications service provider's signal. All receiving equipment is on the customer side of the telecommunications network demarcation point.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar

systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

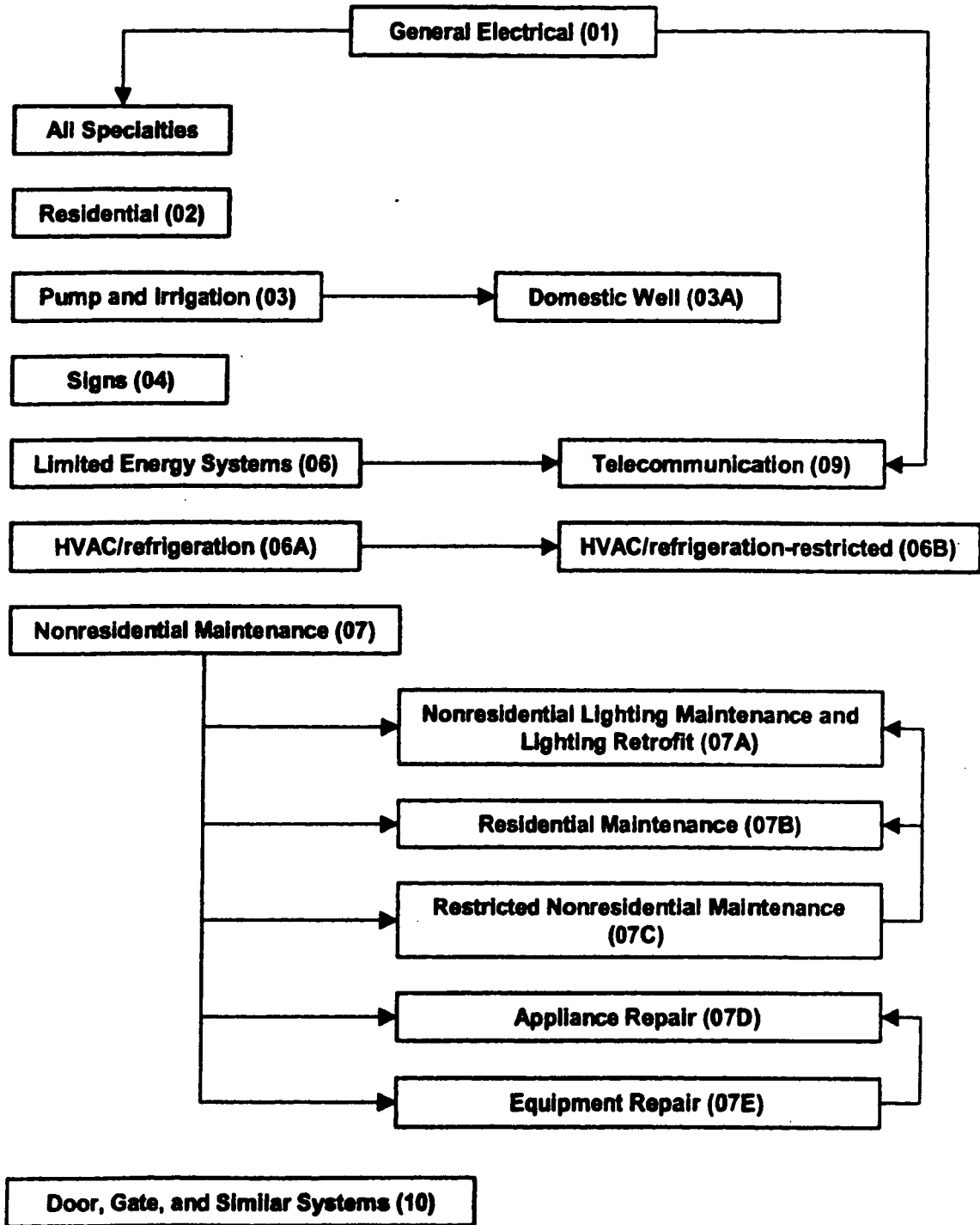
(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

- There are no modifications to the characteristics of the branch circuit/feeder;
- The circuit/feeder does not exceed 600 volts, 20 amperes; and
- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover



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AMENDATORY SECTION (Amending WSR 04-21-086, filed 10/20/04, effective 11/22/04)

WAC 296-46B-925 Electrical/telecommunications contractor's license. General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with require-

ments for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number

of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against

the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not (~~exceed~~) exceeding 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the lease-

holder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general,

clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, ((2005)) 2006, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

(A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

(B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function

other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(e) The electrical power production facility's generation capacity exceeds 115 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of

components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period; or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

(24) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-930 Assignment—Administrator or master electrician. ~~((1))~~ An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named ~~((as))~~ on the electrical contractor application or at subsequent renewal and:

~~((a))~~ The sole proprietor;

~~((b)-A))~~ (1) Partners must be on file with the department of licensing; or

~~((e)-A))~~ (2) Corporate officers or members of an LLC must be on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor, and carries out the duties shown in chapter 19.28 RCW.

~~((2))~~ A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28.041 and 19.28.061 under the guidelines described in Table 930-1—Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the

licensing/certification requirements during the open window opportunity.

Table 930-1—Temporary Specialty Administrator Application/Enforcement Procedure

specialties open for assigning temporary specialty administrator	<ul style="list-style-type: none"> • Domestic well (03A); • HVAC/refrigeration—restricted (06B); • Nonresidential maintenance (07); • Nonresidential lighting maintenance (07A); • Residential maintenance (07B); • Restricted nonresidential maintenance (New—07C); • Appliance repair (New—07D); • Equipment repair (New—07E); • Door, gate and similar systems (10).
Last date to submit application for temporary administrator	July 31, 2004.(2), (3)
Required business status in the contracting specialty	Chapter 19.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002).
Minimum previous experience for firm making temporary designation	N/A
Begin interim enforcement	Effective date of this chapter.(1)
Begin full enforcement	August 1, 2004.(1)
Must pass specialty administrator examination no later than:	Twelve months after submitting temporary specialty administrator assignment, except that applicants who applied for temporary administrator status in specialties 06B, 07C, 07D, and 07E between April 22, 2003, and January 1, 2004, must pass the examination no later than December 31, 2004.(3)
Notes:	<p>(1) See Figure 955-1 for enforcement procedures.</p> <p>(2) To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.</p> <p>(3) A firm may only designate a single individual as a temporary administrator in a specialty.</p> <p>(4) An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.)</p>

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-935 Administrator certificate. General.

(1) The department will deny renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

Qualifying for examination.

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

Original - administrator certificates.

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

(a) Successfully completes the appropriate administrator examination; and

(b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and

(c) Pays all appropriate fees as listed in WAC 296-46B-910.

For an examination report to be considered, all the above must be submitted within ninety days after the completion of the examination. After ninety days, the applicant will be required to successfully retake the complete examination. An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

Combination - specialty administrator certificate.

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indicate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary administrator certificates will not be issued as a part of a combination certificate.

Renewal - administrator certificate.

(7) An individual must apply for renewal of their administrator certificate on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

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- (10) All applicants for certificate renewal must:
- (a) Submit a complete renewal application;
 - (b) Pay all appropriate fees as listed in WAC 296-46B-910; and
 - (c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal on or before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked or temporary administrator's certificate.

Temporary specialty administrator certificate.

- (14) See WAC 296-46B-930 for additional information.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician - general.

(1) The department will deny renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Electrician - scope of work.

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

Electrician - certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess a current valid:

- (a) Master journeyman electrician certificate of competency issued by the department;

- (b) Journeyman electrician certificate of competency issued by the department;

- (c) Master specialty electrician certificate of competency issued by the department;

- (d) Specialty electrician certificate of competency issued by the department;

- (e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is more than 600 volts, whether the system is energized or deenergized; or

- (f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

- (a) General journeyman (01);
- (b) Specialties:
 - (i) Residential (02);
 - (ii) Pump and irrigation (03);
 - (iii) Domestic well (03A);
 - (iv) Signs (04);
 - (v) Limited energy system (06);
 - (vi) HVAC/refrigeration (06A);
 - (vii) HVAC/refrigeration - restricted (06B);
 - (viii) Nonresidential maintenance (07);
 - (ix) Nonresidential lighting maintenance and lighting retrofit (07A);
 - (x) Residential maintenance (07B);
 - (xi) Restricted nonresidential maintenance (07C);
 - (xii) Appliance repair (07D);
 - (xiii) Equipment repair (07E); and
 - (xiv) Door, gate, and similar systems (10).

Exemptions - linemen.

(5) Definition: See general definitions WAC 296-46B-020 for the definition of a lineman.

(6) Electrical linemen employed by a:

- (a) Serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

- (b) Licensed general electrical contractors do not need certificates of competency if the electrical equipment:

- (i) Is on commercial or industrial property;
- (ii) Is located outside a building or structure; and
- (iii) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

Exemptions - plumbers.

(7) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

(a) RCW 19.28.191 (1)(a) or (b); and

(i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910;

(b) RCW 19.28.191 (1)(d) through (e);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)(f) through (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the depart-

ment, of the required continuing education. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked or temporary certificate of competency.

Reciprocal agreements between Washington and other states.

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination and the individual held the reciprocal state's certificate for a period of at least one year;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

Military experience.

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of

competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, radar, weapons, aeronautical experience, or similar experience may not be acceptable.

The military experience (~~(should)~~) must be related specifically to the building construction trade (~~(not shipboard, aircraft, weapons, or similar installations)~~).

Experience in another country.

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

Training school credit.

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(h) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

Temporary electrician permit.

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application showing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28.-191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

• Date of birth, mailing address, Social Security number; and

• All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master (~~(journeyman)~~) electrician, journeyman (~~(certificate of competency, or a master specialty or)~~) electrician, specialty electrician, or temporary electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

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(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Appliance repair temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the ~~((specialties listed in chapter 296-46B WAC Table 950-1))~~ appliance repair specialty, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of ~~((two))~~ one year(s) or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.

(1) All applicants must be at least sixteen years of age.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(d) or (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journeyman electrician competency examination.

(4) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(5) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(9).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(6) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(7) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(4).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(9).

(8) The letter of experience described in subsections (6) and (7) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

Qualifying for a specialty electrician certificate of competency or examination.

(9) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾⁽⁽⁹⁾⁾	Minimum Hours of Work Experience Required for Certification ⁽⁽⁸⁾⁾
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic well certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration-restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	((4,000)) 1,000 ⁽³⁾	((4,000)) 2,000
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

- Notes:
- ⁽¹⁾Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.
 - ⁽²⁾Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent supervision until all required work experience hours are gained and credited towards the minimum work experience requirement even if the trainee has completed the examination.
 - ⁽³⁾This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.
 - ⁽⁴⁾The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.
 - ⁽⁵⁾Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours

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under direct supervision are provided as required in RCW 19.28.191 (1) (g)(ii).

(6) Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.

(7) The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted (06B) specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.

~~((8) If any legislation is enacted in 2004 setting the minimum hours of work experience for a specialty electrician certification to be set at one year (2,000 hours), the minimum will be set at 2,000 hours.~~

~~((9) If any legislation is enacted in 2004 setting the minimum hours of work experience for a specialty certification required to be eligible for examination to ninety days (720 hours), the minimum will be set at 1,000 hours.))~~

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(10) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(11) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(12) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(13) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical (01) contractors, and limited energy system (06) electrical contractors for limited energy experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. ~~((Some specialties have))~~ The appliance repair specialty has an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements. See WAC 296-46B-940(28) for other information.

To qualify previous work experience training credit toward eligibility for ~~((any of))~~ the appliance repair specialty certificate examination ~~((and))~~ in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

- (1) The specific specialty for which credit is being sought;
- (2) The specific date time period for which credit is being sought; and
- (3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

~~((Table 950-1 Specialty Electrician Open Window to apply previous work experience~~

<p>specialties Available for Open Window</p>	<p>• HVAC/refrigeration (06A), HVAC/refrigeration-restricted (06B)</p>	<p>• Domestic well (03A); • Nonresidential maintenance (07); • Nonresidential lighting maintenance and lighting retrofit (07A); • Residential maintenance (07B); • Door, gate and similar systems (10)</p>	<p>• Restricted nonresidential maintenance (New 07C); • Appliance repair (New 07D) • Equipment repair (New 07E)</p>
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Previous work experience training credit will only be allowed for:	Work performed prior to September 30, 2000 ⁽²⁾	Work performed prior to June 30, 2001 ⁽²⁾	Work performed prior to the effective date of this chapter ⁽³⁾
Last date to submit application for previous work experience	Make application on or before July 31, 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28).		
Begin interim enforcement	Effective date of this chapter ⁽⁴⁾		
Begin full enforcement	August 1, 2004 ⁽⁴⁾		
Exam completion	If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application, except that applicants who applied for temporary specialty electrician status in specialties 06B, 07C, 07D, and 07E between April 22, 2003, and January 1, 2004, must pass the examination no later than December 31, 2005. ⁽²⁾		

Table 950-1 Specialty electrician open window to apply previous work experience

	Appliance Repair (07D) - see notes below
Previous work experience training credit will only be allowed for:	Work performed prior to the effective date of this chapter ⁽¹⁾
Last date to submit application for previous work experience	Make application on or before June 30, 2006, for a specialty electrician temporary permit as described in WAC 296-46B-940(28)
Begin interim enforcement	Effective date of this chapter
Begin full enforcement	July 1, 2006

Notes: ⁽¹⁾((See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.
⁽²⁾See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.
⁽³⁾Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.

Bullets: • See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.
⁽⁴⁾ Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.
⁽⁵⁾ Previous work experience gained using this section will not be applicable towards journeyman certification ((until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter)).
⁽⁶⁾Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.
⁽⁷⁾ No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.
⁽⁸⁾ An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

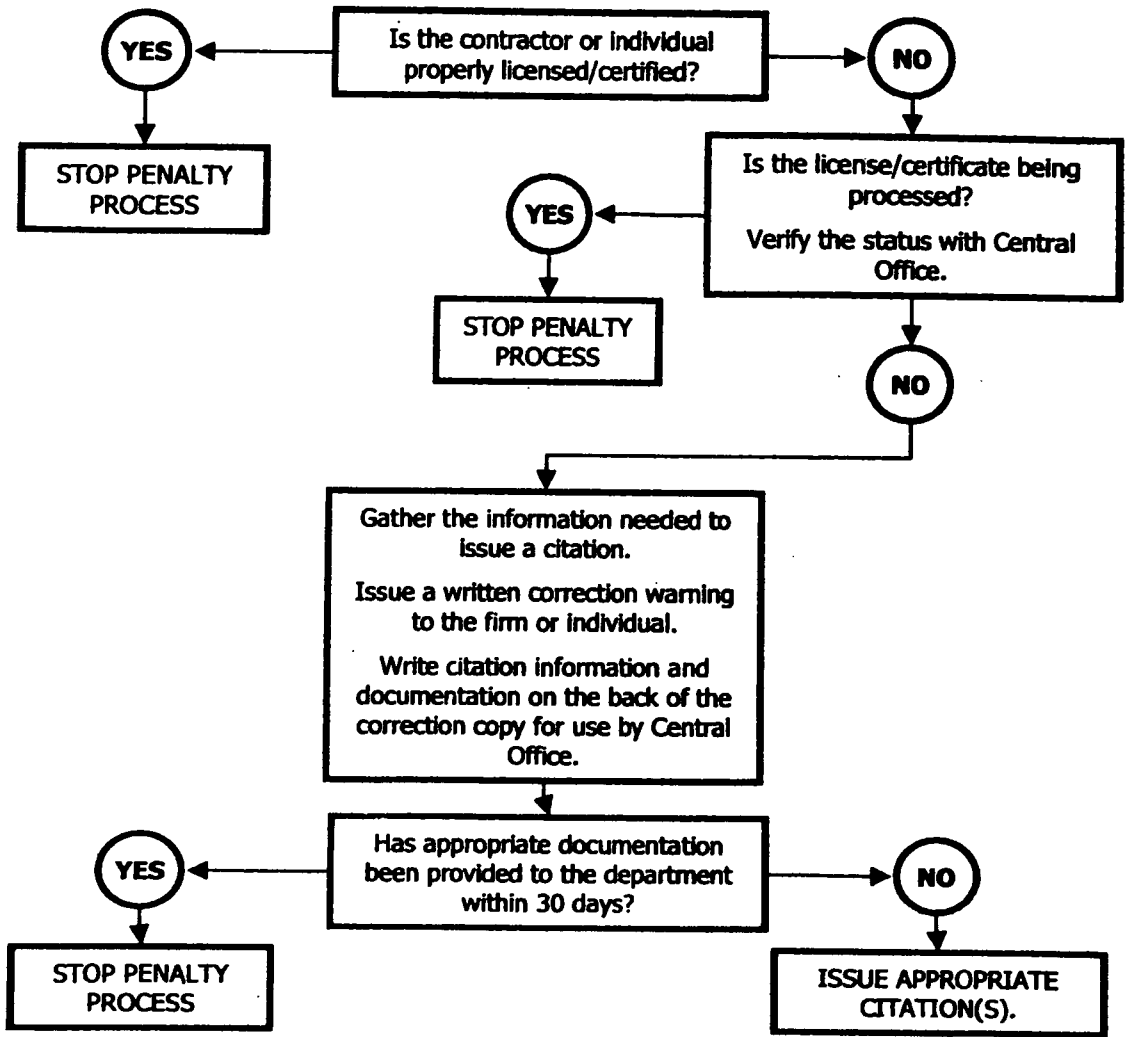
AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-955 ((Specialty contractor/)) Appliance repair specialty electrician enforcement procedures. Interim noncompliance enforcement procedures are outlined in Figure 955-1 for the ((specialties listed)) **appliance repair specialty electrician**. All other specialties require full compliance with the requirements of chapter 19.28 RCW and this chapter.

Figure 955-1

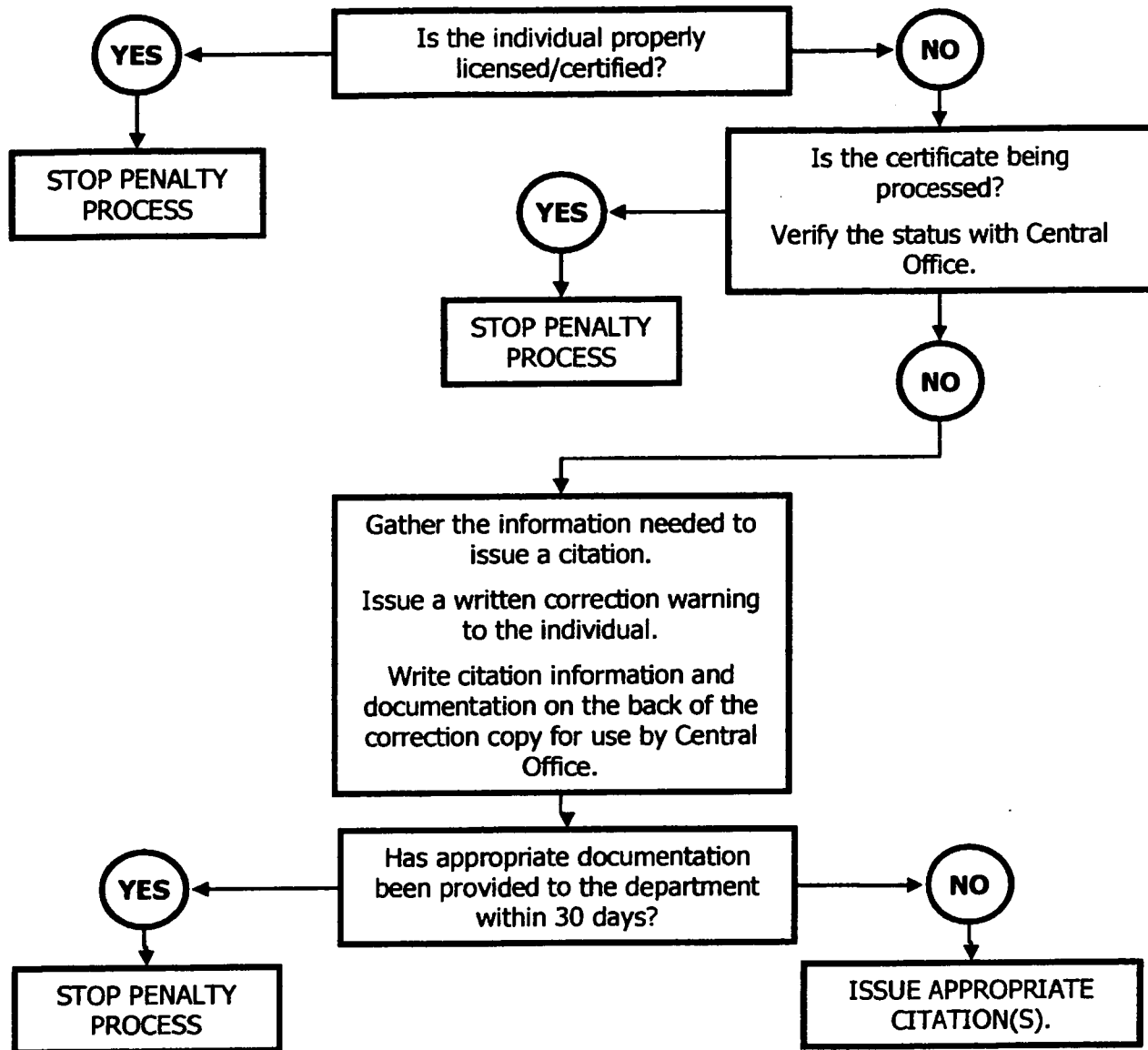
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- ~~((Domestic well (03A)(1))~~
- ~~HVAC/refrigeration (06A)(1)~~
- ~~HVAC/refrigeration restricted (06B)(1)~~
- ~~Nonresidential maintenance (07)(1)~~
- ~~Nonresidential lighting maintenance and lighting retrofit (07A)(1)~~
- ~~Residential maintenance (07B)(1)~~
- ~~Restricted nonresidential maintenance (07C)(1)~~
- ~~Appliance repair (07D)(1) - electricians only~~
- ~~((Equipment repair (07E)(1))~~
- ~~Door, gate and similar systems (10)(1))~~

Begin Interim enforcement
Effective date of this chapter
 Begin Full enforcement
 ((August 1, 2004)) **July 1, 2005**

Note: (1) If a citation is issued, the ((contractor)) individual loses the right to apply previous experience ((or nominate a temporary administrator)).

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-960 Administrator and electrician certificate of competency examinations. General.

(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations; ~~((¶))~~

(iii) Copies of chapter 19.28 RCW and this chapter; or

(iv) A foreign language dictionary that does not contain definitions.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications, except for RCWs or WACs;

~~(iii) ((A foreign language dictionary that contains definitions;~~

~~((+))) Personal notes; or~~

~~((+))) (iv) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.~~

(3) Administrator and master electrician examinations may consist of multiple sections. All sections must be successfully completed within a one-year period of beginning the examination. Within the one-year examination period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

Special accommodations for examination.

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific examination;

(iii) Stating what special accommodation is necessary; and

(iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department at least six weeks in advance of the examination date and must be accompanied by a completed application and fees as described in WAC 296-46B-910.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

Failed examination appeal procedures.

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-910.

(b) The following procedures apply to a review of the results of the examination:

(i) The candidate will be allowed one hour to review their examination.

(ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justification and notify the candidate in writing of the department's decision.

Subjects included in administrator certificate, or master electrician, journeyman, or specialty electrician competency examinations.

(8) The following subjects are among those that may be included in the examination for an administrator certificate or electrician certificate of competency. The list is not exclusive. The examination may also contain subjects not on the list.

(a) For general administrators, master journeyman, and journeyman electricians:

AC - Generator; 3-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits.

Administration - Chapter 19.28 RCW and this chapter.
 Air conditioning - Basic.
 Blueprints - Surveys and plot plans; floor plans; service and feeders; electrical symbols; elevation views; plan views.
 Building wire.
 Cable trays.
 Calculations.
 Capacitive reactance.
 Capacitor - Types; in series and parallel.
 Circuits - Series; parallel; combination; basic; branch; outside branch circuits; calculations.
 Conductor - Voltage drop (line loss); grounded.
 Conduit - Wiring methods.
 DC - Generator; motors; construction of motors; meters.
 Definitions - Electrical.
 Electrical units.
 Electron theory.
 Fastening devices.
 Fire alarms - Introduction to; initiating circuits.
 Fuses.
 Generation - Electrical principles of.
 Grounding.
 Incandescent lights.
 Inductance - Introduction to; reactance.
 Insulation - Of wire.
 Mathematics - Square root; vectors; figuring percentages.
 Motors/controls - Motors vs. generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors.
 Ohm's Law.
 Power.
 Power factor - AC circuits; correction of; problems.
 Rectifiers.
 Resistance - Of wire.
 Rigging.
 Safety - Electrical shock.
 Services.
 3-wire system.
 Tools.
 Transformers - Principles of; types; single-phase; 3-phase connections.

Voltage polarity across a load.

Wiring methods - Conduit; general.

Wiring systems - Less than 600 volts; 480/277 volts; single-and 3-phase delta or wye; distribution systems over 600 volts.

Note: The general administrator, master journeyman, and journeyman electrician examinations may also include the subjects listed below for specialty electrician examinations.

(b) For specialty administrators, master specialty and specialty electricians, the following subjects are among those that may be included in the examination. Examination subjects are restricted to those subjects related to the scope of work of the specialty described in WAC 296-46B-920. The list is not exclusive. The examination may also contain subjects not on the list.

AC - Meters.
 Administration - Chapter 19.28 RCW and this chapter.
 Appliance circuits or controls.
 Blueprints - Floor plans; service and feeders.
 Cables - Wiring methods.
 Calculations.
 Circuits - Series; parallel; combination; basic; outside branch.
 Conductor - Voltage drop (line loss); grounded; aluminum or copper.
 Conduit - Wiring methods.
 Electrical signs, circuits, controls, or services.
 Electrical units.
 First aid.
 Fuses.
 General lighting.
 Grounding of conductors.
 Insulation of wire.
 Limited energy circuits or systems.
 Maintenance of electrical systems.
 Mathematics - Figuring percentage.
 Motor circuits, controls, feeders, or services.
 Ohm's Law.
 Overcurrent protection.
 Resistance of wire.
 Safety - Electrical shock.
 Services.
 Sizes of building wire.
 3-wire system.
 Tools.
 Transformer - Ratios; single-phase/3-phase connections.

Failing an administrator certificate exam or electrician certificate of competency examination.

(9) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(10) If the individual makes a score of less than sixty percent, the individual must wait two weeks before being eligible to retest.

(11) If the individual makes a score of sixty to sixty-nine percent, the individual must wait one day before being eligible to retest.

(12) If the individual fails an electrician examination or a part of an administrator or master electrician examination three times within a one-year period, the individual must wait three months to retake the failed portion of the examination.

(13) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161. However, if the applicant holds a temporary specialty electrician certificate per WAC 296-46B-940(28), the applicant may continue to work under the temporary specialty electrician certificate until it expires. After the temporary specialty electrician certificate expires, the applicant must obtain a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161.

Cheating on an examination.

((13)) (14) Anyone found cheating on an examination or using inappropriate materials/equipment during an examination will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-965 Training certificate required. General.

(1) A training certificate is required to work in the electrical construction trade if an individual does not:

- (a) Possess a current journeyman certificate of competency issued by the department;
- (b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work;
- (c) Possess a valid temporary electrician permit;
- (d) Possess a valid temporary specialty electrician permit while working in that specialty's scope of work; or
- (e) Is not working in exempt status as allowed by chapter 19.28 RCW.

(2) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) will not be issued a training certificate.

Original training certificates.

(3) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

- (a) Date of birth, mailing address, Social Security number; and
- (b) All appropriate fees as listed in WAC 296-46B-910.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years.

Specialty specific - zero percent and seventy-five percent supervision modified training certificates.

(4) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

- (i) Date of birth, mailing address, Social Security number;
- (ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and
- (iii) All appropriate fees as listed in WAC 296-46B-910.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate or temporary specialty electrician permit obtained as described in WAC 296-46B-940(28), the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

- (i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and
- (ii) All appropriate fees as listed in WAC 296-46B-910.
- (c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

Renewal of training certificates.

(5) The individual may not apply for renewal more than ninety days prior to the expiration date. An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment. Within thirty days after renewing an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience for all hours of experience gained since the individual's last training certificate was effective. Employers are required to provide the necessary documentation and signed affidavit of experience to the trainee within twenty days after the trainee requests the affidavit. See WAC 296-46B-965(6). See WAC 296-46B-985(4) for the penalty for providing a false or inaccurate affidavit of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

(a) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category worked under the proper supervision of a Washington certified, master journeyman electrician, journeyman electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(6) The individual should ask each employer and/or apprenticeship training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journeyman electrician, journeyman electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

(7) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

Trainees seeking a journeyman electrician certificate - working with no supervision.

(8) Trainee seeking a general (01) journeyman electrician certificate of competency. After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

(a) Has submitted a complete application for an unsupervised electrical training certificate;

(b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;

(c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;

(d) Has paid all appropriate training certificate fees listed in WAC 296-46B-910; and

(e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician in the appropriate specialty.

Trainees seeking certain specialty electrician certificates - working with reduced or no supervision.

(9) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection (4) of this section.

(10) Individuals who received a temporary specialty electrician certificate using previous work experience credit as allowed in WAC 296-46B-950 and fail to successfully complete the appropriate specialty examination before the expiration of the temporary specialty electrician permit may be issued a training certificate in the appropriate specialty if the individual submits a complete application as described in WAC 296-46B-965 (4)(b) prior to the expiration of the temporary specialty electrician permit.

(11) HVAC/refrigeration trainees (06A) may work unsupervised when installing HVAC thermostat cable when the system consists of a single thermostat in one- and two-family dwelling units where line voltage power is not connected to the system.

AMENDATORY SECTION (Amending WSR 04-21-086, filed 10/20/04, effective 11/22/04)

WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements for administrator, master electrician, and electrician renewal.

(1) DEFINITIONS - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- ~~(Two copies)~~ One copy of all material;
- Applicant's name, address, contact name, and telephone number;
- All required fees;
- Any other information the applicant wants to consider during the review; and
- In addition, class applications will include:

- Sponsor's name, address, contact name, and telephone number;
 - Class title;
 - Number of continuing education hours requested for the class;
 - Statement of whether the class is open to the public;
 - Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);
 - List of resources (e.g., texts, references, etc.);
 - Copies of all visual aids;
 - Sample of the completion certificate.
- In addition, instructor application will include:
- Instructor's name, address, telephone number;
 - Copies of credentials or other information showing conformance with the instructor minimum qualifications.
- (e) Contractor's review process:
- (i) When the application is received, the contractor must:
- (A) Date stamp the application;
- (B) Review the application for completeness within seven working days after receipt.
- (ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.
- (A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.
- (B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.
- (iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.
- The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:
- The applicant in writing; and
 - The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.
- (iv) A notification of denial must include:
- (A) Applicant's name and telephone number;
- (B) Date of denial;
- (C) Sponsor's name and class title if applicable;
- (D) Instructor's name if applicable; and
- (E) The reason for denial.
- (v) A notification of approval:
- (A) For classes must include:
- Applicant's name and telephone number;
 - Sponsor's name and telephone number;
 - Class title;
 - Class number;
 - Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;
 - Effective date for this class;
 - Expiration date of class;

- Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);
- Sample of written class roster and attendance sheet;
- Type of class (i.e., classroom, correspondence, internet); and

• Whether the class is open to the public.

(B) For instructors must include:

- Applicant's name and telephone number;
- Instructor's name and telephone number;
- Effective date for the approval; and
- Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

• All requests for review must be:

• Made in writing;

• Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

• Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

• Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

• Electrical theory based on currently published documents that are readily available for retail purchase; and/or

• Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is two hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

- A written examination (i.e., ~~((twenty-five))~~ thirty-five questions will equal ~~((two))~~ one hour~~((s))~~ of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

- Internet instruction will be based on:
 - A written examination (i.e., ~~((twenty-five))~~ thirty-five questions will equal ~~((two))~~ one hour~~((s))~~ of classroom instruction).

- Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

- To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

~~((A))~~ Supplementary written instruction material appropriate to the type and length of the class~~((and~~

~~(B) If the class is code update and is provided via correspondence or internet, the sponsor must provide the individual with a nationally recognized, copyrighted publication that covers all changes to the NEC;))~~.

(iv) Class material may include:

- Supplementary internet material;
- Supplementary texts;
- Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

- Name of participant;
- Participant's Washington certificate number;
- Name of sponsor;
- Name of class;
- Date of class;
- Name of instructor;
- Location of the class:

- If a classroom-type class, the city and state in which the class was given;

- If a correspondence class, state the class is a correspondence class;

- If an internet class, state the class is an internet class;

- Class approval number;
- Number of continuing units; and
- Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington~~((~~

~~*)~~ administrator, master electrician, or electrician's certificate~~((;))~~ and

~~((*)~~) has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is ~~((accredited))~~ an instructor in a two-year program in the electrical construction trade licensed by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, qualified instructor with a state of Washington approved electrical apprenticeship program, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education~~((; and))~~.

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format ~~((pre-))~~ approved by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials:

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-998 Standards. (1) The standard(s) used, as the basis of electrical product certification, field evaluation, or department approval must be determined by the department to provide an adequate level of safety or define an adequate level of safety performance. Except for

the reference of construction requirements to ensure the product can be installed in accordance with the National Electrical Code, field evaluations, by an approved laboratory, shall not use the National Electrical Code as standard for product evaluation.

(2) Generally, standards will be:

(a) Developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, and governmental authorities, and others having broad experience in the electrical products safety field. A standard is used to control the quality and safety of a product;

(b) Compatible with and be maintained current with periodic revisions of applicable national codes and installation standards; and

(c) Approved by the department. The department will evaluate the proposed standard to determine that it provides an adequate level of safety.

(3) All ANSI safety designated electrical product standards may be deemed acceptable for their intended use without further qualification.

(4) If the product safety standard is not ANSI, the standard must be reviewed and approved by the department as an appropriate electrical product safety standard as a part of the field evaluation or department inspection process.

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

WAC 296-46B-999 Electrical testing laboratory requirements. General.

(1) This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

(2) An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

(a) The department may declare electrical equipment unsafe if:

(i) The equipment is not being manufactured or produced in accordance with all standards of design and construction and all terms and conditions set out in the certification report for the equipment referred to in this chapter;

(ii) The equipment has been shown by field experience to be unduly hazardous to persons or property;

(iii) An examination of the equipment or of the certification report for the equipment shows that the equipment does not comply with all applicable standards; or

(iv) An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this chapter.

(b) When the department declares an electrical product unsafe, the department will:

(i) Notify the product manufacturer and the appropriate testing laboratory in writing;

(ii) Notify the general public by:

- (A) Report to the Consumer Product Safety Commission;
- (B) A published article in the *Electrical Currents*;
- (C) Internet website posting; and/or
- (D) News release.

Accreditation - general.

(3) The department's chief electrical inspector's office reviews requests for accreditation or evaluation. Applicants must submit supporting data as outlined in subsections (4) through (54) of this section.

(4) The accreditation period of a NRTL will be valid for the period of the laboratory's current OSHA NRTL accreditation. The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

(5) On-site inspection of a laboratory.

(a) On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

(b) On-site inspection is not required for NRTL-recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

(c) The department may waive on-site inspection for:

(i) Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department; or

(ii) NRTL-recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

(d) The applicant must pay all costs associated with the on-site inspection.

(6) For purposes of chapter 19.28 RCW, all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington must be accredited by the department. A NRTL requesting approval as a certification laboratory will be approved for accreditation by the department upon completion of the application process.

(7) Fees are payable as required in WAC 296-46B-911.

(8) The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in subsection (4) of this section or notify the renewing laboratory of the department's reason(s) of refusal following receipt of the completed form and renewal fee. Accreditation may be renewed or refused for one or more electrical product category(ies).

(9) The department accepts or denies laboratory accreditation for all laboratories within the state. Accreditation is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Accreditation is determined by the department and prior to making a determination, the department may require information and documentation to be provided by the laboratory.

(a) Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

(b) Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

(i) The number of factory inspections;

(ii) Organizational structure;

(iii) Statement of ownership;

(iv) Laboratory equipment verification;

(v) Client accreditation programs;

(vi) Reports of litigation, which in any way were the result of or may affect any accreditation or testing of products covered by this chapter; or

(vii) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

(c) The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

(10) The laboratory will be approved to certify only those categories identified and authorized by the department. The department will approve and list electrical product category(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

(11) The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

Suspension or revocation.

(12) Any laboratory failing to comply with the requirements of this chapter or submitting false information may have accreditation revoked or suspended for one or more electrical product category(ies).

(13) The department may suspend or revoke the accreditation of any laboratory found to be in noncompliance with this chapter or the laws of the state of Washington.

(14) The department will serve written notice of intent prior to suspension, revocation, or refusal to renew the accreditation of a laboratory.

(15) The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

Business structure, practices, and personnel.

(16) The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well-being of the laboratory.

(17) The laboratory must adequately meet the following business practices:

(a) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures;

(b) Assure that reported values accurately reflect measured and observed data;

(c) Limit work to that for which competence and capacity is available;

(d) Treat test data, records, and reports as proprietary information;

(e) Respond and attempt to resolve complaints contesting certifications and evaluation results;

(f) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected; and

(g) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

(18) Laboratories accredited under this chapter must notify the department within thirty calendar days of any of the following:

(a) Change in company name and/or address;

(b) Changes in major test equipment which affect the ability to perform work for which accredited;

(c) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor; or

(d) Change in independent status.

(19) The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(a) The procedures and authority to ensure the product complies with the standard(s) established by the program;

(b) A quality control system;

(c) Adequate personnel to perform the certification or evaluation;

(d) Verification and maintenance of facilities and/or equipment; or

(e) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

(20) The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(a) The laboratory's quality control system must include a quality control or laboratory operations control manual;

(b) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s); and

(c) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

(21) Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

(22) The laboratory must:

(a) Provide adequate safeguards protecting the employment status of personnel from the influence or control of manufacturers, vendors, or installers of electrical products certified or tested by the laboratory;

(b) Develop and maintain a job description for each technical position category;

(c) Ensure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory;

(d) Develop and maintain records of the results and dates of the observation or examination of personnel performance;

(e) Maintain information on the training, technical knowledge, and experience of personnel; and

(f) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

Recordkeeping and reporting - general.

(23) The laboratory must develop and maintain records and reports of those testing, inspection, certification, and evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

(24) The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

Recordkeeping and reporting - certification.

(25) Certification reports must contain, as applicable:

(a) Name and address of the laboratory;

(b) Pertinent data and identification of tests or inspections;

(c) Name of client;

(d) Appropriate product title;

(e) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(f) Description and identification of the sample including, as necessary, where and how the sample was selected;

(g) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard;

(h) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard;

(i) Measurements, examinations, derived results, and identification of test anomalies;

(j) A statement as to whether or not the results comply with the requirements of the standard;

(k) Name, contact information, and signature of person(s) having responsibility for the report;

(l) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report;

(m) Control forms documenting the receipt, handling, storage, shipping, and testing of samples;

(n) Laboratory records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:

(i) Records of products assurance (follow-up) test results; and

(ii) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(o) Record of written complaints and disposition thereof; and

(p) A statement that records required by these criteria will be maintained for a minimum of three years after cessation of the certification or evaluation.

Recordkeeping and reporting - field evaluation.

(26) The evaluation report must include:

(a) Name and address of the laboratory;

(b) Name of client;

(c) Address where the evaluated product is or will be installed;

(d) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(e) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s);

(f) Description of the overall product evaluated to include full nameplate data and equipment type;

(g) A statement as to whether or not the results comply with the requirements of the standard;

(h) Pertinent test evaluation data and identification of tests or inspections including anomalies;

(i) Signature of person(s) having responsibility for the report;

(j) Any condition of acceptability or restrictions on use/relocation;

(k) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification; and

(l) The labor and industries department file identification number;

(27) Within thirty calendar days after affixing the evaluation mark, the laboratory must submit a copy of the evaluation report to:

(a) The department's chief electrical inspector submitted electronically in a format approved by the department;

(b) Local electrical inspection office submitted electronically in a format approved by the department; and

(c) Client submitted in any format acceptable to the client and testing laboratory.

Facilities and equipment.

(28) The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.

(29) Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:

(a) Equipment description;

(b) Name of manufacturer;

(c) Model, style, serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

(e) Statement of the equipment's allowable error and tolerances of readings;

(f) Calibration or verification procedure and schedule;

(g) Dates and results of last calibrations or verifications;

(h) Specified maintenance practices;

(i) Calibration and/or verification of equipment used;

(j) Name and contact information of personnel or outside contractor providing the calibration or verification service; and

(k) Traceability to National Institute of Standards and Technology or other equivalent standard reference authority.

Standards.

(30) The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.

(31) If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. The National Electrical Code, NFPA 70, will not be allowed to be the primary standard used to evaluate a product.

Product certification.

(32) The electrical product certification program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and authority necessary to ensure that the product complies with the standards (requirements) established by the program.

(33) All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.

(34) The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-

to-date information must be available to the public at the office of the laboratory during normal business hours.

Certification laboratory/manufacturer - agreement.

(35) Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:

(a) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation;

(b) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice;

(c) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard;

(d) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard;

(e) Require reevaluation of products whenever the standard covering the product is revised;

(f) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard;

(g) Provide for control of certification marks by the laboratory;

(h) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data; and

(i) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

Certification mark.

(36) The laboratory owns the certification mark.

(37) The certification mark must be registered as a certification mark with the United States Patent and Trademark Office.

(38) The certification mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied to each unit of production in the form of labels or markings suitable for the environment and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed;

(c) Include the name or other appropriate identification of the certification laboratory;

(d) Include the product category; and

(e) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-46B-999(25).

(39) The certification mark may be applied to the product prior to authorizing the use of a certification mark on a product. The laboratory must:

(a) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype;

(b) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements; and

(c) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification to the department of its intent to affix the certification mark in the field.

Certification laboratory product - assurance/follow up.

(40) To verify continued product acceptability, the laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

(41) The follow-up inspection file must include the:

(a) Conditions governing the use of the certification mark on products;

(b) Identification of the products authorized for certification;

(c) Identification of manufacturer and plant location at which manufacture and certification are authorized;

(d) Description, specifications, and requirements applicable to the product;

(e) Description of processes needed for control purposes;

(f) Description of the manufacturer's quality assurance program when used as part of the follow-up program;

(g) Description of inspections and tests to be conducted by the manufacturer and the laboratory; and

(h) Description of follow-up tests to be conducted in the laboratory.

(42) Follow-up procedures and activities must include:

(a) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples selected from production and, if appropriate, from the market;

(b) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data;

(c) Investigation of alleged field failures upon department request; and

(d) Procedures for control of the use of the certification mark by:

(i) Keeping records of the release and use of certification marks;

(ii) Removal of marks from noncomplying products;

(iii) Return or destruction of unused marks when the authority to use the marks is terminated; and

(iv) Legal action.

(43) The frequency of laboratory follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify

less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

Field evaluation - requirements.

(44) The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not review or recognize laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee standards and proficiency, equipment requirements, and other requirements described in this chapter.

(45) The laboratory must request permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state. Requests must be made using a department-supplied form.

(46) The field evaluation process must be completed within six months following department approval. If the field evaluation is not completed within six months following department approval, the laboratory must request permission from the department in writing to continue the evaluation process. If this secondary permission is granted to the laboratory, the department may require the equipment to be placed out-of-service except as necessary to complete the field evaluation process.

(47) The scope of a field evaluation will depend on the status of the item to be evaluated as follows:

(a) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine with a control panel, remote motors, sensors, controls, and other utilization equipment; and

(b) A product that has been modified internally or by an addition need have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

(48) Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

(49) The laboratory may perform the preliminary evaluation in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

Field evaluation mark.

(50) Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field

evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

(51) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided.

(52) A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

(53) The field evaluation mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product;

(c) Include the name or other appropriate identification of the certification laboratory; and

(d) Include a unique evaluation laboratory reference number.

(54) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See subsection (26) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-46B-527 Special occupancies—Temporary installations.

WAC 296-46B-951 Domestic appliance specialty.

WSR 05-10-039

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 28, 2005, 1:52 p.m., effective May 29, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these rules is to expand the population eligible to receive the state supplementary payment (SSP) administered by the Division of Developmental Disabilities to include supplemental security income (SSI) recipients who are under age eighteen at the time of their initial comprehensive assessment and reporting evaluation (CARE) assessment and received Medicaid personal care between September 2003 and August 2004. These amendments also limit the receipt of SSP to certain individuals who received SSI prior to June 30, 2003, and limit the amount of SSP to former family support recipients to the rate in effect at the time the funding source was converted to SSP. When effective, these rules replace the emergency rules filed as WSR 05-05-023.

Citation of Existing Rules Affected by this Order: Amending WAC 388-827-0115 and 388-827-0145.

PERMANENT

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

Other Authority: Chapter 71A.12 RCW.

Adopted under notice filed as WSR 05-06-087 on March 1, 2005.

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 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: April 22, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-15-094, filed 7/16/04, effective 8/16/04)

WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? (1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and June 30, 2003 and continue to demonstrate a need for and meet the DDD program eligibility requirements for these services. Additionally, you must have been eligible for or received SSI prior to July 1, 2003; or you received Social Security Title II benefits as a disabled adult child prior to July 1, 2003 and would have been eligible for SSI if you did not receive these benefits.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,
- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Agency attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services,
- (b) Family support;
- (c) One or more of the following residential services:
 - (i) Adult family home,
 - (ii) Adult residential care facility,
 - (iii) Alternative living,
 - (iv) Group home,

- (v) Supported living,
- (vi) Agency attendant care,
- (vii) Supported living or other residential service allowance,
- (viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For new authorizations of family support opportunity:

(a) You were on the family support opportunity waiting list prior to January 1, 2003; and

(b) You are on the home and community based services (HCBS) waiver administered by DDD; and

(c) You continue to meet the eligibility requirements for the family support opportunity program contained in WAC 388-825-200 through 388-825-242; and

(d) You must have been eligible for or received SSI prior to July 1, 2003; or you received Social Security Title II benefits as a disabled adult child prior to July 1, 2003 and would have been eligible for SSI if you did not receive these benefits.

(4) For individuals on one of the HCBS waivers administered by DDD (Basic, Basic Plus, Core or Community Protection):

(a) You must have been eligible for or received SSI prior to April 1, 2004; and

(b) You were determined eligible for SSP prior to April 1, 2004.

(5) You received medicaid personal care (MPC) between September 2003 and August 2004; and

(a) You are under age eighteen at the time of your initial comprehensive assessment and reporting evaluation (CARE) assessment;

(b) You received or were eligible to receive SSI at the time of your initial CARE assessment;

(c) You are not on a home and community based services waiver administered by DDD; and

(d) You live with your family, as defined in WAC 388-825-020.

(6) If you meet all of the requirements listed in (5) above, your SSP will continue.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0145 How much money will I receive? The purpose of the SSP is to increase the amount of income to meet your needs. The department will determine your payment amount based on your living arrangement and your assessed needs.

(1) For residential and voluntary placement program services, the amount of your SSP will be based on the amount of state-only dollars spent on certain services at the time the funding source was converted to SSP. If the type of your residential living arrangement changes, your need will be reassessed and your payment adjusted based on your new living arrangement and assessed need.

PERMANENT

WSR 05-10-041

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 28, 2005, 2:20 p.m., effective June 1, 2005]

Effective Date of Rule: June 1, 2005.

Purpose: The purpose of this rule is to raise the ferry tolls within the specified WACs. The revisions follow the annual review of WSF's farebox revenue needs.

Citation of Existing Rules Affected by this Order: Amending WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutory Authority for Adoption: RCW 47.56.030, 47.60.326.

Adopted under notice filed as WSR 05-07-159 on March 23, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 26, 2005.

Dale Stedman, Chair
Transportation Commission

AMENDATORY SECTION (Amending WSR 03-08-072, filed 4/1/03, effective 5/2/03)

WAC 468-300-010 Ferry passenger tolls.

((EFFECTIVE 03:00 A.M. MAY 4, 2003

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent User Coupon Book 20 Rides†	Monthly Passes	Quarterly Passes	Annual Passes	Bicycle Surcharge ^{2,6}
Via Passenger Only Ferry								
*Seattle Vashon	7.40	3.70	6.40	63.20	101.20	303.60	1,214.40	1.00
Via Passenger Only Ferry								
Seattle to Bremerton	6.40	3.20	5.40	43.20†	101.20	303.60	1,214.40	1.00
Via Passenger Only Ferry								
Bremerton to Seattle	1.00	0.50	1.00	N/A	101.20	303.60	1,214.40	N/C
Via Auto Ferry								
*Fauntleroy Southworth	4.20	2.10	3.40	33.60	53.80	161.40	645.60	1.00
*Seattle Bremerton								
*Seattle Bainbridge Island								
*Edmonds Kingston	5.40	2.70	4.40	43.20	69.20	207.60	830.40	1.00
Port Townsend Keystone	2.10	1.05	1.70	33.60	53.80	161.40	645.60	0.50
*Fauntleroy Vashon								
*Southworth Vashon								
*Pt. Defiance Tahlequah	3.50	1.70	2.80	28.00	44.80	134.40	537.60	1.00
*Mukilteo Clinton	3.20	1.60	2.60	25.60	41.00	123.00	492.00	1.00

PERMANENT

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent-User Coupon-Book-20 Rides†	Monthly Pass‡	Quarterly- Pass‡	Annual Pass‡	Bicycle- Surcharge‡,6
*Anacortes to Lopez, Shaw, Oreas or Friday Harbor—Sun- day-Tuesday	8.00	4.00	6.40	57.20	N/A	N/A	N/A	2.008
*Anacortes to Lopez, Shaw, Oreas or Friday Harbor— Wednesday-Saturday	8.80	4.40	7.10	57.20	N/A	N/A	N/A	2.008
Between Lopez, Shaw, Oreas and Friday Harbor‡	N/C	N/C	N/C	N/C	N/A	N/A	N/A	N/C
International Travel								
Anacortes to Sidney and Sidney- to-all-destinations	13.10	6.50	10.50	N/A	N/A	N/A	N/A	4.009
From Lopez, Shaw‡, Oreas and Friday Harbor to Sidney@	4.75	2.25	4.00	N/A	N/A	N/A	N/A	1.0010
Lopez, Shaw, Oreas and Friday- Harbor to Sidney (round-trip)‡	17.85	8.75	14.50	N/A	N/A	N/A	N/A	5.0011

EFFECTIVE 03:00 A.M. MAY 2, 2004

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent-User Coupon-Book-20 Rides†	Monthly Pass‡	Quarterly- Pass‡	Annual Pass‡	Bicycle- Surcharge‡,6
Via Passenger-Only Ferry *Seattle-Vashon	7.70	3.80	6.60	65.60	105.00	315.00	1,260.00	1.00
Via Passenger-Only Ferry Seattle to Bremerton	6.70	3.30	5.60	45.60‡	105.00	315.00	1,260.00	1.00
Via Passenger-Only Ferry Bremerton to Seattle	1.00	0.50	1.00	N/A	105.00	315.00	1,260.00	N/C
Via Auto-Ferry *Fautleroy-Southworth	4.40	2.20	3.60	35.20	56.40	169.20	676.80	1.00
*Seattle-Bremerton *Seattle-Bainbridge Island- *Edmonds-Kingston	5.70	2.80	4.60	45.60	73.00	219.00	876.00	1.00
Port Townsend-Keystone	2.20	1.10	1.80	35.20	56.40	169.20	676.80	0.50
*Fautleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	3.70	1.80	3.00	29.60	47.40	142.20	568.80	1.00
*Mukilteo-Clinton	3.40	1.70	2.80	27.20	43.60	130.80	523.20	1.00
*Anacortes to Lopez, Shaw, Oreas or Friday Harbor—Sun- day-Tuesday	8.60	4.30	6.90	61.80	N/A	N/A	N/A	2.008
*Anacortes to Lopez, Shaw, Oreas or Friday Harbor— Wednesday-Saturday	9.50	4.70	7.60	61.80	N/A	N/A	N/A	2.008
Between Lopez, Shaw, Oreas and Friday Harbor‡	N/C	N/C	N/C	N/C	N/A	N/A	N/A	N/C
International Travel								
Anacortes to Sidney and Sidney- to-all-destinations	13.80	6.90	11.10	N/A	N/A	N/A	N/A	4.009
From Lopez, Shaw‡, Oreas and Friday Harbor to Sidney@	5.00	2.50	4.00	N/A	N/A	N/A	N/A	1.0010
Lopez, Shaw, Oreas and Friday- Harbor to Sidney (round-trip)‡	18.80	9.40	15.10	N/A	N/A	N/A	N/A	5.0011))

PERMANENT

EFFECTIVE 03:00 A.M. JUNE 1, 2005

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Frequent User		Bicycle Surcharge ^{2,4}
				Commuter 20 Rides ¹	Monthly Pass ⁵	
<u>Via Passenger-Only Ferry</u>						
*Seattle-Vashon	8.10	4.00	6.90	68.80	110.10	1.00
<u>Via Auto Ferry</u>						
*Fauntleroy-Southworth	4.70	2.30	3.80	37.60	60.20	1.00
<u>*Seattle-Bremerton</u>						
<u>*Seattle-Bainbridge Island</u>						
*Edmonds-Kingston	6.10	3.00	4.90	48.80	78.10	1.00
Port Townsend-Keystone	2.35	1.15	1.90	37.60	60.20	0.50
<u>*Fauntleroy-Vashon</u>						
<u>*Southworth-Vashon</u>						
*Pt. Defiance-Tahlequah	4.00	2.00	3.20	32.00	51.20	1.00
*Mukilteo-Clinton	3.60	1.80	2.90	28.80	46.10	1.00
<u>*Anacortes to Lopez, Shaw, Orcas or Friday Harbor - Sunday-Tues- day</u>						
	9.10	4.50	7.30	65.70	N/A	2.00 ²
<u>*Anacortes to Lopez, Shaw, Orcas or Friday Harbor - Wednesday-Sat- urday</u>						
	10.10	5.00	8.10	65.70	N/A	2.00 ²
<u>Between Lopez, Shaw, Orcas and Friday Harbor⁴</u>						
	N/C	N/C	N/C	N/C	N/A	N/C
<u>Anacortes to Sidney and Sidney to all destinations</u>						
	14.70	7.30	11.80	N/A	N/A	4.00 ⁸
<u>From Lopez, Shaw, Orcas and Fri- day Harbor to Sidney[@]</u>						
	5.50	2.75	4.50	N/A	N/A	1.00 ⁹
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip)³</u>						
	20.20	10.05	16.30	N/A	N/A	5.00 ¹⁰

@ These fares rounded to the next multiple of \$.25. All other fares rounded to the next multiple of \$.10.

* These routes operate as a one-point toll collection system.

¹FREQUENT USER COUPONS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Unused coupons will not be eligible for refund or exchange. Subsequent to the implementation of the Electronic Fare System (EFS) in the fall of 2005, this will be replaced by a 20 ride card valid for 90 days from the date of purchase. For mail order deliveries, WSF may add additional days to allow for delivery times. Starting May 1, 2006, purchase of this product at a toll booth will be 5% higher, not to exceed an additional \$2.50, at terminals where kiosks are available, except for customers qualifying for the senior/disabled and youth fares.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

³ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. It is valid for the period printed on the pass and will be presented to Washington state ferries staff whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. ~~(The quarterly pass is based on 48 days of travel with a 20% discount and the annual pass is based on 192 days with a 20% discount.)~~ A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF

portion of the fare is based on 16 days of passenger travel per month at a 20% discount. Passes may be available in monthly, quarterly or annual denominations.

⁶BICYCLE PASS - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney for a \$20.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

~~(⁷SEATTLE TO BREMERTON PASSENGER ONLY - Riders on Seattle to Bremerton passenger only need to supplement frequent user coupon with an additional surcharge fare of \$1.00 (\$0.50 for Senior/Disabled).)~~

~~((8))~~ ²BICYCLE SURCHARGE - This becomes \$4.00 during peak season (first Sunday in May until second Sunday in October).

~~((9))~~ ⁸BICYCLE SURCHARGE - This becomes \$6.00 during peak season.

~~((10))~~ ²BICYCLE SURCHARGE - This becomes \$2.00 during peak season.

~~((11))~~ ¹⁰BICYCLE SURCHARGE - This becomes \$8.00 during peak season.

CHILDREN/YOUTH - Children under ~~((five))~~ six years of age will be carried free when accompanied by parent or guardian. Children/youths ~~((five))~~ six through eighteen years of age will be charged the youth fare, which will be 80% of full fare rounded to the next multiple of \$0.10.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or dis-

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ability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF ((GO)) Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF ((GO)) Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of

\$1 per walk-on group or per vehicle of students and/or advisors and staff. Starting September 1, 1999, all school groups require a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect. Due to space limitations, authorized school groups will not be permitted to use one of the passenger-only routes without prior WSF approval.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiple trip books as a customer convenience. These books shall be valid only until the first ((Sunday)) of May following the date of purchase, after which time the coupons shall not be accepted for passage. Unused coupons are not refundable. Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.

PEAK SEASON SURCHARGE - A 20% surcharge shall be applied to passengers from the first Sunday in May to the second Sunday in October, except those using frequent user ((tickets)) fare media, on the Anacortes to Lopez, Shaw, Orcas and Friday Harbor routes.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

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AMENDATORY SECTION (Amending WSR 03-08-072, filed 4/1/03, effective 5/2/03)

WAC 468-300-020 Vehicle under 20', motorcycle, and stowage ferry tolls.

((EFFECTIVE 03:00 A.M. MAY 4, 2003))

ROUTES	Vehicle Under 20'	Vehicle Under 20' w/Sr Citizen or Disabled Driver ⁴	Vehicle Under 20' Over Height Charge ¹	Frequent User Coupon-book 20 Rides ²	Motoreycle ⁵ Incl. Driver Stowage ¹ One Way [@]	Motoreycle w/Sr Citizen or Disabled Driver Stowage ¹ One Way [@]	Motoreycle Oversize Charge ¹	Motoreycle Frequent User Ticket-book 20 Rides ^{2@}
	Incl. Driver One Way							
Fauntleroy-Southworth Port Townsend/Keystone	7.50	6.45	7.50	120.00	3.20	2.15	1.10	51.20
Seattle-Bainbridge Island Seattle-Bremerton-Edmonds- Kingston	9.50	8.15	9.50	152.00	4.10	2.75	1.40	65.60
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	12.25	10.45	12.25	98.00	5.30	3.50	1.80	42.40
Mukilteo-Clinton	5.75	4.95	5.75	92.00	2.50	1.70	0.90	40.00
10 Rides - 5 Round Trips								
*Anacortes to Lopez - Sunday- Tuesday	20.00	16.00	20.00	82.50	10.60	6.60	2.60	87.80
*Lopez - Wednesday-Saturday	22.00	17.60	22.00	82.50	11.70	7.30	2.90	87.80
*Shaw, Orcas - Sunday-Tuesday	23.50	19.50	23.50	97.50	11.30	7.30	3.30	93.80
*Shaw, Orcas - Wednesday-Saturday	26.00	21.60	26.00	97.50	12.50	8.10	3.70	93.80
*Friday Harbor - Sunday-Tuesday	26.50	22.50	26.50	109.75	11.90	7.90	3.90	99.00

ROUTES	Vehicle Under 20' Incl. Driver One-Way	Vehicle Under 20' w/Sr Citizen or Disabled Driver ⁴	Vehicle Under 20' Over Height Charge ¹	Frequent User Coupon-book 20 Rides ²	Motoreycles ⁵ Incl. Driver Stowage ¹ One-Way [@]	Motoreycle w/Sr Citizen or Disabled Driver Stowage ¹ One-Way [@]	Motoreycle Oversize Charge ¹	Motoreycle Frequent User Ticket-book 20 Rides ^{2@}
*Friday Harbor—Wednesday-Saturday	29.25	24.85	29.25	109.75	13.20	8.80	4.40	99.00
Between Lopez, Shaw, Orcas and Friday Harbor ³	11.25	11.25	11.25	45.00	3.50	3.50	3.50	N/A
International Travel								
Anacortes to Sidney and Sidney to all destinations	35.25	28.65	35.25	N/A	17.60	11.00	4.50	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations ⁶	20.25	13.65	35.25	N/A	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	10.25	7.75	10.25	N/A	6.25	3.75	1.50	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁷	3.25	0.75	10.25	N/A	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	45.50	36.40	45.50	N/A	23.85	14.75	6.00	N/A

EFFECTIVE 03:00 A.M. MAY 2, 2004

ROUTES	Vehicle Under 20' Incl. Driver One-Way	Vehicle Under 20' w/Sr Citizen or Disabled Driver ⁴	Vehicle Under 20' Over Height Charge ¹	Frequent User Coupon-book 20 Rides ²	Motoreycles ⁵ Incl. Driver Stowage ¹ One-Way [@]	Motoreycle w/Sr Citizen or Disabled Driver Stowage ¹ One-Way [@]	Motoreycle Oversize Charge ¹	Motoreycle Frequent User Ticket-book 20 Rides ^{2@}
Fauntleroy-Southworth Port Townsend/Keystone	7.75	6.65	7.75	124.00	3.40	2.30	1.20	54.40
Seattle-Bainbridge Island Seattle-Bremerton-Edmonds-Kingston	10.00	8.55	10.00	160.00	4.30	2.85	1.45	68.80
*Fauntleroy-Vashon								
*Southworth-Vashon								
*Pt. Defiance-Tahlequah	13.00	11.10	13.00	104.00	5.60	3.70	1.90	44.80
Mukilteo-Clinton	6.00	5.15	6.00	96.00	2.60	1.75	0.90	41.60
10 Rides—5 Round Trips								
*Anacortes to Lopez—Sunday-Tuesday	20.75	16.45	20.75	86.25	11.10	6.80	2.50	92.30
*Lopez—Wednesday-Saturday	23.00	18.20	23.00	86.25	12.30	7.50	2.80	92.30
*Shaw, Orcas—Sunday-Tuesday	25.00	20.70	25.00	104.25	12.00	7.70	3.40	99.80
*Shaw, Orcas—Wednesday-Saturday	27.75	22.95	27.75	104.25	13.30	8.50	3.80	99.80
*Friday Harbor—Sunday-Tuesday	29.25	24.95	29.25	121.00	12.80	8.50	4.20	106.50
*Friday Harbor—Wednesday-Saturday	32.25	27.45	32.25	121.00	14.20	9.40	4.70	106.50
Between Lopez, Shaw, Orcas and Friday Harbor ³	12.50	12.50	12.50	50.00	3.75	3.75	3.75	N/A
International Travel								
Anacortes to Sidney and Sidney to all destinations	37.25	30.35	37.25	N/A	18.50	11.60	4.70	N/A

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ROUTES	Vehicle Under 20' Incl. Driver One Way	Vehicle Under 20' w/Sr Citizen or Disabled Driver ⁴	Vehicle Under 20' Over Height Charge ¹	Frequent User Coupon-book 20 Rides ²	Motoreycles ⁵ Incl. Driver Stowage ¹ One Way [@]	Motorecycle w/Sr Citizen or Disabled Driver Stowage ¹ One Way [@]	Motorecycle Oversize Charge ¹	Motorecycle Frequent User Ticket-book 20 Rides ² [@]
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations ⁶	22.25	15.35	37.25	N/A	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	11.00	8.50	11.00	N/A	6.75	4.25	1.75	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁷	4.00	1.50	11.00	N/A	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	48.25	38.85	48.25	N/A	25.25	15.85	6.45	N/A))

EFFECTIVE 03:00 A.M. JUNE 1, 2005

ROUTES	Vehicle Under 20' Incl. Driver One Way	Vehicle Under 20' w/Sr Citizen or Disabled Driver ⁴	Vehicle Under 20' Over Height Charge ¹	Frequent User Commuter 20 Rides ²
Fauntleroy-Southworth Port Townsend/Keystone	8.20	7.00	8.20	131.20
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	10.60	9.05	10.60	169.60
*Fauntleroy-Vashon *Southworth-Vashon				
*Pt. Defiance-Tablequah	13.60	11.60	13.60	108.80
Mukilteo-Clinton	6.30	5.40	6.30	100.80
<u>10 Rides - 5 Round Trips</u>				
*Anacortes to Lopez - Sunday-Tuesday	22.00	17.40	22.00	91.50
*Lopez - Wednesday-Saturday	24.40	19.30	24.40	91.50
*Shaw, Orcas - Sunday-Tuesday	26.40	21.80	26.40	109.90
*Shaw, Orcas - Wednesday-Saturday	29.30	24.20	29.30	109.90
*Friday Harbor - Sunday-Tuesday	31.40	26.80	31.40	130.50
*Friday Harbor - Wednesday-Saturday	34.80	29.70	34.80	130.50
Between Lopez, Shaw, Orcas and Friday Harbor ¹	13.90	13.90	13.90	55.60
<u>International Travel</u>				
Anacortes to Sidney and Sidney to all destinations	39.50	32.10	39.50	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations ⁶	24.50	17.10	39.50	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	11.75	9.00	11.75	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁷	4.75	2.00	11.75	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	51.25	41.10	51.25	N/A

EFFECTIVE 03:00 A.M. JUNE 1, 2005

ROUTES	Motorcycle ⁴ Incl. Driver Stowage ¹ One Way [@]	Motorcycle w/Sr Citizen or Disabled Driver Stowage ¹ One Way [@]	Motorcycle Oversize Charge ¹	Motorcycle Frequent User Commuter 20 Rides ² [@]
Fauntleroy-Southworth Port Townsend/Keystone	3.60	2.40	1.25	57.60

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ROUTES	Motorcycle ⁵ Incl. Driver	Motorcycle w/Sr Citizen or	Motorcycle Oversize Charge ¹	Motorcycle Frequent User
	Stowage ¹ One Way@	Disabled Driver Stowage ¹ One Way@		Commuter 20 Rides ² @
Seattle-Bainbridge Island Seattle-Bremerton				
Edmonds-Kingston	4.60	3.05	1.55	73.60
*Fautleroy-Vashon *Southworth-Vashon				
*Pt. Defiance-Tahlequah	6.00	4.00	2.00	48.00
Mukilteo-Clinton	2.70	1.80	0.90	43.20
*Anacortes to Lopez - Sunday-Tuesday	11.70	7.10	2.60	97.50
*Lopez - Wednesday-Saturday	13.00	7.90	2.90	97.50
*Shaw, Orcas - Sunday-Tuesday	12.60	8.00	3.50	105.00
*Shaw, Orcas - Wednesday-Saturday	14.00	8.90	3.90	105.00
*Friday Harbor - Sunday-Tuesday	13.60	9.00	4.50	113.30
*Friday Harbor - Wednesday-Saturday	15.10	10.00	5.00	113.30
Between Lopez, Shaw, Orcas and Friday Harbor ³	4.00	4.00	4.00	N/A
Anacortes to Sidney and Sidney to all destinations	19.75	12.35	5.05	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations ⁴	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	7.25	4.50	1.75	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ²	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	27.00	16.85	6.80	N/A

© These fares rounded to the next multiple of \$0.10. All other fares rounded to the next multiple of \$.25.
 * These routes operate as a one-point toll collection system.

¹SIZE - All vehicles up to 20' in length and under 7'6" shall pay the vehicle under 20' toll. Vehicles up to 20' but over 7'6" in height shall pay an overheight charge of 100% of the vehicle full fare. Motorcycles with trailers, sidecars, or any vehicle licensed as a motorcycle with three or more wheels will pay an oversize motorcycle charge of 100% of the motorcycle full fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

²FREQUENT USER COUPONS - Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage. Unused coupons will not be eligible for refund. Subsequent to the implementation of the Electronic Fare System (EFS) in the fall of 2005, this will be replaced by a 20 ride (10 ride in the San Juan Islands) card valid for 90 days from the date of purchase. From mail order deliveries, WSF may add additional days to allow for delivery time. Starting on May 1, 2006, purchase of this product at a toll booth will be 5% higher, not to exceed an additional \$2.50, at terminals where kiosks are available, except for customers qualifying for the senior/disabled and youth fares.

³INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those

persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

⁵ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the islands served.

⁶RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

⁷RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from the first Sunday in May to the second Sunday in

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October except those using frequent user coupons. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using frequent user coupons.

will have discretion to set appropriate volume discounts based on a case-by-case basis.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF ((CBO)) Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiple trip books as a customer convenience. These books shall be valid only until the first ((Sunday)) of May following the date of purchase after which time the coupons shall not be accepted for passage. Unused coupons are not refundable. Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF

AMENDATORY SECTION (Amending WSR 03-08-072, filed 4/1/03, effective 5/2/03)

WAC 468-300-040 Oversize vehicle ferry tolls.

EFFECTIVE 03:00 A.M. ((MAY 4)) JUNE 1, ((2003)) 2005

ROUTES	Oversize Vehicle Ferry Tolls ¹							Cost Per Ft. Over 80' @
	Overall Unit Length - Including Driver							
	20' To Under 30' Under 7'6" High	20' To Under 30' Over 7'6" High	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To under 70'	70' To and include 80'	
Fauntleroy-Southworth	((11.25))	((22.50))	((30.00))	((37.50))	((45.00))	((52.50))	((60.00))	((0.80))
Port Townsend/Keystone	12.50	24.60	32.80	41.00	49.20	57.40	65.60	0.90
Seattle-Bainbridge Island								
Seattle/Bremerton	((14.25))	((28.50))	((38.00))	((47.50))	((57.00))	((66.50))	((76.00))	((1.00))
Edmonds-Kingston	16.00	31.80	42.40	53.00	63.60	74.20	84.80	1.10
*Fauntleroy-Vashon								
*Southworth-Vashon	((18.50))	((36.75))	((49.00))	((61.25))	((73.50))	((85.75))	((98.00))	((1.30))
*Pt. Defiance-Tahlequah	20.50	40.80	54.40	68.00	81.60	95.20	108.80	1.40
	((8.75))	((17.25))	((23.00))	((28.75))	((34.50))	((40.25))	((46.00))	((0.60))
Mukilteo-Clinton	9.50	18.90	25.20	31.50	37.80	44.10	50.40	0.70
*Anacortes to Lopez - Sunday-Tuesday ²	((30.00))	((60.00))	((80.00))	((100.00))	((120.00))	((140.00))	((160.00))	((2.00))
	33.00	66.00	88.00	110.00	132.00	154.00	176.00	2.20
*Anacortes to Shaw, Orcas - Sunday-Tuesday ²	((35.25))	((70.50))	((94.00))	((117.50))	((141.00))	((164.50))	((188.00))	((2.40))
	39.75	79.20	105.60	132.00	158.40	184.80	211.20	2.70
*Anacortes to Friday Harbor - Sunday-Tuesday	((35.25))	((70.50))	((94.00))	((117.50))	((141.00))	((164.50))	((188.00))	((2.40))
	43.50	87.00	116.00	145.00	174.00	203.00	232.00	2.90
*Anacortes to Lopez - Wednesday-Saturday ²	((33.00))	((66.00))	((88.00))	((110.00))	((132.00))	((154.00))	((176.00))	((2.20))
	36.75	73.20	97.60	122.00	146.40	170.80	195.20	2.50
*Anacortes to Shaw, Orcas - Wednesday-Saturday ²	((39.00))	((78.00))	((104.00))	((130.00))	((156.00))	((182.00))	((208.00))	((2.60))
	44.00	87.90	117.20	146.50	175.80	205.10	234.40	3.00
*Anacortes to Friday Harbor - Wednesday-Saturday	((39.00))	((78.00))	((104.00))	((130.00))	((156.00))	((182.00))	((208.00))	((2.60))
	48.00	96.00	128.00	160.00	192.00	224.00	256.00	3.20
Between Lopez, Shaw, Orcas and Friday Harbor ³	((17.00))	((33.75))	((45.00))	((56.25))	((67.50))	((78.75))	((90.00))	N/A
	21.00	41.70	55.60	69.50	83.40	97.30	111.20	
<i>International Travel</i>								
Anacortes to Sidney to all destinations - Recreational Vehicles and Buses	59.25	59.25	79.00	98.75	118.50	138.25	158.00	2.00
Anacortes to Sidney and Sidney to all destinations - Commercial Vehicles	((53.00))	((105.75))	((141.00))	((176.25))	((211.50))	((246.75))	((282.00))	((3.60))
	59.25	118.50	158.00	197.50	237.00	276.50	316.00	4.00
<i>Travelers with advanced reservations (\$15 fee)</i>								
Anacortes to Sidney and Sidney to all destinations - Recreational Vehicles and Buses	44.25	44.25	64.00	83.75	103.50	123.25	143.00	2.00

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Oversize Vehicle Ferry Tolls¹
Overall Unit Length - Including Driver

ROUTES	20' To Under 30' Under 7'6" High	20' To Under 30' Over 7'6" High	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To under 70'	70' To and include 80'	Cost Per Ft. Over 80' @
Travelers with advanced reservations (\$15 fee)								
Anacortes to Sidney and Sidney to all destinations ⁵ - <u>Commercial Vehicles</u>	((38.00)) 44.25	((90.75)) 103.25	((126.00)) 143.00	((161.25)) 182.50	((196.50)) 222.00	((231.75)) 261.50	((267.00)) 301.00	((3.60)) 4.00
Lopez, Shaw, Orcas and Friday Harbor to Sidney - <u>Recreational Vehicles and Buses</u>								
<u>Buses</u>	17.75	17.75	23.50	29.50	35.25	41.25	47.00	0.75
<u>- Commercial Vehicles</u>	17.75	-35.25	-47.00	-58.75	70.50	-82.25	-94.00	1.20
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁶ - <u>Recreational Vehicles and Buses - Commercial Vehicles</u>								
<u>Recreational Vehicles and Buses - Commercial Vehicles</u>	((8.50)) 10.75	((23.75)) 10.75	((34.00)) 16.50	((44.25)) 22.50	((54.50)) 28.25	((64.75)) 34.25	((75.00)) 40.00	((1.10)) 0.60
<u>Commercial Vehicles</u>	-10.75	-28.25	40.00	-51.75	63.50	75.25	-87.00	0.60
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁴ - <u>Recreational Vehicles and Buses - Commercial Vehicles</u>								
<u>Recreational Vehicles and Buses - Commercial Vehicles</u>	((68.50)) 77.00	((136.50)) 77.00	((182.00)) 102.30	((227.50)) 128.25	((273.00)) 153.75	((318.50)) 179.50	((364.00)) 205.00	((4.70)) 2.75
<u>Commercial Vehicles</u>	77.00	153.75	205.00	256.25	307.50	358.75	410.00	5.20

((EFFECTIVE 03:00 A.M. MAY 2, 2004

Oversize Vehicle Ferry Tolls¹
Overall Unit Length - Including Driver

ROUTES	20' To Under 30' Under 7'6" High	20' To Under 30' Over 7'6" High	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To under 70'	70' To and include 80'	Cost Per Ft. Over 80' @
Fauntleroy-Southworth								
Port Townsend/Keystone	11.75	23.25	31.00	38.75	46.50	54.25	62.00	0.80
Seattle-Bainbridge Island-Seattle/Bremerton								
Edmonds-Kingston	15.00	30.00	40.00	50.00	60.00	70.00	80.00	1.00
*Fauntleroy-Vashon								
*Southworth-Vashon								
*Pt. Defiance-Tahlequah	19.50	39.00	52.00	65.00	78.00	91.00	104.00	1.30
Mukilteo-Clinton	9.00	18.00	24.00	30.00	36.00	42.00	48.00	0.60
*Anacortes to Lopez - Sunday-Tuesday ²	31.25	62.25	83.00	103.75	124.50	145.25	166.00	2.10
*Anacortes to Shaw, Orcas - Sunday-Tuesday ²	37.50	75.00	100.00	125.00	150.00	175.00	200.00	2.50
*Anacortes to Friday Harbor - Sunday-Tuesday	39.00	78.00	104.00	130.00	156.00	182.00	208.00	2.60
*Anacortes to Lopez - Wednesday-Saturday ²	34.50	69.00	92.00	115.00	138.00	161.00	184.00	2.30
*Anacortes to Shaw, Orcas - Wednesday-Saturday ²	41.75	83.25	111.00	138.75	166.50	194.25	222.00	2.80
*Anacortes to Friday Harbor - Wednesday-Saturday	43.25	86.25	115.00	143.75	172.50	201.25	230.00	2.90
Between Lopez, Shaw, Orcas and Friday Harbor ³	18.75	37.50	50.00	62.50	75.00	87.50	100.00	N/A
International Travel								
Anacortes to Sidney and Sidney to all destinations	56.00	111.75	149.00	186.25	223.50	260.75	298.00	3.80

PERMANENT

Oversize Vehicle Ferry Tolls
Overall Unit Length—Including Driver

ROUTES	20'	20'						70'	Cost Per Ft. Over 80' @
	To Under	To Under	30'	40'	50'	60'	To and include		
	7'6" High	7'6" High	Under- 40'	To-Under 50'	To-Under 60'	To-Under 70'	80'		
Travelers with advanced reservations (\$15 fee)									
Anacortes to Sidney and Sidney to all destinations ⁵	41.00	96.75	134.00	171.25	208.50	245.75	283.00	3.80	
Lopez, Shaw, Orcas and Friday Harbor to Sidney	16.50	33.00	44.00	55.00	66.00	77.00	88.00	1.10	
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁶									
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁴	72.50	144.75	193.00	241.25	289.50	337.75	386.00	4.90	

@ These fares rounded to the next multiple of \$0.05. All other fares rounded to the next multiple of \$.25.

* These routes operate as a one-point toll collection system.)

¹OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 20' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles 11 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10.

²TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: ((May 4, 2003—May 1, 2004, \$20.00)) June 1, 2005 - April 30, 2007, \$37.50 base season, \$(27.50) 50.00 peak season((+May 2, 2004—April 30, 2005, \$28.75 base season, \$38.75 peak season)).

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the islands served.

⁵RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

⁶RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

COMMERCIAL VEHICLE RESERVATION FEES - For commercial vehicles traveling with reservations a participation fee (\$200 for summer schedule season, \$100 for each of the other schedule seasons) will be charged. Fees will be collected when reservations are confirmed.

PEAK SEASON SURCHARGE - A peak season surcharge of 25% shall apply to all oversize vehicles, except for Anacortes to Lopez, Shaw, Orcas, and Friday Harbor. The senior citizen dis-

count shall apply to the driver of an oversize vehicle. A 35% surcharge will apply to oversized vehicles traveling from Anacortes to Lopez, Shaw, Orcas and Friday Harbor.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective ((May 4, 2003, through May 4, 2004)) June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount ((form) from the regular ferry tolls. ((This discount is discontinued effective May 5, 2004.)) With the implementation of EFS in fall 2005, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel revenue or other criteria in accordance with WSF business rules.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

BULK NEWSPAPERS - Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

EXPRESS SHIPMENTS - A flat handling charge of \$25.00 per parcel is charged.

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(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees.

Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

MEDICAL SUPPLIES - A flat handling charge of \$5.00 per shipment is charged.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

AMENDATORY SECTION (Amending WSR 03-08-072, filed 4/1/03, effective 5/2/03)

WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system. Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 1, ((2002)) 2004, through June 30, ((2003)) 2005:

Vessel Class	Deck Crew On Overtime	Deck Crew On Straight Time
Jumbo Mark II	\$ ((1,077.29)) <u>1,191.00</u>	\$ ((895.07)) <u>1,019.00</u>
Jumbo	((1,037.39)) <u>1,151.00</u>	((868.24)) <u>991.00</u>
Super	((999.22)) <u>1,102.00</u>	((835.96)) <u>949.00</u>
Evergreen	((775.62)) <u>822.00</u>	((640.56)) <u>695.00</u>
Issaquah	((810.73)) <u>871.00</u>	((675.67)) <u>743.00</u>
Steel	((649.13)) <u>687.00</u>	((542.27)) <u>586.00</u>
Rhododendron	((622.13)) <u>646.00</u>	((515.27)) <u>545.00</u>
Hiyu	((439.40)) <u>455.00</u>	((380.09)) <u>398.00</u>
Passenger Only	521.78	445.57
Passenger Only Fast Ferry	595.00	516.34

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by an appropriate profit margin based on market conditions, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

WSR 05-10-046

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed April 29, 2005, 12:55 p.m., effective June 2, 2005]

Effective Date of Rule: June 2, 2005.

Purpose: To increase the section fees charged to candidates applying to take the uniform certified public accountant (CPA) examination.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530 Fees.

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3).

Adopted under notice filed as WSR 05-06-038 on February 25, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

Date Adopted: April 29, 2005.

Sandra K. Shoemaker, CPA

Deputy Director

AMENDATORY SECTION (Amending WSR 05-01-136, filed 12/16/04, effective 1/31/05)

WAC 4-25-530 Fees. The board shall charge the following fees:

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(1) Initial application for individual license, practice privilege, individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner	\$330
(2) Renewal of individual license, CPA-Inactive certificate, practice privilege, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner	\$230
(3) Application for CPA-Inactive certificateholder to convert to a license	\$0
(4) Application for reinstatement of license, practice privilege, CPA-Inactive certificate, or registration as a resident nonlicensee owner ..	\$480
(5) Quality assurance review (QAR) program fee (includes monitoring reviews for up to two years) Firm submits reports for review	\$400
Firm submits a peer review report for review	\$60
Firm is exempted from the QAR program because the firm did not issue attest reports	\$0
(6) Late fee	\$100
(7) Amendment to firm license except for a change of firm address (there is no fee for filing a change of address)	\$35
(8) Copies of records, per page exceeding fifty pages	\$0.15
(9) Computer diskette listing of licenses, CPA-Inactive certificateholders, grants of practice privilege, registered resident nonlicensee firm owners, or firms	\$75
(10) Replacement CPA wall document	\$50
(11) Process transfer of grades	\$35
(12) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35

(13) CPA examination. Exam fees are comprised of section fees plus administrative fees. The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time. The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.	
(a) Section fees:	
(i) Auditing and attestation	\$(134.50) <u>159.25</u>
(ii) Financial accounting and reporting	\$(126.00) <u>148.00</u>
(iii) Regulation	\$(109.00) <u>125.50</u>
(iv) Business environment and concepts	\$(100.50) <u>114.25</u>
(b) Administrative fees:	
	1/1/04 - After 12/31/06 1/1/07
(i) First-time candidate - Four sections	\$124.50 \$132.95
(ii) First-time candidate - Three sections	\$111.00 \$119.10
(iii) First-time candidate - Two sections	\$97.00 \$104.70
(iv) First-time candidate - One section	\$83.00 \$90.30
(v) Reexam candidate - Four sections	\$122.50 \$130.75
(vi) Reexam candidate - Three sections	\$104.00 \$111.40
(vii) Reexam candidate - Two sections	\$85.00 \$91.50
(viii) Reexam candidate - One section	\$66.00 \$71.60
National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number	\$70 \$70

Note: The board may waive late filing fees for individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

**WSR 05-10-052
PERMANENT RULES
OLYMPIC COLLEGE**

[Filed April 29, 2005, 3:36 p.m., effective May 30, 2005]

Effective Date of Rule: Thirty-one days after filing.

PERMANENT

Purpose: Purpose of this proposal is to provide governance of student behaviors on campus. Also, to outline the disciplinary actions and/or hearings process students and the college must follow.

Citation of Existing Rules Affected by this Order: Repealing X [WAC 132C-120-030]; and amending X [WAC 132C-120-015, 132C-120-040, 132C-120-060, 132C-120-065, 132C-120-100, 132C-120-110, 132C-120-115, 132C-120-120, 132C-120-125, 132C-120-130, 132C-120-135, 132C-120-140, 132C-120-145, 132C-120-150, 132C-120-210, 132C-120-215, 132C-120-220, 132C-120-225, and 132C-120-230.]

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 05-06-029 on February 24, 2005.

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 20, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 20, 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 2, Amended 20, Repealed 1.

Date Adopted: April 26, 2005.

Peter Crane, Chair
Board of Trustees

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-015 Freedom of expression. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions, students or student organizations speak only for themselves.

Any recognized student organization may invite to the campus any speaker a group wishes to hear, providing suitable space is available and there is no interference with the regular scheduled program of the college and officially sanctioned procedure is followed. It is understood that the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by this college, its students, its employees, or the board of trustees. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if

desired by them. Speakers are subject to normal considerations for law and order (~~and to the specific limitations imposed by the Washington State Constitution which prohibits religious worship, exercise, or instruction on state property~~).

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president may prescribe reasonable time, place and manner restrictions for the conduct of the meeting, such as requiring a designated member of the faculty as (~~chairman~~) chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-040 Distribution of printed material on campus. Publications, handbills, leaflets, statements, and similar materials except those which are commercial, obscene, or unlawful in character may be distributed without review or approval by any enrolled student or recognized group of students enrolled at Olympic College. It is to be understood that such materials do not necessarily represent the views of the college or the board of trustees. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs.

~~((All such materials shall indicate the name of the sponsor.))~~ Distribution of any printed materials by persons not members of the college community shall be prohibited unless approved in advance by the (~~dean of students~~) vice-president of student services or designee.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-050 Authority to prohibit trespass. ~~((In the instance of any event that is deemed to impede the movement of persons or vehicles or which is deemed to disrupt or threatens to immediately disrupt the ingress and/or egress of persons from college facilities.))~~ The president or designee, acting through the (~~dean of students~~) vice-president of student services or such other designated person shall have authority and power to:

(1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(3) Order any person, persons, or group of persons to leave or vacate all or any portion of a college facility.

Such authority and power may be exercised to halt any event that is deemed to be unreasonably disruptive of order or

threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any student or person who shall disobey a lawful order given by the college president or designee pursuant to the requirements of this rule shall be subject to disciplinary and/or legal action.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-060 Right to demand identification.

For the purpose of determining the identity of a person as a student, where identification as a student is a prerequisite to admission or the charge for admission to any college activity, or where identification as a student is required in a case of alleged violation of this code, any college employee may demand that any person on college property or at a college activity produce evidence of student enrollment at the college. ~~((Tender of the student identification card will satisfy this requirement. Refusal by a))~~ Failure of the student to produce identification as required shall subject the student to disciplinary action.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-065 Violations. Any student shall be subject to immediate disciplinary action provided for in this student conduct code who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision of the student conduct code;

(3) Commits any of the following acts which are hereby prohibited:

~~((a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.~~

~~(b) Failure to comply with lawful directions of faculty, administrators, and other regularly employed personnel acting in performance of their lawful duties.~~

~~(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, administration, disciplinary proceedings, or other lawful activities of the college.~~

~~(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college owned or controlled property or at college sponsored or supervised functions.~~

~~(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.~~

~~(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.~~

~~(g) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean~~

~~of students, or any other person designated by the college president.~~

~~(h) Intentionally inciting others to engage in imminent lawless activity, including any conduct prohibited herein.~~

~~(i) Possessing, consuming, or furnishing of alcoholic beverages on college owned or controlled property or at college sponsored or supervised functions where prohibited.~~

~~(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.~~

~~(k) Engaging in lewd, indecent, or obscene behavior on college owned or controlled property or at college sponsored or supervised functions.~~

~~(l) Using, possessing, furnishing, or selling any controlled substance as defined in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by a licensed health care professional.~~

~~(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.~~

~~(n) Theft or conversion of college property or private property.~~

~~(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.)~~ (a) Assault, reckless endangerment, intimidation, harassment, or interference upon another person.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow the instructions of a college official, thereby infringing upon the rights and privileges of others.

(d) Providing false information to the college, forgery, or alteration of records.

(e) Illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.

(g) Hazing. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person.

(h) False complaint. Knowingly or recklessly filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(i) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(j) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.

(l) Theft and robbery. Theft of the property of the district or of another as defined in RCW 9A.56.010 through 9A.56.050 and RCW 9A.56.100 as now law or hereafter amended. Includes theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community or any campus visitor; or knowingly possessing stolen property.

(m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.

(n) Unauthorized use of college or associated students' equipment or supplies. Converting of college equipment, supplies, or computer systems for personal gain or use without proper authority.

(o) Illegal entry. Entering, or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.

(p) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.

(q) Refusal to provide identification (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of the employee's duties.

(r) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility, office, or any other smoking not in compliance with college policy or chapter 70.160 RCW.

(s) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(t) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

(u) Computer, telephone, or electronic technology violation. Conduct that violates the college published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet.

(v) Computer trespass. Gaining or denying others access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Olympic College.

(w) Ethics violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(x) Criminal law violation, illegal behavior, other violations. Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.

NEW SECTION

WAC 132C-120-071 Academic dishonesty. Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.

(1) Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.

(2) Plagiarism includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(3) Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.

(4) Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.

Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.

(b) In cases of academic dishonesty, the student's final grade may be adjusted. The instructor may also refer the matter to the vice-president of student services for disciplinary action.

NEW SECTION

WAC 132C-120-076 Classroom conduct. Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the vice-president of student services or designee who may summarily suspend the student

or initiate conduct proceedings as provided in this procedure. The vice-president of student services may impose a disciplinary probation that restricts the student from the classroom until the student has met with the vice-president of student services and the student agrees to comply with the specific conditions outlined by the vice-president of student services for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-100 Jurisdiction. Admission to the college carries with it the expectation that the student will obey the law, comply with rules and regulations of the college, and is accountable for his/her conduct.

All rules herein adopted shall apply to every student on any college property or engaged in any college related activity or function. Sanctions for violation of the rules of student conduct herein adopted will be administered by the college in the manner provided by said rules. When violations of the laws of the state of Washington and/or the United States are involved, the college may in addition refer such matters to civil authorities. In the case of minors such conduct may be referred to parents or guardians.

This code is applicable in all matters of discipline, and any disciplinary action imposed upon a student shall be taken in accordance with this code, unless the disciplinary action was imposed according to separate college policy which the student contractually accepted as a condition to participation in a particular course of study.

Disciplinary action, including dismissal from the college, may be imposed on a student for failure to abide by rules of conduct contained herein. The form of disciplinary action imposed will determine whether and under what conditions a violator may continue as a student at the college. Practices in disciplinary cases may vary in formality according to the severity of the case.

~~((Faculty members shall have the authority to take such actions as may be necessary to maintain order and proper conduct in the classroom to insure the cooperation of students in the accomplishment of the objectives of the course of instruction. Such actions may be appealed to the dean of students within five instructional days of such action.))~~

College administrative officers may deny admission to a prospective student or reregistration to a current student if, in their judgment, the student would not be competent to profit from the curricular offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college inconsistent with the purpose of the institution.

When reference in this document is made to a college official, that reference shall be read to include the specified college official or designee.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-110 Disciplinary proceedings. Any person shall have the right to request sanctions for violations of the student conduct code.

All disciplinary proceedings will be initiated by the ~~((dean of students))~~ vice-president of student services who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the ~~((dean of students))~~ vice-president of student services and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the range of penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the accused, the ~~((dean of students))~~ vice-president of student services may take any of the following actions:

- (1) Terminate the proceeding, exonerating the accused;
- (2) Dismiss the case after whatever counseling and advice may be appropriate;
- (3) Impose ~~((minor))~~ sanctions directly such as warning, reprimand, restitution, ~~((and/or))~~ disciplinary probation, suspension, and/or expulsion;
- (4) Refer the matter to the student conduct board for a recommendation to the ~~((president of the college))~~ vice-president of student services as to appropriate action(~~;~~);
- ~~(5) Recommend to the president of the college that the accused be dismissed).~~

A student accused of violating any provision of the code of student conduct shall be given written notification of the ~~((dean of students'))~~ vice-president of student services' action.

Disciplinary action recommended by the ~~((dean of students))~~ vice-president of student services is final unless the accused exercises his/her right of appeal ~~((within five instructional days))~~ as provided in WAC 132C-120-115.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-115 Appeals. Any disciplinary action may be appealed as provided. Action by the ~~((dean of students))~~ vice-president of student services may be appealed to the student conduct board. Action taken by the student conduct board may be appealed to the president. Action taken by the president shall be final. All appeals by a student must be made in writing and presented to the college president within five instructional days of the disciplinary action/recommendation or the right to appeal is waived and the disciplinary action/recommendation is automatically imposed. Decisions on appeals will be rendered in writing within three instructional days following conclusion of the appeal process.

Time periods referenced in the code may be altered or waived on written agreement of the accused and ~~((dean of students))~~ vice-president of student services.

An appeal of a disciplinary action stays enforcement of the action until the appeal process is exhausted or a final decision reached.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-120 Composition of the student conduct board. The student conduct board shall be composed of seven members on an ad hoc basis as needed. Members shall be selected as follows:

(1) The college president shall appoint three members and an alternate from the faculty.

(2) The president shall appoint one member from the college administration and an alternate.

(3) ~~((Three student members and an alternate appointed by the president of the associated students of Olympic College.))~~ The college president shall appoint two members from the student body. The president may consult the president of the associate students of Olympic College for a recommendation of student members.

(4) The president of the college shall designate a ~~((chairman))~~ chair from the membership who shall preside at all meetings and hearings. The ~~((chairman))~~ chair shall not vote except to break a tie vote.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-125 Procedures for student conduct board hearing. The student conduct board will hear and make recommendations to the president of the college on all disciplinary cases referred/appealed to it.

The accused has a right to a fair and impartial hearing before the student conduct board on any charge of violating rules of student conduct. The accused's failure to cooperate with hearing procedures shall not prevent the student conduct board from making its findings of fact, conclusions, and recommendations. Failure by the accused to cooperate may be taken into consideration by the student conduct board in recommending appropriate disciplinary action to the president.

The accused shall be given written notice of the time and place of the hearing before the student conduct board and afforded not less than five instructional days notice thereof. Said notice shall contain:

(1) A statement of the time, place, and nature of the disciplinary hearing.

(2) A statement of allegations and reference to relevant sections of the student conduct code involved.

The accused shall be entitled to hear and examine evidence against him/her and be informed of the identity of its source, shall be entitled to present evidence or witnesses in his/her own behalf and cross-examine adverse witnesses as to relevant factual matters.

Only those matters presented at the hearing in the presence of the accused will be considered by the student conduct board in determining whether there is sufficient evidence to cause it to believe the accused violated the student conduct code.

The student may be represented by counsel of choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state as counsel, he/she may do so provided that not less than three instructional days notice of the same is given the ~~((dean of students))~~ vice-president of student services.

In all disciplinary proceedings, the college may be represented by the ~~((dean of students))~~ vice-president of student services, designee, and/or assistant attorney general who shall present the college's case against the student accused of violating rules of the student conduct code.

The ~~((chairman))~~ chair of the student conduct board shall preside at the disciplinary hearing and may establish organizational or operational procedures necessary to the conduct of the hearing. The ~~((chairman))~~ chair may rule on all questions before the student conduct board and may limit repetitious testimony and exclude immaterial or irrelevant evidence. Strict rules of evidence shall not be applied.

The proceedings of the hearing shall be recorded and copies of presented materials retained. Such shall be kept in the ~~((dean of students))~~ vice-president of student services office after use by the student conduct board.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-130 Conduct of disciplinary hearings. Hearings conducted by the student conduct board will be held in closed session except when the accused requests that students and staff other than those directly involved be invited to attend. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the ~~((chairman))~~ chair of the student conduct board may exclude such persons from the hearing room.

Any student or staff member attending the student conduct board hearing as an invited guest who continues to disrupt said proceedings after the ~~((chairman))~~ chair of the student conduct board has asked him/her to cease and desist therefrom shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-135 Decision by the student conduct board. Upon conclusion of the disciplinary hearing, the student conduct board shall in closed session consider the evidence therein presented. By majority the board shall reach its conclusions and recommended disciplinary action. The board shall issue in written form its conclusions and recommended disciplinary action within three instructional days of the conclusion of the hearing to the student, the ~~((dean of students))~~ vice-president of student services, and the president. The disciplinary recommendations of the board shall be limited to the following:

(1) That the student or students be exonerated and the proceedings terminated.

(2) That any disciplinary action provided in WAC 132C-120-145 be imposed on the student or students.

Disciplinary action recommended by the student conduct board shall be automatically imposed unless the accused exercises his/her right of appeal to the president as provided in WAC 132C-120-115.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-140 Final decision on disciplinary appeals. The president of the college or any representative designated except the ~~((dean of students))~~ vice-president of student services shall on appeal review the record of the proceedings, the recommended action of the student conduct board, and any written statements of appeal filed by the accused student. Following review of all submitted materials, the president or designee will, within three instructional days, issue in writing to the accused, student conduct board, and ~~((dean of students))~~ vice-president of student services approval of the recommendations of the student conduct board or shall specify what other action shall be taken.

No hearing shall be held at this stage and the decision of the president shall be final.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-145 Disciplinary actions. The following disciplinary actions are hereby established and shall be usual sanctions imposed upon violators of the code of student conduct:

Disciplinary warnings: Notice to a student either verbally or in writing that he/she has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of the code of student conduct. The action will specify, in writing, the period of probation and any conditions such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

Dismissal: Termination of student status for violation of the code of student conduct. ~~((A student may be dismissed only with the approval of the president of the college.))~~ Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of tuition and fees for the quarter in which action is taken but tuition and fees paid in advance for a subsequent quarter are to be refunded.

Restitution: The college may demand restitution from individual students for destruction or damage of property. Failure to make arrangements for restitution promptly will result in the cancellation of the student's registration and will prevent the student from reregistration.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-150 Readmission after dismissal. Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition to the ~~((dean of students))~~ vice-president of student services. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. ~~((Because the president of the college participates in all disciplinary actions dismissing students from the college, the president shall approve readmission of any student who has been formerly dismissed from the college for disciplinary reasons.))~~

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-210 Notice of summary suspension. If the college president or designee desires to exercise the authority to summarily suspend a student, the president or designee shall cause notice thereof to be served on that student by registered or certified mail at the student's last known address, or by personal service of such notice to the student. The notice shall be entitled *Notice of Summary Suspension* and shall state:

(1) The charges against the student including reference to provisions of the student conduct code and/or law.

(2) That the student charged must appear before the ~~((dean of students))~~ vice-president of student services for a summary suspension hearing at a time specified in the notice.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-215 Permission to enter or remain on campus. During the period of summary suspension, the student shall not enter any college property or attend any college function other than to meet with the ~~((dean of students))~~ vice-president of student services or attend a summary suspension hearing. However, the ~~((dean of students))~~ vice-president of student services may grant the student special permission to enter the campus for express purposes such as meeting with staff or students in preparation for a hearing.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-220 Procedures for summary suspension hearing. At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the ~~((dean of students))~~ vice-president of student services that there is no cause to believe that the violations cited on the notice of summary suspension did occur, and that summary suspension is not necessary or justifiable pursuant to WAC 132C-120-200 through 132C-120-220.

The student may offer oral testimony, present witnesses, submit any statement or affidavit, examine any affidavit or cross-examine any witness who may appear against him/her

and submit any matter in extenuation or mitigation of the offense or offenses charged.

The ~~((dean of students))~~ vice-president of student services shall at the time of the summary suspension hearing determine whether there is probable cause to believe that a violation of law or of the code of student conduct has occurred and whether there is cause to believe summary suspension continues to be necessary pursuant to WAC 132C-120-200 through 132C-120-220. In the course of making such decisions the ~~((dean))~~ vice-president of student services may consider only the affidavits and oral testimony of persons who alleged that the student charged has committed a violation of law or the student conduct code and the oral testimony and affidavits submitted by the student charged.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-225 Decision by ~~((dean of students))~~ vice-president of student services. On conclusion of the summary suspension hearing and review of evidence and testimony presented therein, the ~~((dean of students))~~ vice-president of student services or designee may exercise a range of actions including but not limited to the following:

(1) Sustain the summary suspension for its duration or portion thereof, subject to disciplinary actions which may be brought under the code of student conduct rules following the suspension.

(2) Stay the summary suspension and impose any disciplinary action(s) enumerated in WAC 132C-120-110 Disciplinary proceedings of the code of student conduct.

Following the summary suspension hearing, the student shall be provided written notification of findings, conclusions, and disciplinary actions, if any. Notification and any attendant instructions or information will be provided through personal service or sent the student by registered or certified mail at the student's last known address.

AMENDATORY SECTION (Amending Order 24, Resolution No. 52-0585, filed 6/18/85)

WAC 132C-120-230 Failure to appear for summary suspension hearing. If a student who has been summarily suspended fails to appear for a summary suspension hearing with the ~~((dean of students))~~ vice-president of student services as required by WAC 132C-120-210, the suspension will automatically stand for its specified duration, after which the ~~((dean of students))~~ vice-president of student services or designee may initiate further disciplinary proceedings against the student as provided in the code of student conduct.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132C-120-030 Student records.

WSR 05-10-055

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UG-011073, General Order No. R-520—Filed May 2, 2005, 1:14 p.m., effective June 2, 2005]

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 05-11 issue of the Register.

WSR 05-10-065

PERMANENT RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed May 2, 2005, 4:45 p.m., effective June 2, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Medical Commission repealed this rule because it was a duplicate of the Board of Pharmacy's WAC 246-887-040 Designation of nonnarcotic stimulant drugs. The Board of Pharmacy requested the Medical Commission to repeal the duplicative rule. This repeal supports and clarifies the Board of Pharmacy's authority in the area of writing rules pertaining to prescriptions.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-919-600 Prescriptions.

Statutory Authority for Adoption: RCW 18.71.017.

Adopted under notice filed as WSR 05-01-098 on December 14, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 0, Amended 0, Repealed 1.

Date Adopted: April 8, 2005.

Blake T. Maresh
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-919-600 Prescriptions—Schedule II stimulant drugs.

WSR 05-10-086

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed May 3, 2005, 4:14 p.m., effective June 3, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of amending these rules is to correct the cross section references from chapter 388-820 WAC to the recodified chapter 388-101 WAC, Certified community residential services and support.

Citation of Existing Rules Affected by this Order: Amending WAC 388-101-1020, 388-101-1220, 388-101-1260, 388-101-1400, 388-101-1420, 388-101-1470, 388-101-1670, 388-101-1750, 388-101-2150, and 388-101-2410.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.12.080.

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 05-07-136 on March 22, 2005.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-101-2310 was proposed for amendment as WSR 05-07-136 on March 22, 2005. On that same date a document was filed as WSR 05-07-138 recodifying WAC 388-101-2310 to 388-101-2410. This permanent order reflects that change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

Date Adopted: April 27, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-23-070 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1020 What definitions apply to this chapter? "Agency" refers to an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"ADSA" refers to aging and disability services administration at DSHS. Residential care services and the division of developmental disabilities are divisions under aging and disability services.

"Certification" refers to the determination by RCS that an agency or service provider has satisfactorily complied

with the requirements outlined in this chapter and in the department contract.

"Client" refers to a person who has a developmental disability and is eligible under RCW 71A.10.020. (For eligibility criteria, see chapter 388-825 WAC and WAC ((388-820-060)) 388-101-1210.)

"Client services" refers to instruction and support activities that benefit clients, as specified under WAC ((388-820-450)) 388-101-1800 through ((388-820-540)) 388-101-1860.

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) refers to intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"Crisis diversion services (CDS)" refers to DDD-authorized crisis residential services and supports offered to clients on a temporary basis. These clients show a serious decline in mental functioning, making the client at risk for psychiatric hospitalization (see WAC ((388-820-050)) 388-101-1200 and ((388-820-085)) 388-101-1250 for details).

"Crisis service plan" refers to a document that identifies needs and services a client will receive while placed in crisis diversion services.

"DDD" refers to the division of developmental disabilities of aging and disability services administration (ADSA).

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" refers to residential care services' (RCS) approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" refers to residential services provided in a dwelling that is:

(1) Owned, leased, or rented by an entity other than the client;

(2) Licensed by the applicable state authority; and

(3) Operated by a provider.

(See WAC ((388-820-090)) 388-101-1260 for further details.)

"Group training home" refers to a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"HCBS" refers to home and community based services waivers. This is a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home and community based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"IFP" refers to individual financial plan. (See WAC ((388-820-620)) 388-101-2070.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC ((388-820-560)) 388-101-2010 through ((388-820-580)) 388-101-2030.)

"Individual with community protection issues" refers to a client identified by DDD as needing one or more of the following criteria:

(1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

(2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

(3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

(4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

(5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"**Initial assessment**" refers to a written evaluation that identifies a client's needs upon entry into crisis diversion services.

"**Instruction**" refers to goal-oriented teaching that is designed for acquiring and enhancing skills.

"**ISP**" refers to the individual service plan for clients. (See WAC ((388-820-520)) 388-101-1870 through ((388-820-550)) 388-101-1900.)

"**Nursing assistant**" refers to a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"**POC**" refers to the plan of care for clients based on the criteria of the home and community based waivers. (See WAC ((388-820-520)) 388-101-1870 through ((388-820-550)) 388-101-1900.)

"**RCS**" refers to residential care services of aging and disability services (ADSA).

"**Regional support network (RSN)**" refers to a county, combination of counties or other member entities under contract with DSHS mental health division (MHD). These RSNs administer all mental health service activities within their jurisdiction, using available resources. (See WAC 388-865-200 for details.)

"**Reprisal**" refers to any negative action taken as retaliation against an employee.

"**Residential service**" refers to client services offered by certified service providers.

"**Secretary**" refers to the secretary of the department of social and health services or the secretary's designee.

"**Service provider**" refers to an agency RCS has certified and DDD has contracted to provide residential services to clients. Also refers to state operated living alternative (SOLA) program.

"**Severity**" refers to the seriousness of an incident. This is determined by the extent to which a client's physical, mental, or psychosocial well-being is or may be compromised or threatened.

"**SSP (state supplemental payment)**" refers to DDD administered state paid cash assistance program for certain clients of DDD. (See chapter 388-827 WAC for details.)

"**Support**" refers to assistance as requested or needed by a client, based on their abilities, needs, and goals.

"**Supported living**" refers to residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC ((388-820-080)) 388-101-1240 for more details.)

"**Trust account**" refers to a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

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

AMENDATORY SECTION (Amending WSR 04-04-043 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1220 What physical and safety requirements exist for residential services? (1) Crisis diversion service providers who offer services in a client's own home are exempt from the physical and safety requirements described in this section.

For clients who receive more than forty hours of residential service per month.

(2) When clients receive more than forty hours of residential services per month, the service provider must ensure that the following physical and safety requirements are met for the client:

- (a) A safe and healthy environment;
- (b) Accessible telephone equipment;
- (c) An evacuation plan developed and practiced with the client;
- (d) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;
- (e) A safe storage area for flammable and combustible materials;
- (f) Unblocked exits;
- (g) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms;
- (h) A flashlight or a nonelectrical light source in working condition; and
- (i) Basic first-aid supplies.

For clients who receive forty hours or less of residential service per month.

(3) When clients receive forty hours or less of residential services per month, at least once every six months, the service provider must ensure the following physical safety requirements are met:

- (a) A safe and healthy environment;
- (b) An entrance and/or exit that does not rely solely upon windows, ladders, folding stairs, or trap doors;
- (c) A safe storage area for flammable and combustible materials;
- (d) Unblocked exits; and
- (e) A working smoke detector, with a light-alarm for clients with hearing impairments, located close to sleeping rooms.

(4) The following supports are also offered to clients who receive forty hours or less of residential services. These clients may choose not to participate in meeting these requirements. This choice must be documented by the service provider, as per WAC ((388-820-100)) 388-101-1400. The supports offered include:

- (a) Accessible telephone equipment;

- (b) An evacuation plan developed and practiced with the client;
- (c) A flashlight or a nonelectrical light source in working condition; and
- (d) Basic first-aid supplies.

For all clients:

(5) The service provider must ensure that documentation is kept, showing that physical safety requirements are met. The client may independently document that these requirements are met as long as the client's IISP shows this involvement.

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

AMENDATORY SECTION (Amending WSR 04-23-070 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1260 What are group homes? (1) Group homes are residences that are licensed as either a boarding home or an adult family home by RCS, under chapters 388-78A and 388-76 WAC, respectively.

- (2) Group homes must have a contract with DDD.
- (3) The service provider must ensure that group homes comply with all applicable licensing regulations.
- (4) Group homes provide residential services to two or more clients who are unrelated to the provider.
- (5) Clients who live in group homes pay costs of room and board from their own financial resources. (See WAC ((388-820-120)) 388-101-1420 for additional information.)

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

AMENDATORY SECTION (Amending WSR 04-04-043 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1400 When must a service provider document a client's refusal to participate in services? (1) A service provider must document a client's refusal to participate in:

- (a) Physical and safety requirements, as outlined in WAC ((388-820-070(3))) 388-101-1220(3); and
- (b) Health services under WAC ((388-820-690)) 388-101-2140.
- (2) Documentation must include the following:
 - (a) A description of events relating to the client's refusal to participate in these services;
 - (b) A plan to inform the client of the benefits of these services;
 - (c) A description of the service provider's efforts to give the services to the client; and
 - (d) Any health or safety concerns that the refusal may pose.
- (3) The service provider must review this documentation with the client at least every six months. The client or client's guardian must sign the documentation after reviewing it.

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

AMENDATORY SECTION (Amending WSR 04-04-043 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1420 Who pays for a client's residential services? (1) DSHS must pay for contracted residential services provided to department-funded clients. Residential services are paid at the contracted rate.

(2) DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation.

(3) Clients funded through SSP may purchase services through a separate agreement with the service provider.

(4) The service provider must inform DSHS when the client requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department response.

(5) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, he or she must reimburse the service provider as described in WAC ((388-820-120)) 388-101-1420.

(6) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

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

AMENDATORY SECTION (Amending WSR 04-23-070 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1470 How does an agency apply for initial certification? To apply for initial certification, an agency must go through the following application procedures.

- (1) DDD will review:
 - (a) Verification of financial stability;
 - (b) A budget forecast; and
 - (c) A staff-coverage schedule.
- (2) After reviewing, DDD will send a letter of suggestion to RCS.
- (3) The interested agency will submit to RCS:
 - (a) A letter of intent;
 - (b) Relevant experience and qualifications of the agency;
 - (c) A minimum of two professional references;
 - (d) The administrator's resume;
 - (e) A list of the agency board of directors and affiliations, if applicable;
 - (f) Policies, principles and procedures regarding health and safety and;

(g) Methods on the prevention and reporting of abuse, neglect, exploitation and mistreatment to clients according to state law.

RCS may request additional information as needed to complete the application process.

(4) Before applying to RCS, the interested agency will keep in their records the following:

- (a) A letter of intent;
- (b) A mission statement;
- (c) A statement of assurance stating that the service provider will not discriminate against a client or employee (see WAC ((388-820-280)) 388-101-1630);
- (d) Verification of financial stability;
- (e) A budget forecast;
- (f) A staff coverage;
- (g) A staff in-service training plan;
- (h) The agency's policies and procedures;
- (i) Relevant experience and qualifications of the agency;
- (j) A minimum of two professional references;
- (k) A copy of the license if applying for a group home;
- (l) The administrator's resume; and
- (m) A list of the agency board of directors and affiliations, if applicable.

(5) RCS must provide the county with a copy of the agency's letter of intent.

(6) The county may submit written recommendations about the application to RCS within thirty calendar days after receiving the letter of intent. RCS reviews the county's recommendations.

(7) An agency must comply within one hundred and eighty days of the certification's effective date with:

- (a) Relevant federal, state, and local laws and ordinances; and
- (b) RCS/DDD established requirements.

(8) After receiving all materials requested, a determination will be made on initial certification based on the information received. RCS notifies the agency in writing that all documentation has been received and determines if the agency meets the minimal requirements for initial certification.

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

AMENDATORY SECTION (Amending WSR 04-04-043 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1670 What are the minimum requirements for staff employed by service providers? Service provider staff must meet the following minimum requirements:

- (1) Pass background check as per WAC ((388-820-310)) 388-101-1660;
- (2) Exhibit job-related competency and the ability to make independent judgments;
- (3) Have a high school diploma or GED equivalent, unless the employees were hired before September 1, 1991;
- (4) Be at least eighteen years of age when employed as a direct care staff, or at least twenty-one years of age when employed as an administrator; and
- (5) Treat clients with dignity and consideration, respecting the clients' civil and human rights at all times.

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

AMENDATORY SECTION (Amending WSR 04-23-070 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-1750 What information do service providers need to keep in client records? (1) Crisis diversion service providers are exempt from the client record requirements specified in this section. Instead, they must follow requirements outlined in WAC ((388-820-405)) 388-101-1760.

(2) Service providers must keep certain information in client records to fulfill DSHS requirements. The client's records must include, but not be limited to, the following:

- (a) The client's name, address, and Social Security number.
- (b) The name, address, and telephone number of the client's relative, guardian or legal representative.
- (c) Copies of legal guardianship papers, if any.
- (d) Client health records, including:
 - (i) The name, address, and telephone number of the client's physician, dentist, mental health service provider, and any other health care service provider;
 - (ii) Health care service providers' instructions about health care needed, including appointment dates and date of next appointment if appropriate;
 - (iii) Written documentation that the health care service providers' instructions have been followed; and
 - (iv) A record of major health events and surgeries when known.
- (e) A copy of the client's most recent individual service plan or plan of care (ISP/POC).
- (f) The client's individual instruction and support plan (IISP), including:
 - (i) Instruction and support activities for each client as a basis for review and evaluation of client's progress;
 - (ii) Semiannual review of the IISP;
 - (iii) Consultation with other service providers and other interested persons;
 - (iv) IISP revisions and changes; and
 - (v) Other activities relevant to the client that the client wants included.
- (g) Progress notes and incident reports on clients.
- (h) The client's financial records for funds managed by the service provider, including:
 - (i) Receipts, ledgers and records of the client's financial transactions; and
 - (ii) Client's related bankbooks, checkbooks, bank registers, tax records and bank statements.
- (i) Burial plans and wills.

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

AMENDATORY SECTION (Amending WSR 01-22-020 [05-05-077], filed 2/15/05, effective 2/15/05)

WAC 388-101-2150 May a client refuse health care services? A client may refuse to participate in health care services. Service providers must document these situations, according to WAC ((388-820-100)) 388-101-1400.

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

AMENDATORY SECTION (Amending WSR 01-22-020 [05-07-138], filed 2/15/05 [3/22/05], effective 2/15/05 [3/22/05])

WAC 388-101-2410 What training is required before staff are qualified to perform delegated tasks? (1) Before performing delegated tasks, staff must:

(a) Be registered or certified as a nursing assistant (NAR or NAC, respectively);

(b) Complete nurse delegation core training approved by DSHS and receive a certificate; and

(c) Receive client-specific training from the delegating registered nurse.

(2) In addition, registered nursing assistants must complete thirty-two hours of staff training required by WAC ((388-820-330)) 388-101-1680 before doing nursing care tasks. Certified nursing assistants may perform delegated tasks before completing the required thirty-two hours of staff training.

(3) After the staff member completes the required training, the service provider must keep:

(a) Written instructions provided by the delegating registered nurse; and

(b) A copy of the current registration or certification for each employee.

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

WSR 05-10-087

PERMANENT RULES

APPRENTICESHIP AND TRAINING COUNCIL

[Filed May 4, 2005, 6:58 a.m., effective June 15, 2005]

Effective Date of Rule: June 15, 2005.

Purpose: This rule making will clarify the need for apprenticeship program sponsors to demonstrate the need for geographical expansion.

Citation of Existing Rules Affected by this Order: Amending WAC 296-05-316 Apprenticeship agreements—Standards.

Statutory Authority for Adoption: RCW 49.04.010.

Adopted under notice filed as WSR 05-04-092 on February 2, 2005.

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.

Date Adopted: May 4, 2005.

Lawrence Crow
Chair

AMENDATORY SECTION (Amending WSR 02-10-083, filed 4/29/02, effective 6/1/02)

WAC 296-05-316 Apprenticeship agreements—Standards requirements. The WSATC shall have the authority to develop, administer, and enforce program standards for the operation and success of an apprenticeship and training program.

The sponsor's proposed program standards must include a list of duties and responsibilities of the program sponsor reasonably consistent with other approved program standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which must not be less than two thousand hours of reasonably continuous employment.

(2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the sponsor's and committee's duties and responsibilities. This statement must include provisions to:

(a) Elect a chair and a secretary from employer and employee representatives of the committee.

EXCEPTION: This provision is not necessary for a plant program.

(b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be at least three times per year, be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Conference call meetings may be conducted in lieu of regular meetings but must not exceed the number of attended meetings and no disciplinary action shall be taken at conference call meetings.

(c) Determine the program sponsor's need for apprentices in the area covered by the apprenticeship standards established under these rules. ((f))

The following are some examples of ways the program sponsor can demonstrate that the need for apprentices exists:

• Statistical analysis of workload projections((;));

• Demographics((, and));

• Information relating to expected workload growth ~~((are examples of ways the sponsor may demonstrate that the need for apprentices exists.))~~.

(d) Establish minimum standards of education and skilled occupational experience required of apprentices.

(e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker.

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(f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved standards.

EXCEPTION: This does not apply to plant programs.

(g) Recommend competent instructors and related/supplemental instruction in accordance with local vocational requirements.

(h) Recommend a course outline for related/supplemental instruction, as well as coordinate related/supplemental instruction with on-the-job work experience.

(i) Hear and adjust all complaints of violations of apprenticeship agreements.

(j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules.

(k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period.

(l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules. (See WAC 296-05-318.)

(3) The following Equal Employment Opportunity Pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex, color, religion, national origin, age, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(4) When applicable, an affirmative action plan and selection procedures.

(5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.

(6) A statement of the related/supplemental instruction including content, format, hours of study per year (which shall be a minimum of one hundred forty-four hours per year).

(7) An attendance policy which includes a provision that if the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement. A provision that time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not paid for the classroom time. A provision that the hours of actual attendance by the apprentice in related supplemental instruction classes must be reported to the department on a quarterly basis for industrial insurance purposes.

(8) A provision to ensure that the sponsor provides for instruction of the apprentice during the apprentice's related/supplemental instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations.

(9) A provision for a formal agreement between the apprentice and the sponsor and for registering that agreement with the department.

(10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including:

- Certificate of completion;
- Additional credit;
- Suspension;
- Military service;
- Reinstatement;
- Cancellation; and
- Corrections.

(11) A provision for advancing an apprentice's standing based on previous experience in the skilled trade or in some other related capacity.

(12) A provision for the transfer of an apprentice from one training agent to another training agent or the sponsor in order to provide as much as possible, continuous employment and diversity of training experiences for apprentices.

(13) A provision for the amendment of the standards or deregistration of the program. This provision must comply with chapter 49.04 RCW, these rules, and WSATC policies and procedures.

(14) An apprenticeship appeal procedure in compliance with chapters 49.04, 34.05 RCW, and these rules.

(15) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than sixteen years of age. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.

(18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established trade procedure.

(19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.

(20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

(21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:

- Withhold periodic wage advancements;
- Suspend or cancel the apprenticeship agreement;
- Take further disciplinary action; or

• The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal, of the committee's action, to the WSATC.

(22) A provision for an initial probation which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The initial probation must not exceed twenty percent of the term of apprenticeship unless an exemption has been granted for longer probationary periods as specified by Civil Service or law. The initial probationary period must be expressed in hours of employment. During the initial probationary period, the apprenticeship agreement may be terminated by the sponsor or the apprentice without a hearing or stated cause. An appeal process is available to apprentices who have completed the initial probationary period.

(23) Provisions prohibiting discrimination on the race, sex, color, religion, national origin, age, disability or as otherwise specified by law during all phases of apprenticeship.

(24) Provisions to ensure adequate records of the selection process are kept for a period of at least five years and are available to the WSATC or its representative on request. ("Adequate records" means at least a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.)

(25) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.

(26) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry, craft or trade in question taking into account the WSATC's determination of the apprenticeship needs of the trade and geographic area. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.) The goal is to achieve general statewide uniformity of standards in each industry, trade or craft. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor for a trade, craft, or occupation. If the United States Department of Labor has not established a minimum number of hours for a trade, craft, or occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.

(27) A provision to ensure that the progressively increasing wage scales based on specified percentages of journey-level wage, which must be submitted, at least annually, to the WSATC. These may be submitted on a form provided by the department.

A sample apprenticeship agreement and a standard form for program standards are available from the supervisor.

WSR 05-10-088

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 2005, 7:59 a.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-662 WAC, Weights and measures—National Handbooks, by adopting the National Institute of Standards and Technology (NIST) handbooks as follows:

(1) The 2005 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195;

(2) The 2005 edition of NIST Handbook 130 (Uniform Laws and Regulations in the area of legal metrology and engine fuel quality);

(3) The fourth edition (January 2005) of NIST Handbook 133 (Checking the Net Contents of Packaged Goods); and

(4) Modifications to NIST Handbook 44 and NIST Handbook 130.

In addition, this rule-making order:

(1) Outlines the process for conducting inspections of the net contents of packaged goods under NIST Handbook 133;

(2) Describes when the department will take enforcement action when conducting price verification inspections under NIST Handbook 130; and

(3) Rewrites the entire chapter to increase its clarity and readability.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-100, 16-662-105, 16-662-110, and 16-662-115.

Statutory Authority for Adoption: Chapters 19.94 and 34.05 RCW.

Adopted under notice filed as WSR 05-06-111 on March 2, 2005.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 4, Repealed 0.

Date Adopted: May 4, 2005.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 03-08-017, filed 3/25/03, effective 4/25/03)

WAC 16-662-100 What is the purpose(ies) of this chapter? ((The purpose of this rule is to establish)) (1) This

chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform ((state)) rules ((that have been)) adopted by the National Conference on Weights and Measures and that are in effect in other states.

(2) This chapter applies specifically to ((subject areas for)) the:

((1)) (a) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in the *National Institute of Standards and Technology (NIST) NIST Handbook 44*;

((2)) (b) Uniform procedures for checking the net contents of packaged goods addressed in ((the National Institute of Standards and Technology,)) *NIST Handbook 133*;

((3)) (c) Uniform packaging and labeling ((requirements)) regulation addressed in NIST Handbook 130;

((4)) (d) Uniform regulation for the method of sale of commodities ((requirements)) addressed in NIST Handbook 130; and

((5)) (e) Uniform examination procedure((s)) for price verification addressed in ((the National Institute of Standards and Technology)) *NIST Handbook 130*.

((The publications cited in this chapter,)) (3)(a) *NIST Handbook 44*, *NIST Handbook 130* and *NIST Handbook 133*, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. ((The handbooks)) They are also available on the National Institute of Standards and Technology website at <http://ts.nist.gov/ts/htdocs/230/235/owmhome.htm>.

(b) For information regarding the contents and applica- (in) tion of these publications, contact the weights and measures (in) program at the Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560, telephone number 360-902-1857, or e-mail wts&measures@agr.wa.gov.

AMENDATORY SECTION (Amending WSR 04-12-025, filed 5/26/04, effective 6/26/04)

WAC 16-662-105 ~~((Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification))~~ What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)? ~~((1))~~ The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the 2004 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the National Institute of Standards and Technology Handbook 44—Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Fourth Edition of National Institute of Standards and Technology (NIST) Handbook 133 published by the United States Department of Commerce, entitled NIST Handbook 133—Fourth Edition—Checking the Net Contents of Packaged Goods—Fourth Edition, 2003 Edition.

~~(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the 2004 Edition of National Institute of Standards and Technology Handbook 130, entitled the NIST Handbook 130—Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality, specifically:~~

~~(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the Uniform Packaging and Labeling Regulation requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 2004 Edition.~~

~~(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the Uniform Regulation for the Method of Sale of Commodities as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 2004 Edition.~~

~~(c) Weights and measures requirements for price verification shall be the Examination Procedures for Price Verification as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 2004 Edition.)~~ The WSDA adopts the following national standards:

National standard for:	Contained in the:
<u>(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment</u>	<u>2005 Edition of NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</u>
<u>(2) The procedures for checking the accuracy of the net contents of packaged goods</u>	<u>Fourth Edition (January 2005) of NIST Handbook 133 - Checking the Net Contents of Packaged Goods</u>
<u>(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification</u>	<u>2005 Edition of NIST Handbook 130 - Uniform Laws and Regulations in the area of legal metrology and engine fuel quality, specifically:</u>
<u>(a) Weights and measures requirements for all food and nonfood commodities in package form</u>	<u>Uniform Packaging and Labeling Regulation as adopted by the National Conference on Weights and Measures and published in NIST Handbook 130, 2005 Edition</u>

PERMANENT

<u>National standard for:</u>	<u>Contained in the:</u>
(b) <u>Weights and measures requirements for the method of sale of food and nonfood commodities</u>	<u>Uniform Regulation for the Method of Sale of Commodities as adopted by the National Conference on Weights and Measures and published in NIST Handbook 130, 2005 Edition</u>
(c) <u>Weights and measures requirements for price verification</u>	<u>Examination Procedure for Price Verification as adopted by the National Conference on Weights and Measures and published in NIST Handbook 130, 2005 Edition</u>

<u>Modified Section:</u>	<u>Modification:</u>
(2) <u>Scales: Section UR.3.7. Minimum Load on a Vehicle Scale</u>	At the end of UR.3.7.(a) add " <u>and homeowner refuse.</u> " As a result of this modification, UR.3.7.(a) will read: " <u>10 d when weighing scrap material for recycling and homeowner refuse;</u> "

AMENDATORY SECTION (Amending WSR 03-08-017, filed 3/25/03, effective 4/25/03)

WAC 16-662-110 ((Modifications to)) Does the WSDA modify NIST Handbook 44((r))? ((The following modifications are made to Handbook 44, identified in WAC 16-662-105:

(1) ~~General Code: Section G-UR. User Requirements. In the last sentence of subsection G-UR.4.1. "Maintenance of Equipment," change "device user" to "device owner or operator."~~

(2) ~~Scale Code: Section UR.3. Use Requirements. At the end of subsection UR.3.7.(a) add "and homeowner refuse.")~~ The WSDA adopts the following modifications to NIST Handbook 44, which is identified in WAC 16-662-105(1):

<u>Modified Section:</u>	<u>Modification:</u>
(1) <u>General Code: Section G-UR.4.1. Maintenance of Equipment</u>	In the last sentence of G-UR.4.1., <u>Maintenance of Equipment</u> , change the words "device user" to " <u>device owner or operator.</u> " As a result of this modification, the last sentence of G-UR.4.1. will read: " <u>Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or operator shall not be considered "maintained in a proper operating condition."</u> "

AMENDATORY SECTION (Amending WSR 03-08-017, filed 3/25/03, effective 4/25/03)

WAC 16-662-115 ((Modifications to)) Does the WSDA modify NIST Handbook 130((r))? The WSDA adopts the following modifications ((are made)) to the Uniform Regulation for the Method of Sale of Commodities requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(b):

((1) ~~Section 2.20. Gasoline-Oxygenate Blends. Delete Section 2.20. The requirements for this subject are addressed in RCW 19.94.505 and chapter 16-657 WAC.~~

(2) ~~Section 2.23. Animal Bedding. Add a new subsection 2.23.1. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. Quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials when advertised, offered for sale, or sold within the state of Washington shall be in terms of cubic measure or units and fractions thereof.)~~

<u>Modified Section:</u>	<u>Modification:</u>
(1) <u>Section 2.20 Gasoline-Oxygenate Blends</u>	Delete Section 2.20 because <u>the requirements for this subject are addressed in RCW 19.94.505 and chapter 16-657 WAC</u>
(2) <u>Section 2.23 Animal Bedding</u>	Add a new subsection, which reads as follows: <u>2.23.1 Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. — As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. When advertised, offered for sale, or sold within Washington state, quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials must be in cubic measures or units and fractions thereof.</u>

PERMANENT

NEW SECTION

WAC 16-662-120 How does the WSDA conduct inspections of the net contents of packaged goods under NIST Handbook 133? WSDA inspects packages using the Used Dry Tare procedures outlined in *NIST Handbook 133*.

NEW SECTION

WAC 16-662-125 When does WSDA take enforcement action when conducting price verification inspections under NIST Handbook 130? WSDA uses *NIST Handbook 130*, Examination Procedure For Price Verification, Paragraph 11.2., Model Enforcement Levels. Overcharges will be used to determine price accuracy for enforcement actions under chapter 19.94 RCW. WSDA may issue a civil penalty after failure of the third price accuracy inspection.

WSR 05-10-090

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 2005, 8:01 a.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule-making order is to repeal chapter 16-448 WAC, Standards for potatoes, because it is outdated and no longer followed by industry. It has been supplanted by USDA grades and standards for potatoes and is, therefore, redundant. The repeal of chapter 16-448 WAC is a result of the department's ongoing rule review effort under Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-448-130 through 16-448-200.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 05-06-099 on March 2, 2005.

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 15.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 15.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 15.

Date Adopted: May 4, 2005.

Valoria H. Loveland
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-448-130	Promulgation.
WAC 16-448-135	Applicability.
WAC 16-448-140	Washington No. 1 grade.
WAC 16-448-145	Washington commercial.
WAC 16-448-150	Washington No. 2.
WAC 16-448-155	Culls.
WAC 16-448-160	Size.
WAC 16-448-165	Tolerances.
WAC 16-448-170	Application of tolerances.
WAC 16-448-175	Samples for grade and size determination.
WAC 16-448-180	Skinning.
WAC 16-448-185	Definitions.
WAC 16-448-190	Marking requirements.
WAC 16-448-195	Forbidden practices.
WAC 16-448-200	Effective date.

WSR 05-10-091

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 2005, 8:02 a.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule-making order is to repeal chapter 16-404 WAC, Standards for summer apples marketed within Washington, because it is outdated and no longer followed by industry. It has been supplanted by chapter 16-403 WAC and is, therefore, redundant. The repeal of chapter 16-404 WAC is a result of the department's ongoing rule review effort under Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-404-001 through 16-404-070.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 05-06-100 on March 2, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 8.

Date Adopted: May 4, 2005.

Valoria H. Loveland
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-404-001 Promulgation.
- WAC 16-404-010 Definitions.
- WAC 16-404-020 Grades—Washington extra fancy apples.
- WAC 16-404-030 Grades—Washington summer fancy apples.
- WAC 16-404-040 Grades—Color percentages.
- WAC 16-404-050 Marking requirements.
- WAC 16-404-060 Tray packs.
- WAC 16-404-070 Exceptions.

WSR 05-10-092

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 2005, 8:03 a.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule-making order is to adopt a rewritten, reformatted and reorganized chapter 16-409 WAC, Standards for asparagus, that is easier to understand and use. **No new requirements are included in the rewritten chapter 16-409 WAC.** This rewritten chapter 16-409 WAC is a result of the department's ongoing Executive Order 97-02 rule review effort and the department's effort to comply with the executive order's "clarity criteria."

Citation of Existing Rules Affected by this Order: Repealing WAC 16-409-060, 16-409-075 and 16-409-085; and amending WAC 16-409-015, 16-409-020, 16-409-030, 16-409-035, 16-409-065, and 16-409-070.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 05-06-102 on March 2, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 6, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 6, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 6, Repealed 3.

Date Adopted: May 4, 2005.

Valoria H. Loveland
Director

Chapter 16-409 WAC

WASHINGTON STANDARDS FOR ASPARAGUS

NEW SECTION

WAC 16-409-005 Must all Washington fresh asparagus comply with Washington state standards? The following table explains which Washington fresh asparagus is exempt from some of the requirements of this chapter:

If an individual shipment of fresh Washington asparagus:	Then the shipment is exempt from the requirements in:
(1) Consists of asparagus for home use and not for resale; and	<ul style="list-style-type: none"> • WAC 16-409-020 through 16-409-060;
(2) Does not exceed two hundred fifty pounds net weight.	<ul style="list-style-type: none"> • WAC 16-409-065 (2), (3), (4), (5), and (7); and • WAC 16-409-070.

~~((WASHINGTON STANDARDS))~~

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-015 ((Definitions)) What definitions are important to this chapter? ~~((1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.~~

~~((2) "Fresh" means that the stalk is not limp or flabby.~~

~~((3) "Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.~~

~~((4) "Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.~~

~~((5) "Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.~~

(6) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

(7) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

(8) "Green" means that portion of the stalk having green color, purplish green or greenish purple color, and purple at the tip.

(9) "Damage" means any defect, or combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the stalk.

(10) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

(11) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

(12) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

(13) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

(14) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

(15) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting.) The following definitions are important to this chapter:

"Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

"Clean" means the asparagus is free from excessive dirt, dust, residue or foreign matter.

"Damage" means any defect or combination of defects that materially detract from the appearance, edible quality or marketing quality of the stalk.

"Department" means the Washington state department of agriculture (WSDA).

"Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Fairly uniform in length" means the stalks within a container must not vary in length more than one and one-half inches.

"Fairly well trimmed" means that:

(1) At least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container; and

(2) The butt is not badly stringy or frayed.

"Field container" means an open lug made of wood, plastic, or similar material that is repetitively used for field harvesting.

"Fresh" means that the stalk is not limp or flabby.

"Fresh asparagus" means asparagus marketed by lot for fresh consumption.

"Green" means the portion of the stalk having green, purplish-green or greenish-purple color with purple at the tip.

"Lot" means any number of containers of fresh asparagus offered as a unit for inspection, sale, or shipment.

"Serious damage" means any defect or combination of defects that seriously detract from the appearance, edible quality or marketing quality of the stalk.

"Shipment" means any number of containers of fresh asparagus transported from the production area by a single conveyance.

"Well trimmed" means that:

(1) At least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container; and

(2) The butt is not stringy or frayed.

"White" means the portion of the stalk near the butt that is white or light purple over white in color. The white is measured from the extreme tip of the butt to the point where the green color begins.

AMENDATORY SECTION (Amending Order 6015, filed 2/19/97, effective 3/22/97)

WAC 16-409-020 ((Washington standards—Grades.)) **What standards apply to all asparagus marketed within Washington state?** (((1) Washington extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall have at least eighty five percent green color.

(b) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington extra fancy tips shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall be all green.

(b) Stalks within the individual containers shall meet one of the following designated sizes: Jumbo, large, standard, or small.

(3) Washington fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, not wilted and not badly misshapen, and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

(4) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, which are fairly straight, not wilted and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

~~(b) Each stalk shall have a diameter of not less than four-sixteenths inch.~~

~~(5) Culls:~~

~~(a) Asparagus which is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."~~

~~(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.~~

~~(6) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-~~

~~sixteenths inch in diameter.) Any lot of fresh asparagus, including "culls," marketed within Washington state must have no more than ten percent of the stalks that:~~

- ~~(1) Have white in excess of two inches; and~~
- ~~(2) Are less than 4/16 inch in diameter.~~

NEW SECTION

WAC 16-409-022 What grades are used to identify asparagus in Washington state? (1) The following table identifies and describes the asparagus grades used in Washington state:

Washington Asparagus Grades:					
Stalk Characteristics:	"Extra Fancy Grade Asparagus"	"Extra Fancy Grade Asparagus Tips"	"Fancy Grade Asparagus"	"Consumer Pack Asparagus"	"Culls"
Stalks must be:					
(a) Clean;	Yes	Yes	Yes	Yes	No
(b) Fresh;	Yes	Yes	Yes	Yes	No
(c) Fairly uniform in length;	Yes	Yes	Yes	Yes	No
(d) Well trimmed;	Yes	Yes	No	No	No
(e) Fairly well trimmed;	No	No	Yes	Yes	No
(f) Fairly straight;	Yes	Yes	No	Yes	No
(g) Not wilted;	Yes	Yes	Yes	Yes	No
(h) Not badly misshapen;	No	No	Yes	No	No
(i) Free from decay;	Yes	Yes	Yes	Yes	No
(j) Free from damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means;	Yes	Yes	Yes	Yes	No
(k) At least eighty-five percent green in color;	Yes	No	Yes	Yes	No
(l) All green.	No	Yes	No	No	No

(2) "Culls" describes asparagus that:

(a) Is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2; and

(b) Must not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

NEW SECTION

WAC 16-409-024 What are the size requirements for Washington asparagus grades? The following table identifies asparagus size requirements by Washington grades:

Washington Asparagus Grades	Stalks within individual containers must meet one of the following designated sizes:	Grade lots must be designated as:	Ninety percent, by count, of the stalks in any lot must conform to the diameters for such designations:
"Extra Fancy Grade Asparagus"	Jumbo	Washington extra fancy jumbo or Washington jumbo	Washington extra fancy jumbo or Washington jumbo must have stalks at least 13/16 inch in diameter.

PERMANENT

Washington Asparagus Grades	Stalks within individual containers must meet one of the following designated sizes:	Grade lots must be designated as:	Ninety percent, by count, of the stalks in any lot must conform to the diameters for such designations:
	Large	Washington extra fancy large or Washington large	Washington extra fancy large or Washington large must have stalks at least 7/16 inch in diameter.
	Standard	Washington extra fancy standard or Washington standard	Washington extra fancy standard or Washington standard must have stalks at least 6/16 inch in diameter.
"Extra Fancy Grade Asparagus Tips"	Jumbo	Washington extra fancy tips jumbo	Washington extra fancy tips jumbo must be 13/16 inch in diameter or larger.
	Large	Washington extra fancy tips large	Washington extra fancy tips large must be 7/16 inch in diameter or larger.
	Standard	Washington extra fancy tips standard	Washington extra fancy tips standard must be 6/16 inch in diameter or larger.
	Small	Washington extra fancy tips small	Washington extra fancy tips small must have a diameter of at least 4/16 inch.
"Fancy Grade Asparagus"	Small	Minimum diameter; or Washington fancy small or Washington small	Washington fancy grade asparagus lots must be designated by minimum diameter: However, when at least ninety percent, by count, of the stalks in any lot are at least 4/16 inch in diameter, the lot may be designated as Washington fancy small or Washington small.
"Washington consumer pack"	N/A	Washington consumer pack	Washington consumer pack lots must be designated by minimum diameter and stalks must be at least 4/16 inch in diameter.
"U.S. No. 1 grade"	N/A	Minimum diameter; or	N/A
	Jumbo	Washington jumbo	U.S. No. 1 grade jumbo must have stalks at least 13/16 inch in diameter.
	Large	Washington large	U.S. No. 1 grade large must have stalks at least 7/16 inch in diameter.
	Standard	Washington standard	U.S. No. 1 grade standard must have stalks at least 6/16 inch in diameter.

PERMANENT

Washington Asparagus Grades	Stalks within individual containers must meet one of the following designated sizes:	Grade lots must be designated as:	Ninety percent, by count, of the stalks in any lot must conform to the diameters for such designations:
"U.S. No. 2 grade"	N/A	Minimum diameter; or	N/A
	Small	Washington small	U.S. No. 2 grade small must have stalks at least 4/16 inch in diameter.

NEW SECTION

WAC 16-409-026 Does the department adopt U.S. standards for fresh asparagus as Washington state standards? (1) In addition to the Washington state fresh asparagus standards contained in this chapter, the Washington state department of agriculture has adopted, as Washington state standards, modified United States fresh asparagus standards for U.S. grades No. 1 and No. 2.

(2) The department's modifications to the U.S. standards are as follows:

(a) U.S. No. 1 must be at least 6/16 inch in diameter and must meet or exceed Washington extra fancy grade requirements.

(b) U.S. No. 2 must be at least 4/16 inch in diameter and must meet or exceed Washington fancy grade requirements.

AMENDATORY SECTION (Amending Order 6008, filed 12/17/96, effective 1/17/97)

WAC 16-409-030 ((Tolerances for defects, color, diameter and trim.)) What tolerances are adopted for Washington asparagus? ((1) In order to allow for varia-

~~tions incident to proper grading and handling in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerances are provided as specified:~~

~~(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.~~

~~(b) An additional ten percent, by count, for stalks having less than the specified amount of green color.~~

~~(c) An additional ten percent, by count, for stalks not meeting trim requirements.~~

~~(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations.") The following table identifies and explains the tolerances adopted for Washington asparagus:~~

<u>Washington Asparagus Grades to Which Tolerances Apply</u>	<u>Defect, color and trim tolerances adopted for Washington asparagus</u>	<u>Diameter and length tolerances adopted for Washington asparagus</u>
<u>Washington extra fancy</u> <u>Washington extra fancy tips</u> <u>Washington fancy</u> <u>Washington consumer pack</u>	<u>To allow for variations incident to proper grading and handling, the following tolerances are adopted:</u>	<u>To allow for variations in diameter and length incident to proper sizing, the following tolerances are adopted:</u>
	(1) <u>Ten percent, by count, for stalks failing to meet grade requirements other than for trim and color, including no more than one percent for decayed stalks.</u>	(1) <u>Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter defined in WAC 16-409-015 ("fairly uniform in length").</u>
	(2) <u>An additional ten percent, by count, for stalks having less than the required amount of green color.</u>	(2) <u>Ten percent, by count, for stalks failing to meet the required length as established in WAC 16-409-022.</u>
	(3) <u>An additional ten percent, by count, for stalks not meeting trim requirements.</u>	

AMENDATORY SECTION (Amending Order 1848, filed 3/15/85)

WAC 16-409-035 ((Application of tolerances.)) How does the department apply its asparagus tolerances during an inspection? ((Individual samples are subject to the

~~following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade.~~

~~(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.~~

PERMANENT

~~(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified.~~

~~(3) One decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk shall be permitted in any sample.)~~ (1) If the averages for an entire lot are within the tolerances specified in WAC 16-409-030, the limitations in this section, based upon sample inspections, apply to the contents of individual containers in the lot.

(2) Individual containers:

(a) May contain one decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk.

(b) Must have no more than one and one-half times the tolerance specified when a tolerance is ten percent or more.

(c) Must have no more than double the tolerance specified when a tolerance is less than ten percent.

AMENDATORY SECTION (Amending Order 6008, filed 12/17/96, effective 1/17/97)

WAC 16-409-065 ((Containers.)) What requirements apply to the containers used to market fresh asparagus?

~~((1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminants.~~

~~(2) Fresh asparagus of the Washington extra fancy, Washington extra fancy tips, Washington fancy, U.S. No. 1, and U.S. No. 2 grades shall be marketed in containers with moisture pads.~~

~~(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre board or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.~~

~~(4) Western lugs shall contain not less than twenty pounds net weight.~~

~~(5) Culls shall be marketed in wooden pyramid containers with moisture pads.~~

~~(6) Fresh asparagus in field containers shall not be marketed.~~

~~(7) The director may allow the use of containers not specified in subsections (2), (3), (4), and (5) of this section, as experimental containers for the purpose of test or trial marketing.)~~ The following table identifies and explains the requirements that apply to the containers used to market fresh asparagus:

<u>Asparagus Grades:</u>	<u>Container Requirements:</u>
(1) <u>All fresh asparagus:</u>	<u>Must be marketed in containers that are clean and free from dirt, trash, and visible contaminants.</u>
(2) <u>All fresh asparagus:</u>	<u>Must not be marketed in field containers.</u>
(3) <u>For testing or trial marketing purposes, the director:</u>	<u>May allow the use of any experimental containers not specified in this table.</u>
(4) <u>Washington extra fancy, Washington extra fancy tips, Washington fancy, U.S. No. 1, and U.S. No. 2 grades of fresh asparagus:</u>	<u>Must be marketed in containers with moisture pads.</u>
(5) <u>Washington consumer pack grade of fresh asparagus:</u>	<u>Must be marketed either in:</u> <u>(a) Pyramid type containers with moisture pads; or</u> <u>(b) Fiberboard or wooden "western lug" containers with:</u> <u>(i) Inside dimensions of approximately seven inches, by eleven and one-half inches, by eighteen inches; or</u> <u>(ii) A capacity of thirteen hundred and fifty to fifteen hundred and fifty cubic inches.</u> <u>(iii) Western lugs must contain at least twenty pounds net weight.</u>
(6) <u>Culls:</u>	<u>Must be marketed in wooden pyramid containers with moisture pads.</u>

AMENDATORY SECTION (Amending Order 6008, filed 12/17/96, effective 1/17/97)

WAC 16-409-070 ((Marking requirements.)) What marking requirements apply to fresh asparagus containers? ~~((1) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), (5), and (6).~~

~~(2) The grade and size designation shall be marked in letters at least three eighths inch in height.~~

~~(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fey or extra fey. Fancy may be abbreviated as fey. Large may be abbreviated as lge. Standard may be abbreviated as std.~~

~~(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.~~

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~~(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.~~

~~(6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.)) (1) All required markings must be placed on one end of the container, but may be duplicated on the opposite end.~~

(2) Containers must be conspicuously and legibly marked with the:

(a) Name and address of the grower, packer, or distributor;

(b) Grade;

(c) Net weight; and

(d) Size designation or diameter size as defined in WAC 16-409-024.

(3) The grade and size designation required in subsection (2) of this section must be marked in letters at least 3/8 inch in height.

(4) The following abbreviations of grade and size designation are acceptable:

(a) Washington as Wash. or WA

(b) Extra fancy as ex fcy or extra fcy

(c) Fancy as fcy

(d) Large as lge.

(e) Standard as std.

(5) The use of U.S. No. 1 or U.S. No. 2 grade markings is permissible subject to the requirements in WAC 16-409-026.

(6) If culls are marketed:

(a) The word "culls" must be:

(i) Conspicuously and legibly marked in letters at least one inch in height; and

(ii) Predominant in size over any other markings on the container.

(b) They must be marketed only in wooden pyramid containers with moisture pads.

~~((UNITED STATES STANDARDS FOR FRESH ASPARAGUS))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-409-060 Washington standards—Size designations.

WAC 16-409-075 Exemption.

WAC 16-409-085 Adoption of United States standards as Washington state standards.

WSR 05-10-093

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 2005, 8:05 a.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order adopts a rewritten, reformatted and reorganized chapter 16-445 WAC, Standards for Italian prunes, that is easier to understand and use. No new requirements are included in the rewritten chapter 16-445 WAC. The rewritten chapter is a result of the department's ongoing Executive Order 97-02 rule review effort and the department effort to comply with the executive order's "clarity criteria."

Citation of Existing Rules Affected by this Order: Repealing WAC 16-445-001, 16-445-050, 16-445-080 and 16-445-090; and amending WAC 16-445-040, 16-445-060, and 16-445-070.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 05-06-101 on March 2, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 3, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 3, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 3, Repealed 4.

Date Adopted: May 4, 2005.

Valoria H. Loveland
Director

Chapter 16-445 WAC

WASHINGTON STANDARDS FOR ITALIAN PRUNES

NEW SECTION

WAC 16-445-015 What definitions are important to this chapter? The following definitions are important to this chapter and apply only to Italian prunes:

"Badly misshapen" means prunes so malformed or rough that they appear to be seriously damaged. Doubles that have approximately equal sized halves are not considered "badly misshapen."

"Culls" mean prunes that are immature, or seriously damaged by growth cracks, hail, insect pests, mechanical or other means.

"Department" means the Washington state department of agriculture.

"Diameter" means the greatest distance measured through the center of a prune at right angles to a line running from the stem to the blossom end.

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"Fairly uniform size" means that the prunes in each packed container must not show a variation of more than one-fourth of an inch in diameter.

"Fairly well colored" means that at least three-fourths of the surface of a prune is purple color.

"Mature" means that a prune has reached the stage of maturity that will insure proper completion of the ripening process.

"Sunscald" means an apparent softening or collapse of a prune's flesh that is caused by the sun.

"Well colored" means that except for the portion of allowed russeting, ninety-five percent of the surface of a prune is purple color.

"Well-formed" means that a prune has the shape characteristic of the variety. Doubles are not considered well-formed.

NEW SECTION

WAC 16-445-025 What does "damage" and "serious damage" mean? The following table explains the differences between "damage" and "serious damage" as the terms apply to Italian prunes:

"Damage" means:	"Serious damage" means:
(1) Any injury or defect that materially affects the prune's appearance, or its edible or shipping quality.	(1) Any injury or defect that seriously affects the prune's appearance, or its edible or shipping quality.
Note: Internal growth cracks, cavities or gum spots are not considered damage.	
(2) Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, is "damage":	(2) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, is "serious damage":
(a) Broken skins that are unhealed. Note: <ul style="list-style-type: none"> Broken skins caused by pulled stems where the skin is not torn beyond the stem basin are not damage. Broken skins that have healed are considered scars. 	(a) Broken skins that are unhealed and more than one-eighth inch in diameter or depth. Note: <ul style="list-style-type: none"> Broken skins caused by pulled stems where the skin is not torn beyond the stem basin are not serious damage. Broken skins that have healed are considered scars.
(b) Heat injury that is extensive or not light in color.	(b) Heat injury that causes any softening or dark discoloration of the flesh.

"Damage" means:	"Serious damage" means:
	Note: <ul style="list-style-type: none"> Heat injury may cause internal or external discoloration, and may or may not be serious. Heat injury should not be confused with sunscald, which causes softening or collapse of the tissue, and which is always classed as serious damage.
(c) External growth cracks , when: <ul style="list-style-type: none"> There are more than one on a prune; or One is deep; or One is not well healed; or One is more than 1/4 inch in length. 	(c) External growth cracks that are: <ul style="list-style-type: none"> Not well healed; or More than 3/16 inch in depth; or More than 1/2 inch in length.
(d) Sunburn that has: <ul style="list-style-type: none"> Materially changed the normal color of a prune; or Caused the skin to blister or crack. 	(d) Sunburn that causes: <ul style="list-style-type: none"> Decided flattening of a prune; or Blistering, cracking, or noticeable brownish discoloration of the skin.
(e) Split pit that: <ul style="list-style-type: none"> Causes a readily apparent crack at the stem end; or Affects a prune's shape so it is not well-formed. 	(e) Split pit that: <ul style="list-style-type: none"> Causes a crack at the stem end more than 3/16 inch in length, including any part that may be covered by the stem; or Affects the shape to the extent that the fruit is badly misshapen.
(f) Hail marks , or other similar depressions or scars that: <ul style="list-style-type: none"> Are not shallow or superficial; or Total more than 3/8 inch in diameter; or Break the skin. 	(f) Hail marks that: <ul style="list-style-type: none"> Are more than 3/16 inch deep; or Total more than 1/2 inch in diameter.

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<p>"Damage" means:</p> <p>(g) Drought spots or external gum spots that are more than 1/4 inch in diameter.</p>	<p>"Serious damage" means:</p> <p>(g) Drought spots or external gum spots that total more than 1/2 inch in diameter.</p>
<p>(h) Russeting that is:</p> <ul style="list-style-type: none"> • Not excessively rough but totals more than 1/10 of a prune's surface; or • Excessively rough and totals more than 1/4 inch in diameter. 	<p>(h) Russeting that is:</p> <ul style="list-style-type: none"> • Not excessively rough but totals more than 1/3 of a prune's surface; or • Excessively rough and totals more than 1/2 inch in diameter.
<p>(i) Scars:</p> <ul style="list-style-type: none"> • Dark, rough or depressed scars totaling more than 1/4 inch in diameter. • Fairly smooth, superficial scars that total more than 1/2 inch in diameter. An example is fairly light discoloration such as that caused by handling or packing or by prunes rubbing against each other while on the tree. • Thorn and limb scratches that are not well healed, or that total more than 1/2 inch in length. 	<p>(i) Scars that are:</p> <ul style="list-style-type: none"> • Very dark or excessively rough and total more than 1/2 inch in diameter; or • More than 3/16 inches deep.

AMENDATORY SECTION (Amending Order 1549, filed 3/31/78)

WAC 16-445-040 What is a "Washington No. 1 grade ((and tolerances))" Italian prune? ((1) Defined. Washington No. 1 grade shall consist of prunes of one variety which are well formed (1), mature (2) but not overripe, soft or shriveled, and which are free from decay and sunscald (3), and from damage (4) caused by broken skins (4a), heat injury (4b), growth cracks (4c), sunburn (4d), split pits (4e), hail marks (4f), drought spots (4g), russeting (4h), scars (4i), dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall have two thirds of the surface with purplish color characteristic of the particular area where grown, and unless otherwise specified, the minimum size of such prunes shall be not less than 1 1/4 inches in diameter (7).

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances are specified:

(a) At shipping point: Not more than a total of ten percent, by count, of the prunes in any container may not meet the requirements of this grade for defects other than color and size, but not more than five percent by count, may be allowed for defects causing serious damage and not more than one percent may be allowed for decay. In addition, not more than ten percent, by count, in any container may not meet the color requirements and not more than ten percent, by count, may not meet the size specifications, but the combined tolerance for all defects shall not exceed fifteen percent.

(b) At destination or en route: Not more than a total of eighteen percent of the prunes in any container may not meet the requirements of this grade and not more than the following percentages shall be allowed for the defects listed:

Ten percent which fail to meet the color requirement;
Ten percent which fail to meet the minimum size requirement;

Ten percent which fail to meet the requirements of the grade because of other permanent defects;

Seven percent for defects causing serious damage, including therein not more than five percent for serious damage by permanent defects and not more than two percent decay.) To be labeled "Washington No. 1 grade." Italian prunes must be:

- (1) Of one variety;
- (2) A purplish color over at least 2/3 of their surface;
- (3) Well-formed;
- (4) At least 1-1/4 inches in diameter unless otherwise specified;
- (5) Mature but not overripe, soft or shriveled;
- (6) Free from decay and sunscald; and
- (7) Free from damage caused by:
 - (a) Broken skins;
 - (b) Heat injury;
 - (c) Growth cracks;
 - (d) Sunburn;
 - (e) Split pits;
 - (f) Hail marks;
 - (g) Drought spots;
 - (h) Russeting;
 - (i) Scars; or
 - (j) Dirt, other foreign material, disease, insects or mechanical or other means.

NEW SECTION

WAC 16-445-045 What tolerances apply to Italian prunes? The following tolerances apply to prunes in any container and are adopted to allow for variations that are incidental to proper grading and handling:

<p>(1) Tolerances that apply at the shipping point:</p>	<p>(2) Tolerances that apply to the destination or en route to the destination:</p>
<p>(a) Other than color and size, no more than ten percent, by count, may fail to meet the grade requirements for defects.</p>	<p>(a) No more than eighteen percent, by count, may fail to meet grade requirements.</p>

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(b) No more than five percent, by count, may have serious damage defects.	(b) No more than ten percent, by count, may fail to meet grade requirements due to other permanent defects.
(c) No more than one percent, by count, may be decayed.	(c) No more than seven percent, by count, may have defects that cause serious damage, including no more than five percent for permanent defects and no more than two percent for decay.
(d) No more than ten percent, by count, may fail to meet the color requirements.	(d) No more than ten percent, by count, may fail to meet color requirements.
(e) No more than ten percent, by count, may fail to meet the size specifications.	(e) No more than ten percent, by count, may fail to meet minimum size requirements.
(f) The combined tolerance for all defects must not exceed fifteen percent by count.	

AMENDATORY SECTION (Amending Order 1262, filed 5/5/72)

WAC 16-445-060 (~~Application of tolerances~~) How does the department apply its Italian prune tolerances during an inspection? ((The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) ~~When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.~~

(2) ~~When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.)~~ If the averages for an entire lot are within the specified tolerances, the following limitations apply to the contents of the individual containers in the lot. Based upon sample inspections, the individual containers in the lot:

(1) May contain at least one defective and one undersized prune.

(2) Must have no more than one and one-half times the tolerance specified when a tolerance is ten percent or more.

(3) Must have no more than double the tolerance specified when a tolerance is less than ten percent.

AMENDATORY SECTION (Amending Order 1262, filed 5/5/72)

WAC 16-445-070 (~~Standard pack~~) What are the "standard pack" requirements for Italian prunes? ((1)

~~The prunes shall be of fairly uniform size (10) and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.~~

~~(2) The size of prunes packed in 4 basket crates shall be indicated as follows: 4x4, 4x5, 5x5, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as 4-3x5 and 5-4x5 shall not be considered standard packs.~~

~~(3) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example: A pack with 5x5 in the top layer may have 5x5 in the middle layer, and shall have 4x5 or 4-3x5 in the bottom layer; or it may have 4x5 or 4-3x5 in the middle layer, and shall have 4x5, 4-3x5, or 4x4 in the bottom layer.~~

~~(4) In layer packed California peach or lug boxes, the count in the entire container shall be marked on the package.~~

~~(5) In double faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."~~

~~(6) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements of the standard pack.)~~ (1) A standard pack of Italian prunes must:

(a) Contain prunes of fairly uniform size;

(b) Be tightly packed according to industry-approved methods; and

(c) Contain prunes in the top layer that are not noticeably superior in quality or size to those below the top layer.

(2) In order to allow for variations incident to proper packing, no more than ten percent of the containers in any lot, by count, may fail to meet the standard pack requirements of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-445-001 Promulgation.
- WAC 16-445-050 Culls.
- WAC 16-445-080 Definitions of terms.
- WAC 16-445-090 Effective date.

WSR 05-10-094

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 4, 2005, 8:29 a.m., effective June 4, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule was to implement legislation passed to change RCW 43.70.460 which added additional practice sites for the volunteer retired provider pro-

gram (VRP). The rule expands authorized practice settings for the VRP program. The increased VRP practice settings will increase the practice site options for volunteer health care providers.

Statutory Authority for Adoption: Chapter 184, Laws of 2004, RCW 43.70.470.

Adopted under notice filed as WSR 05-03-007 on January 6, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 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 2, Amended 0, Repealed 0.

Date Adopted: May 4, 2005.

B. White
for Mary C. Selecky
Secretary

Chapter 246-564 WAC

VOLUNTEER RETIRED PROVIDER MALPRACTICE INSURANCE PROGRAM

NEW SECTION

WAC 246-564-001 Purpose. The volunteer retired provider malpractice insurance program (VRP) was established under RCW 43.70.460 and 43.70.470, and is administered by the department of health. The VRP program serves low-income patients by increasing access to health care services. The program pays the malpractice insurance for volunteer health care providers in qualified practice settings.

NEW SECTION

WAC 246-564-010 Qualified practice settings defined. Qualified practice settings include any of the following:

- (1) Public or tax exempt corporations.
- (2) For-profit practice settings that maintain and hold themselves out to the public as providing health care services to Medicaid patients and post a sliding fee scale.
- (3) For-profit practice settings that have established hours on a regular basis for providing free health care services.
- (4) For-profit practice settings that participate, through a written agreement, in a community-based program to provide access to health care services for uninsured persons.

PERMANENT



WSR 05-10-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-74—Filed April 21, 2005, 2:14 p.m., effective May 23, 2005, 12:01 a.m.]

Effective Date of Rule: May 23, 2005, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is issued under the authority of the Emerging Commercial Fishery Act (RCW 77.65.400). In recent years a commercial fishery for hagfish has developed in other coastal waters and there is interest in developing this fishery in Washington. Specially modified fishing gear has been developed and there is a need to evaluate this gear. At this time, there is no need to limit participation in this fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: April 20, 2005.

J. P. Koenings
 Director

NEW SECTION

WAC 220-88D-01000A Designation of the hagfish pot fishery as an emerging commercial fishery. The director designates the hagfish pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver hagfish taken for commercial purposes unless the fisher has a valid emerging commercial fishery license and a hagfish pot fishery permit.

WSR 05-10-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-73—Filed April 22, 2005, 4:20 p.m., effective May 5, 2005, 12:01 a.m.]

Effective Date of Rule: May 5, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.240.

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 eliminate premature harvest of catchable trout dedicated to the "Fishing Kids" event. 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.

Date Adopted: April 22, 2005.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Columbia Park Pond (Benton Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 5 through 4:00 p.m. May 7, 2005 it is unlawful to fish in those waters of Columbia Park Pond, except for juveniles participating in the Fishing Kids Event may fish from 8:00 a.m. to 4:00 p.m. May 7, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:00 p.m. May 7, 2005:

WAC 232-28-61900S Exceptions to statewide rules—Columbia Park Pond.

WSR 05-10-025

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed April 26, 2005, 2:20 p.m., effective April 26, 2005]

Effective Date of Rule: Immediately.

Purpose: To prevent the introduction and dissemination of bovine tuberculosis among the cattle of Washington. Supersedes previous emergency rule WSR 05-07-050 filed March 11, 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-082.

Statutory Authority for Adoption: RCW 16.36.040.

Other Authority: RCW 34.05.350.

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: Bovine tuberculosis is a contagious bacterial disease affecting cattle, caused by *Mycobacterium bovis*. Bovine tuberculosis may be transmitted to people through contact with infected animals. Bovine tuberculosis has been diagnosed in dairy cattle in the states of Arizona, California, New Mexico, and Michigan.

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.

Date Adopted: April 26, 2005.

William E. Brookreson
for Valoria Loveland
Director

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-082 Domestic bovine animals. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (M.

bovis) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

All dairy cows and bulls six months of age or older must test negative for bovine tuberculosis within sixty days prior to entering Washington. These dairy cattle must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy heifers and bull calves under six months of age entering Washington must obtain a permit and upon entry will be issued a hold order/quarantine requiring the animals to proceed directly to a premise or designated facility and to be held separate from all other cattle until they test negative for bovine tuberculosis after six months of age. Dairy heifers and bull calves under six months of age must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy cattle that originate in an accredited tuberculosis free herd as defined by USDA in 9 CFR Chapter 1, Part 77 (January 1, 2005) and for which both an accredited herd number and date of last tuberculosis test are shown on the official interstate health certificate, dairy steers and spayed heifers being imported to restricted feedlots to be fed for slaughter, dairy cattle consigned to federally inspected slaughter plants for immediate slaughter, and dairy cattle consigned to a state federally approved livestock market to be sold directly to slaughter only are exempt from bovine tuberculosis testing under this section.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

- (a) Brucellosis test.
 - (i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

- (I) Calves under six months of age.
- (II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a restricted feedlot.

(iii) Spayed heifers.

(c) Brucellosis vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry into a beef cow breeding herd,

except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Cattle sold or consigned to a restricted feedlot.

(iii) Spayed heifers.

(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian. The state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

WSR 05-10-038

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 28, 2005, 1:51 p.m., effective April 28, 2005]

Effective Date of Rule: Immediately.

Purpose: To eliminate six-month report for children's and state children's health insurance program (SCHIP) medical programs. The governor has directed DSHS to eliminate

the six-month report requirement for children's and SCHIP medical programs.

When effective on June 1, 2005, permanent WAC 388-418-0011 filed as WSR 05-09-020 will replace only emergency WAC 388-418-0011 in this filing.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0015 and 388-418-0011.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.530.

Other Authority: H.B. 1441 (2005 session).

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: Since July 2003, approximately 40,000 Washington state children have lost their Medicaid coverage. The governor has directed the Department of Social and Health Services to reduce the eligibility barriers imposed by the 2003 supplemental bill and immediately reinstate the twelve-month certification period for children's and SCHIP medical programs. HB 1441 currently includes language to reinstate twelve-month certifications for children's medical.

Observing the time requirements of regular rule-making procedures would prevent the department from implementing the governor's directive timely and thereby continue to prevent potentially eligible children from receiving Medicaid. Therefore, immediate adoption of the proposed amendments is necessary to implement the governor's directive in a timely manner.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: April 25, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-21-064, filed 10/18/04, effective 11/18/04)

WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP). (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise stated

in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families (~~and children~~) the certification period is twelve months with a six-month report required as a condition of eligibility as described in WAC 388-418-0011.

(5) For children, the certification period is twelve months. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

~~((5))~~ (6) For an SSI-related person the certification period is twelve months.

~~((6))~~ (7) When the child turns nineteen the certification period ends even if the twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

(a) The child is receiving inpatient services on the last day of the month the child turns nineteen;

(b) The inpatient stay continues into the following month or months; and

(c) The child remains eligible except for exceeding age nineteen.

~~((7))~~ (8) A retroactive certification period can begin up to three months immediately before the month of application when:

(a) The client would have been eligible for medical assistance if the client had applied; and

(b) The client received covered medical services as described in WAC 388-529-0100.

~~((8))~~ (9) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

~~((9))~~ (10) Any months of a retroactive certification period are added to the designated certification periods described in this section.

~~((10))~~ (11) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

(a) The certification periods are described in subsections (1), ~~((4))~~ (5), and ~~((6))~~ (7) of this section;

(b) There is not a retroactive eligibility period as described in subsections ~~((7), (8), and (9))~~ (8), (9), and (10); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

(i) All other CHIP eligibility factors are met; and

(ii) An eligibility decision is made per WAC 388-406-0035.

AMENDATORY SECTION (Amending WSR 04-19-134, filed 9/21/04, effective 10/1/04)

WAC 388-418-0011 What is a six-month report, and do I have to complete one in order to keep getting benefits? (1) A six-month report is a form the department sends you to confirm your current circumstances. We use the information you provide us through this report to determine if you are still eligible for benefits and calculate your monthly benefits.

(2) If you receive benefits from any of the following programs, you must complete a six-month report:

(a) Cash assistance unless you receive **only** refugee cash assistance as described under WAC 388-400-0030;

(b) Family-related medical; or

(c) ~~((Children's medical; or~~

(~~d~~)) Basic Food unless you meet one of the following conditions:

(i) Your assistance unit has a certification period of six months or less. If you have a certification period of six months or less, you must complete a recertification under WAC 388-434-0010 in order to keep getting Basic Food benefits; or

(ii) All adults in your assistance unit are elderly or disabled and have no earned income.

(3) If you must complete a six-month report, we send you the report with the most current information we have on your case. You can choose to complete the report in one of the following ways:

(a) **Complete and return the form to the department.** For us to consider your six-month report complete, you must take all of the steps below:

(i) Complete the report form, telling us about changes in your circumstances we ask about;

(ii) Sign and date the report;

(iii) Provide proof of any changes you report;

(iv) If you receive ~~((children's or))~~ family medical benefits, provide proof of your income even if it has not changed; and

(v) Mail or turn in the completed form and any required proof to us by the due date on the report. This is the tenth day of the sixth month of your review or certification period.

(b) **Complete the six-month report over the phone.** For us to consider your six-month report complete, you must take all of the steps below:

(i) Contact us at the phone number we provide on the report form, telling us about changes in your circumstances we ask about;

(ii) Provide proof of any changes you report. We may be able to verify some information over the phone;

(iii) If you receive ~~((children's or))~~ family medical benefits, provide proof of your income even if it has not changed; and

(iv) Mail or turn in any required proof to us by the due date on the report. This is the tenth day of the sixth month of your review or certification period.

(4) If your benefits change because of the information in your six-month report, we determine the date the change takes effect as described under WAC 388-418-0020.

WSR 05-10-040

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed April 28, 2005, 1:53 p.m., effective April 28, 2005]

Effective Date of Rule: Immediately.

Purpose: To aid in preventing the spread of vesicular stomatitis (VS) to Washington state livestock from affected sites which at this time is New Mexico.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-030(4).

Statutory Authority for Adoption: RCW 16.36.040.

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 outbreak of VS began the end of the fourth week of April in New Mexico. VS is a serious viral disease of livestock and can also be transmitted to humans. The disease caused serious animal health and financial problems in Washington in 1983/84 prior to its elimination from the state.

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.

Date Adopted: April 28, 2005.

Valoria Loveland
Director

AMENDATORY SECTION (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

WAC 16-54-030 Health certificate. (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Dogs, cats and ferrets that are family pets traveling by private automobile with their owners who possess a current rabies certificate for the animals. This exemption does not apply to dogs, cats or ferrets imported for sale or puppies, kittens, or kits too young to vaccinate.

(c) Horses traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption

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does not apply during emergency disease conditions declared by the state veterinarian or extend to any required testing.

(d) Llamas and alpacas traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian.

(e) Sheep traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any animals entering for breeding purposes.

(f) Those classes of animals specifically exempted in laws or regulations of this state.

(2) Official health certificate shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue. The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification except one brand or other owner identified animals, all of the same description, for which tests are not required.

(f) Certification of disinfection of cars and trucks when required.

(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.

(3) All health certificates shall be reviewed by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

(4) No livestock (equine, bovine, porcine, caprine, or ovine) may enter Washington if, within the last thirty days, vesicular stomatitis has been diagnosed within ten miles of any premises where the livestock has been located. Any livestock entering Washington from a state where vesicular stomatitis has been diagnosed within the last thirty days must be accompanied by a valid import number issued by the department's animal health program and an official interstate health certificate with the following statement written by the accredited veterinarian on the certificate:

"All animals identified on this certificate have been examined and found to be free from vesicular stomatitis. During the past thirty days, these animals have not been exposed to vesicular stomatitis or located within ten miles of an area where vesicular stomatitis has been diagnosed."

WSR 05-10-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-75—Filed April 28, 2005, 4:34 p.m., effective May 1, 2005, 12:01 a.m.]

Effective Date of Rule: May 1, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-16-470, 220-56-100, 220-56-180, 220-56-195, 232-12-619, 232-28-619, 232-28-620, and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.240.

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 emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 8, 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.

Date Adopted: April 28, 2005.

J. P. Koenings
Director

NEW SECTION

WAC 220-16-47000C Wild—2005 North of Falcon.
Effective May 1 until further notice: "Wild" when used to describe the difference between a hatchery fish and a non-hatchery fish, except salmon, means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish. When "wild" is used to describe a salmon, "wild" means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin clipped. A salmon with a clipped adipose fin and having a healed scar at the site is not a wild fish.

NEW SECTION

WAC 220-56-10000D Definitions—Personal-use fishing—2005 North of Falcon. Effective immediately until

further notice, the following definition applies to personal use fishing in Titles 220 and 232 WAC:

(1) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin. When "hatchery" is used to describe a salmon, "hatchery" means a salmon with a clipped adipose fin and having a healed scar at the location of the clipped fin.

(2) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one 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.

(3) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(4) "Wild" when used to describe a salmon (chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and having a healed scar at the site is not a wild fish.

NEW SECTION

WAC 220-56-18000D Statewide salmon rules—2005 North of Falcon. Notwithstanding the provisions of WAC 232-28-620, in Marine Areas 1, 2, 3, 4, in Area 2-1 from the opening date of adjacent ocean waters through August 15, and in Area 2-2 west of the Buoy 13 line, chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

NEW SECTION

WAC 220-56-19500N Closed saltwater salmon areas—2005 North of Falcon. Notwithstanding the provisions of WAC 220-56-195:

(1) Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then westerly to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then southerly across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(2) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed June 1 through August 12.

NEW SECTION

WAC 232-12-61900W Permanent Washington statewide game fish rules—2005 North of Falcon. Notwithstanding the provisions of WAC 232-12-619, it is unlawful to violate the following provisions:

(1) **Freshwater Bay:** Effective July 1 until further notice, waters south of a line from Angeles Point westerly to Observatory Point are closed to game fish angling.

(2) **Tulalip Bay:** Effective May 1 until further notice, waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed to game fish angling.

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules—2005 North of Falcon. Effective May 1, notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Baker River (Skagit County):** Mouth to Highway 20 Bridge: Salmon: Open only July 1 through July 31, except closed from 12:01 a.m. July 5 through 2:00 p.m. July 6, and from 12:01 a.m. July 11 through 2:00 p.m. July 12. Daily limit 2 sockeye only.

(2) **Bogachiel River (Clallam County), from mouth to Olympic National Park boundary:** Salmon: Open July 1 until further notice, from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(3) **Calawah River (Clallam County), from mouth to forks:** Salmon: Open July 1 until further notice, from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(4) **Dickey River (includes all forks) (Clallam County):** Salmon: Open July 1 until further notice, from mouth to East Fork Dickey, outside Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(5) **Puyallup River (Pierce County):** Salmon: Open August 1 until further notice from mouth to Carbon River. Daily limit 6 fish of which no more than 4 may be adult salmon and of the adults no more than a total of 2 may be coho, chinook, and chum, except release wild adult chinook. Single point barbless hooks required August 1 until further notice.

(6) **Quillayute River (Clallam County):** Salmon: Open immediately until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(7) **Skagit River (Skagit/Whatcom counties):**

1) From the Highway 530 Bridge at Rockport to Cascade River - Salmon: Open June 1 through July 8. Daily limit 2 hatchery chinook only.

2) From the Dalles Bridge at Concrete to a line projected across the river at a point 200' upstream of the east bank of the Baker River - Salmon: Open July 1 through July 31, except closed from 12:01 a.m. July 5 through 2:00 p.m. July 6, and from 12:01 a.m. July 11 through 2:00 p.m. July 12. Daily limit 2 sockeye only.

3) From the mouth to mouth of Gilligan Creek - Salmon: Open August 16 until further notice. Daily limit 2 fish, release chinook.

(8) Skokomish River (Mason County), mouth to Highway 101 Bridge: Open June 1 until further notice from mouth to Highway 101. All species, single point barbless hooks required August 1 until further notice. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open August 1 until further notice from mouth to Highway 101 Bridge. Daily limit 1 fish, release chum.

(9) Skykomish River (Snohomish County):

1) From Lewis Street Bridge in Monroe to Wallace River - Salmon: Open June 1 through July 31. Daily limit 2 hatchery chinook only.

2) From mouth to Lewis Street Bridge in Monroe - Salmon: Open August 16 until further notice. Daily limit 4 fish of which no more than a total of 2 may be coho and chum, release chinook.

(10) Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: Salmon: Open August 16 until further notice. Daily limit 4 fish of which no more than a total of 2 may be coho and chum, release chinook.

(11) Sol Duc River (Clallam County): Salmon: Open immediately until further notice from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

NEW SECTION

WAC 232-28-62000X Coastal salmon seasons—2005 North of Falcon. Notwithstanding the provisions of WAC 232-28-620, effective May 1 until further notice, it is unlawful to fish for salmon in coastal waters during 2005 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 1 - Open July 3 until further notice, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(2) Areas 2, 2-1, and 2-2:

(a) Area 2 - Open June 26 until further notice, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(i) 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 1 until further notice.

(b) Area 2-1 - Open June 26 through August 15, open Sunday through Thursday of each week, daily limit 2 salmon,

not more than 1 of which may be a chinook, except release wild coho. Open August 16 until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) Area 2-2 west of the Buoy 13 line:

(i) Open June 26 through July 31, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(ii) Closed August 1 until further notice.

(3) Area 3 - Open July 1 until further notice, open Tuesday through Saturday of each week, daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

(4) Area 4:

(a) Open July 1 until further notice, open Tuesday through Saturday of each week, daily limit 2 salmon not more than one of which may be a chinook, except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective beginning August 1, release chum.

(i) Effective July 1 through July 31, lawful to retain chinook east of the Bonilla-Tatoosh Line and west of a true north-south line through Sail Rock.

(ii) Effective July 1 through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

NEW SECTION

WAC 232-28-62100R Puget Sound salmon seasons—2005 North of Falcon. Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128 and WAC 220-56-195, effective May 1 until further notice, it is unlawful to fish for salmon in Puget Sound during 2005 except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 5 - Open July 1 until further notice with the following limits and species restrictions:

(a) July 1 through August 10 - Daily limit 2 salmon and 2 additional pink, except release chum, wild chinook, and wild coho.

(c) August 11 until further notice - Daily limit 2 salmon and 2 additional pink, except release chum, chinook, and wild coho.

(2) Area 6 - Open July 1 until further notice with the following limits and species restrictions:

(a) July 1 through August 10 - Daily limit 2 salmon and 2 additional pink, 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.

(b) August 11 until further notice - Daily limit 2 salmon and 2 additional pink, except release chum, chinook, and wild coho,

(3) Area 7 - Open July 1 until further notice, daily limit 2 salmon and 2 additional pink, not more than one of which may be a chinook salmon, and effective beginning August 1 release chum and wild coho.

(4) Area 8-1 - Open August 1 until further notice, daily limit 2 salmon and 2 additional pink, except release chinook.

(5) Area 8-2:

(a) Effective June 3 through June 17 and June 19 until further notice - 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 the 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 August 1 until further notice - All other waters of Area 8-2 open, except closed to salmon angling north of a line from Camano Head to the fishing marker 1.4 miles northwest of Hermosa Point. Daily limit 2 salmon and 2 additional pink, except release chinook.

(6) Area 9:

(a) Salmon fishing open year-round from the Edmonds fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, and effective beginning August 1, release chum.

(b) Effective August 1 until further notice - All other waters of Area 9 open. Daily limit 2 salmon and 2 additional pink, except release chinook and chum.

(7) Area 10:

(a) Salmon fishing open year-round from the 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, and effective beginning August 1, release chum.

(b) Effective June 16 through June 30, closed, except open north of a line from Meadow Point to Point Monroe, release all salmon.

(c) Effective July 1 until further notice, all other waters of Area 10 open with the following area rules, limits, and species restrictions - Daily limit 2 salmon and 2 additional pink, except release chinook and effective beginning August 1, release chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed.

(ii) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White. Daily limit 2 salmon, lawful to retain chinook, and effective August 1, release chum.

(iii) During the period July 1 through August 23, Elliott Bay east of a line from West Point to Alki Point is closed, except July 8 through 11:59 a.m. August 22 - Open east of a line from Pier 91 to Duwamish Head Friday through Monday of each week - Daily limit of 2 salmon and 2 additional pink, lawful to retain chinook, and release chum August 1 through August 22.

(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.

(8) Area 11:

(a) Salmon fishing open year-round from the 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.

(b) Effective June 1 through June 30 - All other waters of Area 11 open. Daily limit 2 salmon.

(c) Effective July 1 until further notice - All other waters of Area 11 open. Daily limit 2 salmon and 2 additional pink.

(9) Area 13:

(a) 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 effective beginning July 1, release wild coho.

(b) All other waters of Area 13, open May 1 until further notice with the following area rules, limits and species restrictions:

(i) May 1 through May 31 - Daily limit 2 salmon.

(ii) June 1 through June 30 - Closed.

(iii) July 1 until further notice - Daily limit 2 salmon, except release wild coho.

(iv) Carr Inlet - those waters of Carr Inlet north of a line from Green Point to Penrose Point open to salmon angling July 1 through July 31, terminal gear restricted to fly fishing only, daily limit 2 hatchery coho.

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 05-10-045
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 29, 2005, 10:44 a.m., effective April 29, 2005]

Effective Date of Rule: Immediately.

Purpose: Due to an increase in medical costs paid by the crime victims compensation program, it has been determined that the current appropriation will not be sufficient to carry the program through this biennium. RCW 7.68.080 (2)(b) gives the department the authority to set the service levels and fees no lower than those established by the Department of Social and Health Services under Title 74 RCW. The purpose of this rule is to lower provider reimbursement rates for services to crime victims to those of the Department of Social and Health Services (DSHS). Lowering the reimbursement rates for services has the least onerous impact on crime victims.

Citation of Existing Rules Affected by this Order: Amending WAC 296-30-090.

Statutory Authority for Adoption: RCW 7.68.030.

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 light of this critical financial situation, the CVC program filed an emergency rule to immediately reduce its reimbursement rates to the DSHS reimbursement rates (the lowest rates allowed by law), effective September 1, 2004. Because emergency rules are only effective for one-hundred-twenty days, L&I filed a second emergency rule, effective December 30, 2004. A third emer-

agency rule is necessary to remain at the current reimbursement rates and gives the legislature time to address the 2005-07 budget.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended [1], Repealed 0.

Date Adopted: April 29, 2005.

Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-090 What are the maximum allowable fees? (1) ~~((Maximum allowable fees for medical services are those fees published in the Medical Aid Rules and Fee Schedules less any available benefits of public or private insurance.~~

~~(2) Maximum allowable fees for mental health services are those fees published in the Crime Victims Compensation Program Mental Health Treatment Rules and Fees less any available benefits of public or private insurance.~~

EXCEPTION: ~~If any of the maximum allowable fees in the publications entitled Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.~~

(3)) The maximum allowable fees for medical and mental health services will be those rates established by the department of social and health services less any available benefits of public or private insurance.

(2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

WSR 05-10-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-76—Filed April 29, 2005, 3:19 p.m., effective May 1, 2005, 6:00 a.m.]

Effective Date of Rule: May 1, 2005, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100K; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2005 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas and the prohibition on nighttime fishing contained in this emergency rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: April 29, 2005.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-05100L Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Marine Fish-Shellfish Management and Catch and Reporting Area 29 are open to harvest of all shrimp species from 6:00 a.m. May 1, 2005 until further notice.

(b) All waters of Shrimp Management Areas 1B, 1C, Crustacean Management Regions 2, 3, 4 and 6 outside the shrimp districts are open to the harvest of all non-spot shrimp

species from 6:00 a.m. May 1, 2005 until further notice, except as provided for in this section:

i) In Marine Fish/Shellfish Management and Catch Reporting Area 22A, closed through June 15 in waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Lopez Island.

ii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

iii) Those waters defined in this section as 23A-E, 23A-W and 23A-C are closed.

(c) All waters of Shrimp Management Area 1A are closed to shrimp fishing until further notice, except that portion of Marine Fish/Shellfish Management and Catch Reporting Area 22A in San Juan Channel south the 48.30.50' North latitude line and north of a line from Cattle Pass to Davis Point is open to the harvest of all non-spot shrimp species from 6:00 a.m. May 1, 2005 until further notice.

(d) The shrimp accounting week is Monday through Sunday.

(e) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(f) 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(e) above.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

Crustacean Management Region 3 outside of the shrimp districts are open immediately until further notice.

(a) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. May 1, 2005:

WAC 220-52-05100K Puget Sound shrimp beam trawl fishery—Season (05-68)

WSR 05-10-050 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 05-77—Filed April 29, 2005, 3:20 p.m., effective May 1, 2005, 12:01 a.m.]

Effective Date of Rule: May 1, 2005, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These interim personal use rules are necessary to cover the time period until those 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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 29, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—2005 North of Falcon. Effective May 1, Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Camas Slough (Clark County):** Defined as those waters outside of the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Same rules as Columbia River from I-5 Bridge to Bonneville Dam.

(2) Columbia River:

(i) 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, except Camas Slough, where the license of either state is valid when fishing from a floating device.

(ii) From the Rocky Point - Tongue Point line to the I-5 Bridge: Salmon: Open May 16 until further notice. May 16 through June 15 daily limit 6 hatchery jack chinook. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. August 1 until further notice, daily limit 6 fish of which no more than 2 may be adult salmon, but not more than 1 adult chinook. Release chum, sockeye, and wild coho.

(iii) From the I-5 Bridge to the Highway 395 Bridge at Pasco: Salmon: Open June 16 until further notice. June 16 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. August 1 until further notice, 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. August 1 until further notice, daily limit may contain not more than 1 adult chinook downstream from Bonneville Dam.

(iv) 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: Salmon: Open June 16 through July 31 and August 16 until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye June 16 through July 31.

(v) From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): Salmon: Open June 16 through July 31 and August 16 until further notice. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye June 16 through July 31.

(vi) From Vernita Bridge (Highway 24) to Priest Rapids Dam: Salmon: Open June 16 through July 31 and August 16

until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye June 16 through July 31.

(3) **Lewis River, North Fork (Clark/Skamania counties):** From mouth to overhead powerlines at Merwin Dam: When nonbuoyant lure restrictions are in effect, only fish hooked inside the mouth may be retained.

(4) **Washougal River (Clark County):** From mouth to bridge at Salmon Falls: When nonbuoyant lure restrictions are in effect, only fish hooked inside the mouth may be retained.

(5) **Wind River (Skamania County):** Mouth to source, including all tributaries: When nonbuoyant lure restrictions are in effect, only fish hooked inside the mouth may be retained.

WSR 05-10-051

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 05-78—Filed April 29, 2005, 3:21 p.m., effective May 1, 2005, 12:01 a.m.]

Effective Date of Rule: May 1, 2005, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000U; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: April 29, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-24-04000U All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open:

May 1 through May 3, 2005;
May 6 through May 9, 2005;
May 13 through May 16, 2005;
May 20 through May 23, 2005;
May 27 through May 30, 2005;
June 3 through June 6, 2005;
June 10 through June 13, 2005;
June 17 through June 20, 2005;
June 24 through June 27, 2005;

(2) The Cape Flattery and Columbia River Control Zones are closed.

(3) Landing and possession limit of 75 chinook per boat per entire open period for opening from May 1 through May 3.

(4) Landing and possession limit of 100 chinook per boat per entire open period for opening from May 6 through May 9.

(5) Landing and possession limit of 125 chinook per boat per entire open period for openings from May 13 to June 30. Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

(6) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(7) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and vessels fishing north of Leadbetter Point must land and deliver their fish within the area and North of Leadbetter point. Vessels fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point.

(8) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(9) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line run-

ning northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(10) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(11) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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

**WSR 05-10-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed April 29, 2005, 3:39 p.m., effective April 29, 2005]

Effective Date of Rule: Immediately.

Purpose: To change the community spouse excess shelter standard due to a change under federal statute effective April 1, 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Other Authority: Section 1924 of the Social Security Act (42 U.S.C. 1396R-5).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The increase in client standards was effective April 1, 2005. Under 42 U.S.C. chapter 7, the state is required to adopt these standards as a condition for continuing to receive federal Medicaid funds.

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.

Date Adopted: April 27, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-07-033, filed 3/9/05, effective 4/9/05)

WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services. This rule describes how the department allocates income and excess resources when determining participation in the cost of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical facility, the department applies all subsections of this rule.

(2) For a client receiving waived services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, the department applies rules used for the community options program entry system (COPEs).

(4) Excess resources are reduced in an amount equal to incurred medical expenses (for definition see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges;

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; and

(c) The amount of excess resources is limited to the following amounts:

(i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

(ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

(5) The department allocates nonexcluded income up to a total of the medically needy income level (MNIL) in the following order:

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives a VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all other clients in a medical facility.

(b) Federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(6) The department allocates nonexcluded income after deducting amounts described in subsection (5) in the following order:

(a) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, 2005, two thousand three hundred seventy-eight dollars, unless a greater amount is allocated as described in subsection (8) of this section. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand five hundred sixty-two dollars; and

(B) Excess shelter expenses as specified under subsection (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse who:

(i) Resides with the community spouse, equal to one-third of the amount that one thousand five hundred sixty-two dollars exceeds the dependent family member's income.

(ii) Does not reside with the community spouse, equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members.

(iii) Child support received from noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents initial need for the income exemption and reviews the client's circumstances after ninety days.

(7) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (7)(b)

less the standard shelter allocation under subsection (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ~~((sixty-nine))~~ eighty-one dollars, effective April 1, ~~((2004))~~ 2005; and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

- (i) Rent;
- (ii) Mortgage;
- (iii) Taxes and insurance;
- (iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(8) The amount allocated to the community spouse may be greater than the amount in subsection (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(9) A client who is admitted to a medical facility for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

WSR 05-10-075
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 3, 2005, 12:15 p.m., effective May 3, 2005]

Effective Date of Rule: Immediately.

Purpose: Physician assistants and physical therapy, occupational therapy, and massage therapy, this rule change would allow physician assistants to order physical therapy, occupational therapy, and massage therapy for the attending doctor without having to have a cosignature by the attending doctor. This rule change is being initiated in response to a petition for a rule change from a physician assistant. We are filing an emergency rule because the department determined that workers and victims of crime are in danger of being denied timely necessary medical treatment because of the current rule which requires a cosignature by the attending doctor when therapy is ordered by a physician assistant. This delay would occur particularly in rural areas where the physician and physician assistant are not present at the same location.

Citation of Existing Rules Affected by this Order: Amending WAC 296-23-220, 296-23-230, and 296-23-250.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030.

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: See Purpose above.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 3, 2005.

Judy Schurke
Acting Director

AMENDATORY SECTION (Amending WSR 04-09-100, filed 4/20/04, effective 7/1/04)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. In addition, physician assistants may order physical therapy under these rules for the attending doctor. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or \$104.12 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain man-

agement program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 04-09-100, filed 4/20/04, effective 7/1/04)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. In addition, physician assistants may order occupational therapy under these rules for the attending doctor. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor or by the physician assistant.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or \$104.12 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-250 Massage therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers. See WAC 296-20-125 for billing instructions.

Refer to WAC 296-20-132 and 296-20-135 for information regarding use of the conversion factors.

Massage therapy treatment will be permitted when given by a licensed massage practitioner only upon written orders from the worker's attending doctor. In addition, physician assistants may order massage therapy under these rules for the attending doctor.

A progress report must be submitted to the attending doctor and the department or the self-insurer following six

treatment visits or one month, whichever comes first. Massage therapy treatment beyond the initial six treatments will be authorized only upon substantiation of improvement in the worker's condition in terms of functional modalities, i.e., range of motion; sitting and standing tolerance; reduction in medication; etc. In addition, an outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Massage therapy in the home and/or places other than the practitioners usual and customary business facilities will be allowed only upon prior justification and authorization by the department or self-insurer.

No inpatient massage therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

Massage therapy treatments exceeding once per day must be justified by attending doctor.

Billing codes, reimbursement levels, and supporting policies for massage therapy services are listed in the fee schedules.

WSR 05-10-078
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-80—Filed May 3, 2005, 2:38 p.m., effective May 3, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500W; 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 within court-ordered sharing requirements, and to ensure conservation. A limited fishery to allow the capture of shrimp by divers using scuba gear is being allowed in Marine Area 8-2. There has been a small dive fishery for shrimp in this area for the past several years. Under new permanent rules the area is closed for all shrimp fishing at night, which precludes diver harvest since the shrimp are too deep during the day for divers to reach, so limited night-time hours for divers only are being allowed on an experimental basis. 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.

Date Adopted: May 3, 2005.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-56-32500X Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, through 6:59 a.m. May 7, 2005, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 5-13 including the Shrimp Districts, and Marine Area 4 east of the Bonilla-Tatoosh line.

2) Effective 7:00 a.m. May 7, 2005, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) Open on Saturdays and Wednesdays only, from 7:00 a.m. to 3:00 p.m., south of a line from Kala Point to Walan Point.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

3) Effective May 7, 2005, it is lawful for divers using scuba gear to capture and possess shrimp in Marine Area 8-2 from 7:00 p.m. to 11:59 p.m. on the following dates: May 7, 11, 14, and 18, 2005.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500W Shrimp—Areas and season (05-67)

WSR 05-10-079
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-81—Filed May 3, 2005, 2:39 p.m., effective May 7, 2005, 12:01 a.m.]

Effective Date of Rule: May 7, 2005, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000K; and amending WAC 220-56-360.

EMERGENCY

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: Survey results show that adequate clams are available for harvest in Razor Clam Area 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption.

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.

Date Adopted: May 7 [3], 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-36000K Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

(1) Effective 12:01 a.m. May 7 through 11:59 a.m. May 8, 2005, razor clam digging is allowed in Razor Clam Area 2. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(2) Effective 12:01 a.m. May 7 through 11:59 a.m. May 8, 2005, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation (Grays Harbor County) and that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. May 8, 2005:

WAC 220-56-36000K Razor clams—Areas and seasons.

WSR 05-10-083

EMERGENCY RULES

HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Order 05-02—Filed May 3, 2005, 3:47 p.m., effective May 4, 2005]

Effective Date of Rule: May 4, 2005.

Purpose: The Health Care Authority will be amending chapter 182-12 WAC to better reflect the actual work circumstances of employees hired to work on a seasonal or instructional year basis in order to clarify the Public Employees Benefits Board eligibility rules, specifically WAC 182-12-115.

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-115.

Statutory Authority for Adoption: RCW 41.05.160.

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: Permanent rules are in process; however, the permanent rule will not become effective until after the summer is over. Therefore, these changes need to be filed as emergency rules so that employees working in the summer months will be covered under rules until the permanent rule is filed in September 2005 and becomes 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 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 3, 2005.

Cyndi Presnell
Rules Coordinator

AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

WAC 182-12-115 Eligible employees. The following employees of state government, higher education, K-12 school districts, educational service districts, political subdivisions and employee organizations representing state civil service workers are eligible to apply for PEBB insurance coverage. For purposes of defining eligible employees of school districts and educational service districts, a collective bargaining agreement will supersede all definitions provided under this chapter 182-12 WAC only if approved by the HCA.

(1) "Permanent employees." Those who work at least half-time per month and are expected to be employed for more than six months. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment.

(2) "Nonpermanent employees." Those who work at least half-time and are expected to be employed for no more than six months. Coverage begins on the first day of the seventh month following the date of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment season after season. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment. However, seasonal employees are not eligible for the employer contribution during the break between seasons of employment but may be eligible to continue coverage by self-paying premiums.

(4) "Career seasonal/instructional year employees." Employees who work half-time or more on an instructional year (school year) or equivalent nine-month seasonal basis. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of the month, coverage begins on the date of employment. These employees are eligible to receive the employer contribution for insurance during the off-season following each period of seasonal employment.

(5)(a) "Part-time faculty" and "part-time academic employees." (~~(Faculty)~~) Employees who are employed on a quarter/semester to quarter/semester basis are eligible to apply for coverage beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education including one or more college districts. Coverage begins on the first day of the month following the beginning of the second quarter/semester of half-time or more employment. If the first day of the second consecutive quarter/semester is the first working day of the month, coverage begins at the beginning of the second consecutive quarter/semester.

For the purpose of determining eligibility for part-time faculty and part-time academic employees, employers (~~(of part-time faculty)~~) must:

~~((a))~~ (i) Consider spring and fall as consecutive quarters/semesters when determining eligibility; and

~~((b))~~ (ii) Determine "half-time or more employment" based on each institution's definition of "full-time"; and

~~((c))~~ (iii) At the beginning of each quarter/semester notify, in writing, all current and newly hired part-time faculty and part-time academic employees of their potential right to benefits under this section.

~~((d))~~ (iv) Part-time faculty (~~(members)~~) and part-time academic employees employed at more than one institution are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will retroactive coverage be permitted or employer contribution paid to HCA if (~~(a part-time faculty member)~~) an employee fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

~~((e))~~ (v) Where concurrent employment at more than one state higher education institution is used to determine total (~~(part-time faculty)~~) employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the (~~(part-time faculty member)~~) employee would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to HCA; and

~~((f))~~ (vi) Once enrolled, if a part-time faculty (~~(member)~~) or part-time academic employee does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(b) Part-time academic employees of community and technical colleges—summer or off season benefits when the employee has a reasonable expectation of continued employment at a single college district or multiple college districts.

Effective May 1, 2005.

(i) Part-time academic employees who work half-time or more in each instructional year quarter or equivalent nine-month season for one or more academic years in a single college district or multiple college districts as determined from the payroll records of the employing community or technical college district(s), are eligible for state-paid health benefits during the quarter or off season period immediately following the end of one academic year or equivalent nine-month season. Eligibility for summer or off season health benefits continues each summer quarter or off season thereafter following employment in an instructional year or equivalent nine-month period of employment in a single college district or multiple college districts.

(ii) For purposes of this section:

(A) "Academic employee" has the meaning set forth in RCW 28B.50.489(3).

(B) "Academic year" means fall, winter, and spring quarters in a community or technical college, as determined from the payroll records of the employing college district or college districts.

(C) "Equivalent nine-month seasonal basis" means a nine consecutive month period of employment at half-time or more by a single college district or multiple college districts.

as determined from the payroll records of the employing college district(s).

(D) "Health benefits" means the particular medical and/or dental coverage in place at the end of the academic year or equivalent nine-month season. Changes to health benefits may be made only as set forth in chapter 182-08 WAC or during an annual open enrollment period.

(6) "Appointed and elected officials." Legislators are eligible to apply for coverage on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible to apply for coverage on the date their term begins or they take the oath of office, whichever occurs first. Coverage for legislators begins on the first day of the month following the date their term begins. If the term begins on the first working day of the month, coverage begins on the first day of their term. Coverage begins for all other elected and full-time appointed officials of the legislative and executive branches of state government on the first day of the month following the date their term begins, or the first day of the month following the date they take the oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of the month, coverage begins on the date the term begins, or the oath of office is taken.

(7) "Judges." Justices of the supreme court and judges of courts of appeals and the superior courts become eligible to apply for coverage on the date they take the oath of office. Coverage begins on the first day of the month following the date their term begins, or the first day of the month following the date they take oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of a month, coverage begins on the date the term begins, or the oath of office is taken.

EMERGENCY

WSR 05-10-001
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LOTTERY
 (Lottery Commission)
 [Memorandum—April 20, 2005]

Amended
 Washington's Lottery
 July 21, 2005
 Commission Meeting

The 10:00 a.m. meeting will be held at London Conference Room, Mezzanine Level Airport Office Building, Seattle-Tacoma International Airport, Seattle, Washington.

WSR 05-10-002
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed April 20, 2005, 4:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-13 MAA.
 Subject: Outpatient hospitals: Updated fee schedules and retroactive fee schedule corrections.

Effective Date: April 1, 2005.

Document Description: **Effective for dates of service on and after April 1, 2005**, the Medical Assistance Administration (MAA) is making outpatient hospital fee schedule changes. **Retroactive to dates of service on and after January 1, 2005**, MAA corrected the prior authorization requirements for procedure codes 97605 and 97606. **Retroactive to dates of service on and after July 1, 2004**, MAA increased the maximum allowable fee for procedure code V2785.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

April 20, 2005
 Barbara L. Salmon
 for Ann Myers, Manager
 Rules and Publications Section

WSR 05-10-003
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed April 21, 2005, 9:00 a.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

This announcement of the issuance of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued the following excise tax advisory:

ETA 2023.08.183 Physical Fitness Services - Specialized Exercise and Conditioning activities

The purpose of this advisory is to clarify the distinction between physical fitness services, which are retail sales subject to retailing B&O and retail sales taxes, and therapeutic activities and instructional lessons in physical fitness, which are subject to the service and other B&O tax. This ETA does not address the taxability of amusement and recreation services or instructional lessons in amusement and recreation services.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
 Rules Coordinator

WSR 05-10-026
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Memorandum—April 26, 2005]

DSB Community Meeting
Friday, June 3, 2005
2:30 - 4:30 p.m.
Location:
Lilac Blind Foundation
1212 North Howard Street
Spokane, WA 99201
1-800-422-7893

We Want to Hear from You!

Community meetings give us a chance to inform you about the latest changes at the Department of Services for the Blind, and to discuss issues and challenges. We want to know about your experience with our services. What is working well in your community? What could we do better? What needs are not being met? We will use your comments to develop our state and strategic plans for the coming year.

Whether you are a past, present, or potential consumer of the Department of Services for the Blind, a family member, a community service provider, a friend to someone who is blind, a member of a blind consumer organization, or an interested citizen, we want to hear from you. Please join us to talk to us in person at our upcoming Tacoma community meeting.

MISC.

Rehabilitation Council Meeting

Saturday, June 4, 2005

9 a.m. - 4 p.m.

Location:

Red Lion River Inn

Clearwater Room

North 700 Division

Spokane, WA 99202

(509) 326-5577

Gordy's Banquet Center

13500 Interurban South

The Interagency Committee for Outdoor Recreation (IAC) will meet Wednesday, May 11, beginning at 3:30 p.m. in Gordy's conference room.

The main focus of this meeting is to discuss the lands strategy report (SSB 6242) along with other general committee business and a possible executive session to discuss the Thurston County ORV Park lawsuit.

On Thursday, May 12, 2005, the IAC and Salmon Recovery Funding Board (SRFB) will have a combined workshop meeting with an afternoon tour of projects funded by both the IAC and the SRFB at Seahurst Park.

If you have comments on the lands strategy, please submit information to IAC no later than noon on May 3, 2005. This will allow for distribution to committee members in a timely fashion.

IAC public meeting are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by May 4, at (360) 902-2637 or TDD (360) 902-1996.

The State Rehabilitation Council meets on a quarterly basis. The purpose of the council is to develop, analyze, make recommendations, and agree to state goals, the state plan, state policies, and state activities to insure that persons who are blind in Washington state receive the most effective and efficient services possible. **Public comment is scheduled from 11:15 to 11:45 a.m.** An agenda is available upon request. Requests for alternative format need to be made by May, 20, 2005.

For more information, contact Marla Oughton directly at (206) 721-6430 or toll-free 1-800-552-7103 or by e-mail maroughton@dsb.wa.gov. The meeting site is barrier free, including the restrooms.

WSR 05-10-029

NOTICE OF PUBLIC MEETINGS

BATES TECHNICAL COLLEGE

[Memorandum—April 25, 2005]

Change of Public Meeting Date/Time

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of May 18, 2005, to May 27, 2005. The board of trustees will have a special meeting from approximately 1:30 p.m. to 3:00 p.m. The board will go into executive session for the purpose of discussing personnel matters. No action will be taken during executive session and the regular meeting will begin at 3:00 p.m. in the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405.

WSR 05-10-031

NOTICE OF PUBLIC MEETINGS

**SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Memorandum—April 27, 2005]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed their regular meeting in May. The date changed from Thursday, May 12, 2005, to Wednesday, May 11, 2005, 3:00 p.m., in Building 25 - Boardroom on the campus of South Puget Sound Community College.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 05-10-030

NOTICE OF PUBLIC MEETINGS

**OFFICE OF THE
INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

(Salmon Recovery Funding Board)

[Memorandum—April 20, 2005]

IAC MEETING

May 11, 2005

IAC/SRFB MEETING AND TOUR

May 12, 2005

Tukwila, Washington

WSR 05-10-032

NOTICE OF PUBLIC MEETINGS

STATE BOARD OF EDUCATION

[Memorandum—April 27, 2005]

Change in Meeting Dates for 2005

August 25-26, 2005

Mt. Tahoma High School

6229 South Tyler Street

Tacoma, WA 98409-2522

(253) 571-1961

MISC.

October 27-28, 2005
 Educational Service District 123
 3918 West Court Street
 Pasco, WA 99301
 (509) 547-8441

WSR 05-10-036
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 28, 2005, 1:49 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Revised DCS Administrative Policy 9.15.

Subject: Cases involving family or friends.

Effective Date: April 11, 2005.

Document Description: Existing Administrative Policy 9.15 is revised to further clarify DCS staff and cases involving friends, family or coworkers, or the staff member themselves and their responsibility to avoid potential conflicts of interest, and to avoid working any cases where they, family, friends or coworkers are a part of a child support case.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, Mailstop 45860, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

April 18, 2005
 Susan Reams

WSR 05-10-037
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 28, 2005, 1:50 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-24 MAA.

Subject: Nondurable medical supplies and equipment (MSE): Use of modifier 59 for procedure code T4534.

Effective Date: Retroactive April 1, 2004.

Document Description: **Retroactive to dates of service April 1, 2004, through December 31, 2004**, the Medical Assistance Administration (MAA) is allowing the use of modifier 59 for procedure code A4534 in certain circumstances. **Retroactive to dates of service on and after January 1, 2005**, MAA is allowing the use of modifier 59 for procedure code T4534 in certain circumstances. (T4534 replaced procedure code A4534.)

MAA has revised the fee schedule in MAA's current *Nondurable Medical Supplies and Equipment (MSE) Billing Instructions*, and is attaching the new fee schedule to this memorandum. MAA is correcting the following numbered memoranda pages:

- Page G25 of Numbered Memorandum 04-16 MAA;
- Page G20 of Numbered Memorandum 04-44 MAA;
- Page G25 of Numbered Memorandum 04-99 MAA; and
- Page G26 of Numbered Memorandum 05-08 MAA.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

April 7, 2005

Barbara L. Salmon
 for Ann Myers, Manager
 Rules and Publications Section

WSR 05-10-057
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD

[Memorandum—April 26, 2005]

NOTICE OF MEETING LOCATION CHANGE

The Public Works Board regular meeting scheduled for 8:30 a.m., May 31, 2005, in Spokane, Washington, has been moved.

The new location is: The meeting will be handled by conference call. Persons wishing to participate and/or monitor the meeting may do so by appearing at 711 Capitol Way, Suite 102, Olympia, WA.

Agenda items are those noted on the published agenda.

WSR 05-10-058
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE

[Memorandum—April 29, 2005]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **change of time for their regular May board meeting**. The place remains the same. This meeting is open to the public.

Original Meeting Time	Date
12:30 p.m.	May 11, 2005

New Meeting Time
 1:30 p.m.
**Room 244 - Brouillet Library/
 Science Building**
 Pierce College Puyallup
 1601 39th Avenue S.E.
 Puyallup, WA 98374

WSR 05-10-068
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
AFRICAN AMERICAN AFFAIRS
 [Memorandum—May 2, 2005]

The Commission on African American Affairs is scheduled to have an upcoming conference call on May 20, 2005, and a regular scheduled meeting on July 15 and 16, 2005, in the Tri-Cities. We would like to make the following revisions to our meeting schedule. The May 20th, conference call has been canceled, and the July 15th and 16th meeting location will be changed from the Tri-Cities to Snoqualmie Pass.

WSR 05-10-084
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed May 3, 2005, 4:07 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-25 MAA.
 Subject: Enteral nutrition program: Billing instructions implementation date change.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) is implementing the new *Enteral Nutrition Billing Instructions*. **This is a revised implementation date.** MAA is also making a number of minor corrections to the billing instructions.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

April 7, 2005
 Barbara L. Salmon
 for Ann Myers, Manager
 Rules and Publications Section

WSR 05-10-102
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Memorandum—May 2, 2005]

WAC 135-04-020 provides that the Washington State Conservation Commission shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. The schedule for 2005 was

adopted by the Conservation Commission at its September 16, 2004, meeting held in Sunnyside, Washington.

The following change is made to the December 2005 meeting schedule for the Conservation Commission:

December 1, 2005	12:30 p.m. - 4:30 p.m.	Yakima Convention Center
	Regular CC Meeting	Yakima, Washington

WSR 05-10-105
DEPARTMENT OF ECOLOGY
 [Filed May 4, 2005, 10:15 a.m.]

PUBLIC NOTICE

**Public Workshops and Hearings to
 Accept Comments on the
 Revised Boatyard General Permit**

Revising and Reissuing the Boatyard General Permit: The boatyard NPDES and state waste discharge general permit, issued by the Washington State Department of Ecology (ecology) on December 8, 1997, expired on December 8, 2002. Ecology has revised the permit and is proposing to reissue it on or about July 18, 2005. The proposed draft boatyard general permit and fact sheet will be made available for public review and public comment from May 18, 2005, to June 27, 2005. During this period ecology will accept comments, both verbally and in writing, and will host informational workshops and public hearings on this permit and fact sheet. Oral testimony may be given at the public hearing.

Purpose of the Boatyard General Permit: The boatyard general permit provides coverage for industries located in Washington state that discharge stormwater from areas used to renew the bottom paint on boats. A general permit is like an individual wastewater discharge permit except that it covers a group of facilities with similar operations, rather than an individual facility, and implements the Federal Clean Water Act and State Water Pollution Control Act in a single permit.

Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater, including stormwater. The proposed general permit addresses these legal requirements and controls the discharge of pollutants to protect surface water and ground water quality in Washington state. Individual facilities that receive coverage under the general permit are required to comply with the terms and conditions of the permit. Currently, one hundred seven facilities are covered under boatyard general permit.

Applying for a Boatyard Permit: Facilities covered under the existing boatyard general permit, who reapplied for permit coverage before the expiration of the old permit, will be covered under the renewed permit after submitting a new application. New or unpermitted facilities may obtain coverage under the renewed permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act (SEPA) requirements (WAC 173-226-200). The application will be avail-

able July 5, 2005, online at <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>.

Requesting Copies of the Permit: Beginning May 18, 2005, you can request or download copies of the proposed permit and fact sheet from the internet at <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>.

Submitting Written and Oral Comments: During the public comment period (May 18 - June 27) ecology will accept written and oral comments on the draft boatyard general permit and fact sheet. Comments should reference specific text when possible. Comments may address the following:

- Technical issues,
- Accuracy and completeness of information,
- The scope of facilities proposed for coverage,
- Adequacy of environmental protection and permit conditions, or
- Any other concern that would result from issuance of the revised permit.

Written comments must be postmarked no later than midnight, Monday, June 27, 2005. You may send your written comments and/or get on the mailing list for this permit by contacting Gary Bailey, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6426, e-mail gba1461@ecy.wa.gov.

Public Workshops/Hearings: The public workshops and hearings on the draft general permit are scheduled to be held in Olympia, Washington on June 21, 2005, and in Everett, Washington on June 23, 2005. The purpose of the workshops is to explain the general permit, explain the changes from the previous permit, and answer questions in order to facilitate meaningful testimony during the hearing. The purpose of the hearings is to provide an opportunity for people to give formal oral testimony and comments on the proposed permit.

The June 21, 2005, workshop and hearing will be held at: Department of Ecology Headquarters, Southwest Regional Office, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6000.

Directions Southbound: on I-5: Take Martin Way exit 109, turn left onto Martin Way, at the third traffic light turn right onto Desmond Drive.

Directions Northbound: On I-5: Take Martin Way exit 109, turn right onto Martin Way, at the second traffic light turn right onto Desmond Drive.

Once on Desmond Drive head uphill and at the intersection turn left and proceed along the front of the headquarters building. Proceed past a stop sign at the main entrance and find the visitors parking lot on the left.

The June 23, 2005, workshop and hearing will be held at Snohomish County Public Utilities District Headquarters, 2320 California Street, Everett, WA 98206, (425) 783-1000.

Directions: Southbound on I-5: Take exit 194, follow City Center signs onto Everett Avenue, westbound (right). Turn left at Virginia Avenue. Turn right at California Street.

Directions: Northbound on I-5: Take exit 193, turn left onto Pacific Avenue. Turn right at Cedar, and then left onto Hewitt Avenue. Turn right at Virginia.

Both public workshops and hearings will begin at 7:00 p.m. and conclude when public testimony is completed.

Issuing the Final Boatyard General Permit: The final permit will be issued after ecology receives and considers all public comments. If public comments cause a substantial change in the permit conditions from the original draft permit, another public notice of draft and comment period may ensue.

Ecology expects to issue the general permit on or about July 18, 2004, if there is no substantial change to the draft. It will be effective thirty days later. When issued, a copy of the notice of issuance and ecology's responses to the comments will be sent to all persons who submitted written comment or gave public testimony.

If you have special accommodation needs or require a copy of the permit and fact sheet in an alternative format, please contact Gary Bailey at (360) 407-6433. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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67-25-446	AMD	05-08-097	106-72-490	REP	05-05-057	132C-120-230	AMD-P	05-06-029
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82-60-060	RECOD	05-04-072	132C-120-115	AMD-P	05-06-029	132H-142-070	NEW	05-07-069
82-60-070	RECOD	05-04-072	132C-120-115	AMD	05-10-052	132H-142-080	NEW-P	05-04-061
82-60-080	RECOD	05-04-072	132C-120-120	AMD-P	05-06-029	132H-142-080	NEW	05-07-069
82-60-100	RECOD	05-04-072	132C-120-120	AMD	05-10-052	132P-33-100	PREP	05-07-110
82-60-200	RECOD	05-04-072	132C-120-125	AMD-P	05-06-029	132P-33-100	AMD-P	05-10-059
82-60-210	RECOD	05-04-072	132C-120-125	AMD	05-10-052	132Z-104-010	AMD	05-06-003
98	PREP	05-04-107	132C-120-130	AMD-P	05-06-029	132Z-108-040	AMD	05-06-003

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132Z-112-010	AMD	05-06-003	139- 03-020	AMD-P	05-03-024	173-400-120	AMD	05-03-033
132Z-112-020	AMD	05-06-003	139- 03-020	AMD	05-07-049	173-400-131	AMD	05-03-033
132Z-112-030	AMD	05-06-003	139- 03-040	REP-P	05-03-024	173-400-136	AMD	05-03-033
132Z-112-040	AMD	05-06-003	139- 03-040	REP	05-07-049	173-400-141	REP	05-03-033
132Z-112-050	AMD	05-06-003	139- 03-045	NEW-P	05-03-024	173-400-151	AMD	05-03-033
132Z-112-060	NEW	05-06-003	139- 03-045	NEW	05-07-049	173-400-171	AMD	05-03-033
132Z-112-070	NEW	05-06-003	139- 03-050	REP-P	05-03-024	173-400-175	NEW	05-03-033
132Z-112-080	NEW	05-06-003	139- 03-050	REP	05-07-049	173-400-200	AMD	05-03-033
132Z-112-090	NEW	05-06-003	139- 03-060	REP-P	05-03-024	173-400-560	NEW	05-03-033
132Z-112-100	NEW	05-06-003	139- 03-060	REP	05-07-049	173-400-700	NEW	05-03-033
132Z-112-110	NEW	05-06-003	139- 03-075	NEW-P	05-03-024	173-400-710	NEW	05-03-033
132Z-112-120	NEW	05-06-003	139- 03-075	NEW	05-07-049	173-400-720	NEW	05-03-033
132Z-115-005	NEW	05-06-003	139- 05-200	PREP	05-05-012	173-400-730	NEW	05-03-033
132Z-115-010	AMD	05-06-003	139- 05-210	PREP	05-05-012	173-400-740	NEW	05-03-033
132Z-115-020	AMD	05-06-003	139- 05-220	PREP	05-05-012	173-400-750	NEW	05-03-033
132Z-115-050	AMD	05-06-003	139- 05-230	PREP	05-05-012	173-415	PREP	05-08-141
132Z-115-060	AMD	05-06-003	139- 05-240	PREP	05-05-012	173-481	PREP	05-08-141
132Z-115-080	AMD	05-06-003	139- 05-242	PREP	05-05-012	173-503	PREP-W	05-05-075
132Z-115-090	AMD	05-06-003	139- 05-250	PREP	05-05-012	173-503-020	AMD-P	05-04-108
132Z-115-110	AMD	05-06-003	139- 10-235	PREP	05-05-013	173-503-025	NEW-P	05-04-108
132Z-115-120	AMD	05-06-003	139- 10-235	AMD-P	05-08-075	173-503-051	NEW-P	05-04-108
132Z-115-130	AMD	05-06-003	139- 10-530	PREP	05-05-014	173-503-060	AMD-P	05-04-108
132Z-115-140	AMD	05-06-003	139- 10-530	NEW-P	05-08-076	173-503-071	NEW-P	05-04-108
132Z-115-150	AMD	05-06-003	139- 10-540	PREP	05-05-015	173-503-073	NEW-P	05-04-108
132Z-115-160	AMD	05-06-003	139- 10-540	NEW-P	05-08-077	173-503-074	NEW-P	05-04-108
132Z-115-180	AMD	05-06-003	143- 06	PREP	05-02-053	173-503-075	NEW-P	05-04-108
132Z-115-190	AMD	05-06-003	148-100-010	AMD-P	05-06-103	173-503-080	REP-P	05-04-108
132Z-115-200	AMD	05-06-003	148-100-010	AMD	05-10-008	173-503-081	NEW-P	05-04-108
132Z-115-240	NEW	05-06-003	173-322-010	AMD	05-07-104	173-503-090	AMD-P	05-04-108
132Z-133-010	AMD	05-06-003	173-322-020	AMD	05-07-104	173-503-100	AMD-P	05-04-108
132Z-134-010	AMD	05-06-003	173-322-030	AMD	05-07-104	173-503-110	NEW-P	05-04-108
132Z-276-030	AMD	05-06-003	173-322-040	AMD	05-07-104	173-503-120	NEW-P	05-04-108
132Z-276-070	AMD	05-06-003	173-322-050	AMD	05-07-104	173-503-130	NEW-P	05-04-108
132Z-276-120	AMD	05-06-003	173-322-060	AMD	05-07-104	173-503-140	NEW-P	05-04-108
136- 01-030	AMD-P	05-04-052	173-322-070	AMD	05-07-104	173-503-150	NEW-P	05-04-108
136- 28-010	AMD-P	05-07-022	173-322-080	AMD	05-07-104	173-503A	PREP	05-05-076
136- 28-020	AMD-P	05-07-022	173-322-090	AMD	05-07-104	173-505	AMD-C	05-09-124
136- 28-030	AMD-P	05-07-022	173-322-100	AMD	05-07-104	173-505-010	NEW-P	05-05-094
136-167-040	AMD-E	05-04-051	173-322-110	AMD	05-07-104	173-505-020	NEW-P	05-05-094
137- 28	PREP	05-10-035	173-322-120	AMD	05-07-104	173-505-030	NEW-P	05-05-094
137- 59-010	NEW-W	05-05-071	173-322-130	NEW	05-07-104	173-505-040	NEW-P	05-05-094
137- 59-020	NEW-W	05-05-071	173-350-100	AMD-S	05-03-018	173-505-050	NEW-P	05-05-094
137- 59-030	NEW-W	05-05-071	173-400-030	AMD	05-03-033	173-505-060	NEW-P	05-05-094
137- 59-040	NEW-W	05-05-071	173-400-035	AMD-W	05-09-051	173-505-070	NEW-P	05-05-094
137- 59-050	NEW-W	05-05-071	173-400-040	AMD	05-03-033	173-505-080	NEW-P	05-05-094
137- 59-060	NEW-W	05-05-071	173-400-050	AMD	05-03-033	173-505-090	NEW-P	05-05-094
137- 59-070	NEW-W	05-05-071	173-400-060	AMD	05-03-033	173-505-100	NEW-P	05-05-094
137- 59-080	NEW-W	05-05-071	173-400-070	AMD	05-03-033	173-505-110	NEW-P	05-05-094
137- 70-040	AMD-E	05-05-074	173-400-075	AMD	05-03-033	173-505-120	NEW-P	05-05-094
139- 02-020	AMD-P	05-03-025	173-400-099	AMD	05-03-033	173-505-130	NEW-P	05-05-094
139- 02-030	AMD-P	05-03-025	173-400-100	AMD	05-03-033	173-505-140	NEW-P	05-05-094
139- 02-050	AMD-P	05-03-025	173-400-102	AMD	05-03-033	173-505-150	NEW-P	05-05-094
139- 02-060	REP-P	05-03-025	173-400-104	AMD	05-03-033	173-505-160	NEW-P	05-05-094
139- 02-070	AMD-P	05-03-025	173-400-105	AMD	05-03-033	173-505-170	NEW-P	05-05-094
139- 02-080	AMD-P	05-03-025	173-400-107	AMD-W	05-09-051	173-505-180	NEW-P	05-05-094
139- 02-090	AMD-P	05-03-025	173-400-110	AMD	05-03-033	173-525	PREP	05-06-113
139- 02-100	REP-P	05-03-025	173-400-112	AMD	05-03-033	173-526	PREP	05-06-114
139- 02-110	AMD-P	05-03-025	173-400-113	AMD	05-03-033	173-527	PREP	05-06-115
139- 02-120	NEW-P	05-03-025	173-400-115	AMD	05-03-033	173-528	PREP	05-06-116
139- 02-130	NEW-P	05-03-025	173-400-116	AMD	05-03-033	173-546-010	NEW-P	05-06-117
139- 03-010	AMD-P	05-03-024	173-400-117	AMD	05-03-033	173-546-020	NEW-P	05-06-117
139- 03-010	AMD	05-07-049	173-400-118	AMD	05-03-033	173-546-030	NEW-P	05-06-117

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173-546-040	NEW-P	05-06-117	180- 79A-011	AMD-P	05-08-043	192-300-050	AMD-E	05-03-011
173-546-050	NEW-P	05-06-117	180- 79A-011	AMD-C	05-10-018	192-310-030	AMD-E	05-03-011
173-546-060	NEW-P	05-06-117	180- 79A-030	AMD	05-04-055	192-320-005	NEW-E	05-03-011
173-546-070	NEW-P	05-06-117	180- 79A-123	AMD-P	05-08-042	192-320-010	NEW-E	05-03-011
173-546-080	NEW-P	05-06-117	180- 79A-123	AMD-E	05-08-051	192-320-020	NEW-E	05-03-011
173-546-090	NEW-P	05-06-117	180- 79A-123	AMD-C	05-10-014	196- 25-002	AMD-P	05-07-142
173-546-100	NEW-P	05-06-117	180- 79A-130	AMD-P	05-08-035	196- 25-040	AMD-P	05-07-142
173-546-110	NEW-P	05-06-117	180- 79A-130	AMD-E	05-08-052	199- 08-300	NEW	05-07-045
173-546-120	NEW-P	05-06-117	180- 79A-130	AMD-C	05-10-015	199- 08-305	NEW	05-07-045
173-546-130	NEW-P	05-06-117	180- 79A-145	AMD-P	05-08-041	199- 08-310	NEW	05-07-045
173-546-140	NEW-P	05-06-117	180- 79A-145	AMD-E	05-08-050	199- 08-315	NEW	05-07-045
173-546-150	NEW-P	05-06-117	180- 79A-145	AMD-C	05-10-016	199- 08-320	NEW	05-07-045
180- 20-101	AMD-E	05-04-014	180- 79A-250	AMD-P	05-08-036	199- 08-325	NEW	05-07-045
180- 20-101	AMD-P	05-04-018	180- 79A-250	AMD-E	05-08-053	199- 08-330	NEW	05-07-045
180- 20-101	AMD	05-08-014	180- 79A-250	AMD-C	05-10-017	199- 08-335	NEW	05-07-045
180- 46-005	AMD-P	05-04-017	180- 79A-257	AMD	05-04-054	199- 08-340	NEW	05-07-045
180- 46-005	AMD	05-08-013	180- 82-105	AMD-P	05-04-015	199- 08-345	NEW	05-07-045
180- 46-009	NEW-P	05-04-017	180- 82-105	AMD-W	05-08-069	199- 08-350	NEW	05-07-045
180- 46-009	NEW	05-08-013	180- 85-025	AMD-P	05-08-047	199- 08-355	NEW	05-07-045
180- 46-010	REP-P	05-04-017	180- 85-025	AMD-C	05-10-023	199- 08-360	NEW	05-07-045
180- 46-010	REP	05-08-013	180- 85-033	AMD-P	05-08-046	199- 08-365	NEW	05-07-045
180- 46-015	REP-P	05-04-017	180- 85-033	AMD-C	05-10-022	199- 08-370	NEW	05-07-045
180- 46-015	REP	05-08-013	180- 85-034	NEW-P	05-08-044	199- 08-375	NEW	05-07-045
180- 46-020	AMD-P	05-04-017	180- 85-034	NEW-C	05-10-021	199- 08-380	NEW	05-07-045
180- 46-020	AMD	05-08-013	180- 85-075	AMD-P	05-08-045	199- 08-385	NEW	05-07-045
180- 46-025	AMD-P	05-04-017	180- 85-075	AMD-C	05-10-010	199- 08-390	NEW	05-07-045
180- 46-025	AMD	05-08-013	181- 01-004	NEW	05-04-024	199- 08-395	NEW	05-07-045
180- 46-030	REP-P	05-04-017	182- 08-120	AMD-W	05-02-060	199- 08-400	NEW	05-07-045
180- 46-030	REP	05-08-013	182- 12-115	AMD-E	05-10-083	199- 08-405	NEW-W	05-07-079
180- 46-035	REP-P	05-04-017	182- 16-040	AMD-W	05-02-060	199- 08-410	NEW-W	05-07-079
180- 46-035	REP	05-08-013	182- 16-040	PREP	05-07-158	199- 08-415	NEW-W	05-07-079
180- 46-040	REP-P	05-04-017	182- 16-050	AMD-W	05-02-060	199- 08-420	NEW-W	05-07-079
180- 46-040	REP	05-08-013	182- 16-050	PREP	05-07-158	199- 08-425	NEW	05-07-045
180- 46-045	REP-P	05-04-017	192- 32-010	REP-X	05-07-143	199- 08-426	NEW-W	05-07-079
180- 46-045	REP	05-08-013	192- 32-035	REP-X	05-07-143	199- 08-427	NEW-W	05-07-079
180- 46-050	REP-P	05-04-017	192- 32-050	REP-X	05-07-143	199- 08-428	NEW-W	05-07-079
180- 46-050	REP	05-08-013	192- 32-085	REP-X	05-07-143	199- 08-429	NEW-W	05-07-079
180- 46-055	AMD-P	05-04-017	192- 32-095	REP-X	05-07-143	199- 08-430	NEW	05-07-045
180- 46-055	AMD	05-08-013	192- 32-100	REP-X	05-07-143	199- 08-435	NEW	05-07-045
180- 46-065	REP-P	05-04-017	192- 32-115	REP-X	05-07-143	199- 08-440	NEW	05-07-045
180- 46-065	REP	05-08-013	192- 32-130	REP-X	05-07-143	199- 08-445	NEW	05-07-045
180- 51-035	AMD-E	05-08-011	192- 32-135	REP-X	05-07-143	199- 08-450	NEW	05-07-045
180- 51-035	AMD-P	05-08-012	192- 35-010	NEW	05-02-094	199- 08-455	NEW	05-07-045
180- 51-035	AMD-C	05-10-011	192- 35-020	NEW	05-02-094	199- 08-460	NEW	05-07-045
180- 55-005	AMD-P	05-04-075	192- 35-030	NEW	05-02-094	199- 08-465	NEW	05-07-045
180- 55-005	AMD	05-08-015	192- 35-040	NEW	05-02-094	199- 08-470	NEW	05-07-045
180- 55-015	AMD-P	05-04-075	192- 35-050	NEW	05-02-094	199- 08-475	NEW	05-07-045
180- 55-015	AMD	05-08-015	192- 35-060	NEW	05-02-094	199- 08-480	NEW	05-07-045
180- 55-017	NEW-P	05-04-075	192- 35-070	NEW	05-02-094	199- 08-485	NEW	05-07-045
180- 55-017	NEW	05-08-015	192- 35-080	NEW	05-02-094	199- 08-490	NEW	05-07-045
180- 55-034	REP	05-04-016	192- 35-090	NEW	05-02-094	199- 08-495	NEW	05-07-045
180- 78A-100	AMD	05-04-056	192- 35-100	NEW	05-02-094	199- 08-500	NEW	05-07-045
180- 78A-100	AMD-P	05-08-037	192- 35-110	NEW	05-02-094	199- 08-505	NEW	05-07-045
180- 78A-100	AMD-E	05-08-049	192- 35-120	NEW	05-02-094	199- 08-510	NEW	05-07-045
180- 78A-100	AMD-C	05-10-012	192-110-015	AMD-E	05-03-011	199- 08-515	NEW	05-07-045
180- 78A-319	AMD-P	05-08-038	192-110-017	NEW-E	05-03-011	199- 08-520	NEW	05-07-045
180- 78A-319	AMD-P	05-10-019	192-150-112	NEW-P	05-07-144	199- 08-525	NEW	05-07-045
180- 78A-505	AMD-P	05-08-039	192-150-113	NEW-P	05-07-144	199- 08-535	NEW-W	05-07-079
180- 78A-505	AMD-C	05-10-020	192-170-060	NEW-E	05-03-011	199- 08-540	NEW	05-07-045
180- 78A-535	AMD-P	05-08-040	192-170-060	NEW-P	05-07-144	199- 08-545	NEW	05-07-045
180- 78A-535	AMD-E	05-08-048	192-180-013	NEW-E	05-03-011	199- 08-550	NEW	05-07-045
180- 78A-535	AMD-C	05-10-013	192-180-014	NEW-P	05-07-144	199- 08-555	NEW	05-07-045

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199- 08-570	NEW	05-07-045	212- 17-400	NEW-P	05-07-102	212- 80-075	AMD	05-05-006
199- 08-580	NEW	05-07-045	212- 17-405	NEW-P	05-07-102	212- 80-075	DECOD	05-05-006
204- 41	PREP	05-08-115	212- 17-410	NEW-P	05-07-102	212- 80-078	RECOD	05-05-006
204- 50	PREP	05-08-116	212- 17-415	NEW-P	05-07-102	212- 80-080	AMD	05-05-006
208-680A-040	AMD	05-03-038	212- 17-420	NEW-P	05-07-102	212- 80-080	DECOD	05-05-006
208-680E-025	NEW	05-03-038	212- 17-425	NEW-P	05-07-102	212- 80-083	RECOD	05-05-006
208-680F-020	AMD	05-03-038	212- 17-430	NEW-P	05-07-102	212- 80-085	AMD	05-05-006
208-680G-050	AMD	05-03-037	212- 17-435	NEW-P	05-07-102	212- 80-085	DECOD	05-05-006
212- 17-025	AMD-P	05-07-102	212- 17-440	NEW-P	05-07-102	212- 80-088	RECOD	05-05-006
212- 17-030	AMD-P	05-07-102	212- 17-445	NEW-P	05-07-102	212- 80-090	AMD	05-05-006
212- 17-032	NEW-P	05-07-102	212- 17-450	NEW-P	05-07-102	212- 80-090	DECOD	05-05-006
212- 17-035	AMD-P	05-07-102	212- 17-455	NEW-P	05-07-102	212- 80-093	RECOD	05-05-006
212- 17-040	AMD-P	05-07-102	212- 17-460	NEW-P	05-07-102	212- 80-095	AMD	05-05-006
212- 17-042	NEW-P	05-07-102	212- 17-465	NEW-P	05-07-102	212- 80-095	DECOD	05-05-006
212- 17-050	AMD-P	05-07-102	212- 17-470	NEW-P	05-07-102	212- 80-098	RECOD	05-05-006
212- 17-055	AMD-P	05-07-102	212- 17-475	NEW-P	05-07-102	212- 80-100	DECOD	05-05-006
212- 17-060	AMD-P	05-07-102	212- 17-480	NEW-P	05-07-102	212- 80-103	RECOD	05-05-006
212- 17-070	AMD-P	05-07-102	212- 17-485	NEW-P	05-07-102	212- 80-105	AMD	05-05-006
212- 17-085	AMD-P	05-07-102	212- 17-490	NEW-P	05-07-102	212- 80-105	DECOD	05-05-006
212- 17-125	AMD-P	05-07-102	212- 17-495	NEW-P	05-07-102	212- 80-108	RECOD	05-05-006
212- 17-170	AMD-P	05-07-102	212- 17-500	NEW-P	05-07-102	212- 80-110	AMD	05-05-006
212- 17-185	AMD-P	05-07-102	212- 17-505	NEW-P	05-07-102	212- 80-110	DECOD	05-05-006
212- 17-198	AMD-P	05-07-102	212- 17-510	NEW-P	05-07-102	212- 80-113	RECOD	05-05-006
212- 17-21503	AMD-P	05-07-102	212- 17-515	NEW-P	05-07-102	212- 80-115	AMD	05-05-006
212- 17-21505	AMD-P	05-07-102	212- 17-900	AMD-P	05-07-102	212- 80-115	DECOD	05-05-006
212- 17-21507	AMD-P	05-07-102	212- 80	PREP	05-07-101	212- 80-118	RECOD	05-05-006
212- 17-21509	AMD-P	05-07-102	212- 80-001	AMD	05-05-006	212- 80-120	AMD	05-05-006
212- 17-21511	AMD-P	05-07-102	212- 80-005	AMD	05-05-006	212- 80-120	DECOD	05-05-006
212- 17-21513	AMD-P	05-07-102	212- 80-010	AMD	05-05-006	212- 80-123	RECOD	05-05-006
212- 17-21515	AMD-P	05-07-102	212- 80-015	AMD	05-05-006	212- 80-125	AMD	05-05-006
212- 17-21517	AMD-P	05-07-102	212- 80-018	NEW	05-05-006	212- 80-125	DECOD	05-05-006
212- 17-21519	AMD-P	05-07-102	212- 80-023	RECOD	05-05-006	212- 80-128	RECOD	05-05-006
212- 17-220	AMD-P	05-07-102	212- 80-025	AMD	05-05-006	212- 80-130	AMD	05-05-006
212- 17-230	AMD-P	05-07-102	212- 80-025	DECOD	05-05-006	212- 80-130	DECOD	05-05-006
212- 17-235	AMD-P	05-07-102	212- 80-028	RECOD	05-05-006	212- 80-135	AMD	05-05-006
212- 17-250	AMD-P	05-07-102	212- 80-030	AMD	05-05-006	212- 80-135	DECOD	05-05-006
212- 17-255	AMD-P	05-07-102	212- 80-030	DECOD	05-05-006	212- 80-200	RECOD	05-05-006
212- 17-260	AMD-P	05-07-102	212- 80-033	RECOD	05-05-006	212- 80-205	RECOD	05-05-006
212- 17-265	REP-P	05-07-102	212- 80-035	AMD	05-05-006	212- 80-210	NEW	05-05-006
212- 17-270	AMD-P	05-07-102	212- 80-035	DECOD	05-05-006	212- 80-215	NEW	05-05-006
212- 17-275	AMD-P	05-07-102	212- 80-038	RECOD	05-05-006	212- 80-220	NEW	05-05-006
212- 17-280	AMD-P	05-07-102	212- 80-040	AMD	05-05-006	212- 80-225	NEW	05-05-006
212- 17-285	AMD-P	05-07-102	212- 80-040	DECOD	05-05-006	212- 80-230	NEW	05-05-006
212- 17-290	AMD-P	05-07-102	212- 80-043	RECOD	05-05-006	212- 80-235	NEW	05-05-006
212- 17-295	AMD-P	05-07-102	212- 80-045	AMD	05-05-006	212- 80-240	NEW	05-05-006
212- 17-300	AMD-P	05-07-102	212- 80-045	DECOD	05-05-006	212- 80-245	NEW	05-05-006
212- 17-310	AMD-P	05-07-102	212- 80-048	NEW	05-05-006	212- 80-250	NEW	05-05-006
212- 17-317	AMD-P	05-07-102	212- 80-050	AMD	05-05-006	212- 80-255	NEW	05-05-006
212- 17-335	AMD-P	05-07-102	212- 80-050	DECOD	05-05-006	212- 80-260	NEW	05-05-006
212- 17-342	NEW-P	05-07-102	212- 80-053	RECOD	05-05-006	212- 80-265	NEW	05-05-006
212- 17-345	AMD-P	05-07-102	212- 80-055	AMD	05-05-006	220- 16-470	AMD-X	05-10-107
212- 17-350	AMD-P	05-07-102	212- 80-055	DECOD	05-05-006	220- 16-47000C	NEW-E	05-10-042
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212- 17-360	AMD-P	05-07-102	212- 80-060	DECOD	05-05-006	220- 16-840	NEW	05-09-009
212- 17-365	NEW-P	05-07-102	212- 80-063	RECOD	05-05-006	220- 16-850	NEW	05-09-009
212- 17-370	NEW-P	05-07-102	212- 80-065	AMD	05-05-006	220- 16-860	NEW	05-09-009
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212- 17-380	NEW-P	05-07-102	212- 80-068	RECOD	05-05-006	220- 20-010	AMD-P	05-03-117
212- 17-385	NEW-P	05-07-102	212- 80-070	AMD	05-05-006	220- 20-010	AMD	05-08-056
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220-32-05100I	REP-E	05-04-068	220-52-07300Q	REP-E	05-03-068	220-56-36000I	NEW-E	05-08-119
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220-32-05100J	NEW-E	05-07-084	220-52-07300R	REP-E	05-05-039	220-56-36000J	NEW-E	05-09-068
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220-33-01000Y	NEW-E	05-07-082	220-56-180	AMD-X	05-10-107	220-88C-040	AMD	05-08-056
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220-52-04000H	REP-E	05-06-034	220-56-310	AMD	05-05-035	222-12-080	AMD-P	05-06-096
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220-52-04000I	REP-E	05-04-065	220-56-312	AMD-P	05-07-042	222-12-090	AMD-S	05-08-085
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220-52-04600A	REP-E	05-07-060	220-56-32500W	NEW-E	05-09-027	222-16-050	AMD-P	05-06-096
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220-52-04600Z	NEW-E	05-05-041	220-56-33000R	REP-E	05-07-149	222-20-075	NEW-P	05-06-096
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222- 22-070	AMD-S	05-08-085	232- 28-61900D	REP-E	05-08-072	236- 22-080	DECOD	05-04-072
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222- 30-021	AMD-P	05-06-096	232- 28-61900I	NEW-E	05-07-148	246-100-072	AMD-P	05-06-123
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222- 30-023	AMD-P	05-06-096	232- 28-61900J	NEW-E	05-08-071	246-100-166	AMD-P	05-04-113
222- 30-025	AMD-P	05-06-096	232- 28-61900J	REP-E	05-08-071	246-100-166	AMD	05-08-094
222- 30-050	AMD-P	05-06-096	232- 28-61900K	NEW-E	05-08-072	246-100-202	NEW-P	05-06-123
222- 30-110	AMD-P	05-06-096	232- 28-61900K	REP-E	05-08-072	246-100-203	NEW-P	05-06-123
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222- 34-020	AMD-P	05-06-096	232- 28-61900L	REP-E	05-08-074	246-100-205	NEW-P	05-06-123
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230- 02-505	AMD-P	05-09-065	232- 28-61900M	REP-E	05-09-016	246-100-207	AMD-P	05-06-123
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230- 04-270	AMD-P	05-07-117	232- 28-61900P	NEW-E	05-09-024	246-101-015	AMD	05-03-055
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230- 08-160	AMD-P	05-07-119	232- 28-61900R	NEW-E	05-09-097	246-101-505	AMD-P	05-06-123
230- 08-165	AMD-P	05-07-119	232- 28-61900S	NEW-E	05-10-007	246-101-520	AMD-P	05-06-123
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230- 20-115	AMD	05-07-106	232- 28-61900Y	REP-E	05-03-062	246-140-020	NEW	05-04-112
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230- 20-335	AMD	05-07-107	232- 28-62000X	NEW-E	05-10-042	246-247-035	NEW-P	05-08-019
230- 30-033	AMD-W	05-08-105	232- 28-621	AMD-X	05-10-107	246-260-031	AMD-X	05-03-057
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232- 28-271	AMD	05-02-046	236- 22-031	DECOD	05-04-072	246-260-131	AMD	05-09-004
232- 28-273	AMD-P	05-06-108	236- 22-032	DECOD	05-04-072	246-260-171	AMD-X	05-03-057
232- 28-282	AMD-P	05-06-108	236- 22-033	DECOD	05-04-072	246-260-171	AMD	05-09-004
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232- 28-291	AMD	05-02-046	236- 22-034	DECOD	05-04-072	246-272-00501	REP-P	05-02-082
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232- 28-335	AMD-P	05-06-108	236- 22-036	DECOD	05-04-072	246-272-03001	REP-P	05-02-082
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232- 28-341	AMD-P	05-06-108	236- 22-037	DECOD	05-04-072	246-272-05001	REP-P	05-02-082
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232- 28-352	AMD-P	05-06-107	236- 22-038	DECOD	05-04-072	246-272-08001	REP-P	05-02-082
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246-272-15501	REP-P	05-02-082	246-292-090	AMD	05-06-122	246-337-100	NEW-P	05-10-063
246-272-16501	REP-P	05-02-082	246-292-100	AMD	05-06-122	246-337-105	NEW-P	05-10-063
246-272-17501	REP-P	05-02-082	246-323-010	REP-P	05-10-063	246-337-110	NEW-P	05-10-063
246-272-18501	REP-P	05-02-082	246-323-020	REP-P	05-10-063	246-337-115	NEW-P	05-10-063
246-272-19501	REP-P	05-02-082	246-323-022	REP-P	05-10-063	246-337-120	NEW-P	05-10-063
246-272-20501	REP-P	05-02-082	246-323-030	REP-P	05-10-063	246-337-125	NEW-P	05-10-063
246-272-21501	REP-P	05-02-082	246-323-040	REP-P	05-10-063	246-337-130	NEW-P	05-10-063
246-272-22501	REP-P	05-02-082	246-323-050	REP-P	05-10-063	246-337-135	NEW-P	05-10-063
246-272-23501	REP-P	05-02-082	246-323-060	REP-P	05-10-063	246-337-140	NEW-P	05-10-063
246-272-24001	REP-P	05-02-082	246-323-070	REP-P	05-10-063	246-337-145	NEW-P	05-10-063
246-272-25001	REP-P	05-02-082	246-323-080	REP-P	05-10-063	246-337-150	NEW-P	05-10-063
246-272-26001	REP-P	05-02-082	246-323-090	REP-P	05-10-063	246-337-155	NEW-P	05-10-063
246-272-27001	REP-P	05-02-082	246-323-990	REP-P	05-10-063	246-337-990	NEW-P	05-10-063
246-272-28001	REP-P	05-02-082	246-325-010	REP-P	05-10-063	246-338-010	AMD	05-04-040
246-272A	AMD-C	05-09-002	246-325-012	REP-P	05-10-063	246-338-028	AMD	05-04-040
246-272A-0001	NEW-P	05-02-082	246-325-015	REP-P	05-10-063	246-338-040	AMD	05-04-040
246-272A-0005	NEW-P	05-02-082	246-325-020	REP-P	05-10-063	246-338-050	AMD	05-04-040
246-272A-0010	NEW-P	05-02-082	246-325-022	REP-P	05-10-063	246-338-060	AMD	05-04-040
246-272A-0015	NEW-P	05-02-082	246-325-025	REP-P	05-10-063	246-338-070	AMD	05-04-040
246-272A-0020	NEW-P	05-02-082	246-325-030	REP-P	05-10-063	246-338-080	AMD	05-04-040
246-272A-0025	NEW-P	05-02-082	246-325-035	REP-P	05-10-063	246-338-090	AMD	05-04-040
246-272A-0100	NEW-P	05-02-082	246-325-040	REP-P	05-10-063	246-360-990	AMD	05-05-072
246-272A-0110	NEW-P	05-02-082	246-325-045	REP-P	05-10-063	246-360-990	AMD-P	05-10-064
246-272A-0120	NEW-P	05-02-082	246-325-050	REP-P	05-10-063	246-380-990	AMD-P	05-10-064
246-272A-0125	NEW-P	05-02-082	246-325-060	REP-P	05-10-063	246-562	PREP	05-03-010
246-272A-0130	NEW-P	05-02-082	246-325-070	REP-P	05-10-063	246-564-001	NEW-P	05-03-007
246-272A-0135	NEW-P	05-02-082	246-325-100	REP-P	05-10-063	246-564-001	NEW	05-10-094
246-272A-0140	NEW-P	05-02-082	246-325-120	REP-P	05-10-063	246-564-010	NEW-P	05-03-007
246-272A-0145	NEW-P	05-02-082	246-325-990	REP-P	05-10-063	246-564-010	NEW	05-10-094
246-272A-0150	NEW-P	05-02-082	246-326-010	REP-P	05-10-063	246-650	PREP	05-06-030
246-272A-0170	NEW-P	05-02-082	246-326-020	REP-P	05-10-063	246-790	PREP	05-03-056
246-272A-0175	NEW-P	05-02-082	246-326-030	REP-P	05-10-063	246-802-060	AMD-P	05-06-120
246-272A-0200	NEW-P	05-02-082	246-326-035	REP-P	05-10-063	246-802-130	AMD-P	05-06-120
246-272A-0210	NEW-P	05-02-082	246-326-040	REP-P	05-10-063	246-802-990	AMD-P	05-07-109
246-272A-0220	NEW-P	05-02-082	246-326-050	REP-P	05-10-063	246-808-510	PREP	05-10-062
246-272A-0230	NEW-P	05-02-082	246-326-060	REP-P	05-10-063	246-808-990	AMD-P	05-07-109
246-272A-0232	NEW-P	05-02-082	246-326-070	REP-P	05-10-063	246-809	PREP-W	05-10-095
246-272A-0234	NEW-P	05-02-082	246-326-080	REP-P	05-10-063	246-809-990	AMD-P	05-07-109
246-272A-0238	NEW-P	05-02-082	246-326-090	REP-P	05-10-063	246-810-990	AMD-P	05-07-109
246-272A-0240	NEW-P	05-02-082	246-326-100	REP-P	05-10-063	246-811-990	AMD-P	05-07-109
246-272A-0250	NEW-P	05-02-082	246-326-990	REP-P	05-10-063	246-812-990	AMD-P	05-07-109
246-272A-0260	NEW-P	05-02-082	246-329-990	AMD-P	05-10-064	246-812-995	REP-P	05-07-109
246-272A-0265	NEW-P	05-02-082	246-337-001	NEW-P	05-10-063	246-815-990	AMD-P	05-07-109
246-272A-0270	NEW-P	05-02-082	246-337-005	NEW-P	05-10-063	246-817-701	PREP	05-09-001
246-272A-0275	NEW-P	05-02-082	246-337-010	NEW-P	05-10-063	246-817-710	PREP	05-09-001
246-272A-0280	NEW-P	05-02-082	246-337-015	NEW-P	05-10-063	246-817-720	PREP	05-09-001
246-272A-0290	NEW-P	05-02-082	246-337-020	NEW-P	05-10-063	246-817-730	PREP	05-09-001
246-272A-0300	NEW-P	05-02-082	246-337-025	NEW-P	05-10-063	246-817-740	PREP	05-09-001
246-272A-0310	NEW-P	05-02-082	246-337-030	NEW-P	05-10-063	246-817-750	PREP	05-09-001
246-272A-0320	NEW-P	05-02-082	246-337-035	NEW-P	05-10-063	246-817-760	PREP	05-09-001
246-272A-0340	NEW-P	05-02-082	246-337-040	NEW-P	05-10-063	246-817-770	PREP	05-09-001
246-272A-0400	NEW-P	05-02-082	246-337-045	NEW-P	05-10-063	246-817-780	PREP	05-09-001
246-272A-0410	NEW-P	05-02-082	246-337-050	NEW-P	05-10-063	246-817-990	AMD-P	05-07-109
246-272A-0420	NEW-P	05-02-082	246-337-055	NEW-P	05-10-063	246-822-990	AMD-P	05-07-109
246-272A-0425	NEW-P	05-02-082	246-337-060	NEW-P	05-10-063	246-824-990	AMD-P	05-07-109
246-272A-0430	NEW-P	05-02-082	246-337-065	NEW-P	05-10-063	246-824-995	REP-P	05-07-109
246-272A-0440	NEW-P	05-02-082	246-337-070	NEW-P	05-10-063	246-826-990	AMD-P	05-07-109
246-272A-0450	NEW-P	05-02-082	246-337-075	NEW-P	05-10-063	246-828-990	AMD-P	05-07-109
246-272A-990	NEW-P	05-02-082	246-337-080	NEW-P	05-10-063	246-830-990	AMD-P	05-07-109
246-292-010	AMD	05-06-122	246-337-085	NEW-P	05-10-063	246-834-250	AMD	05-06-118
246-292-031	NEW	05-06-122	246-337-090	NEW-P	05-10-063	246-834-990	AMD-P	05-07-109

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246-836-990	AMD-P	05-07-109	251-01-020	REP-P	05-09-099	251-01-300	REP-P	05-09-099
246-840-840	PREP-W	05-10-095	251-01-025	REP-P	05-09-099	251-01-305	REP-P	05-09-099
246-840-850	PREP-W	05-10-095	251-01-028	REP-P	05-09-099	251-01-310	REP-P	05-09-099
246-840-860	PREP-W	05-10-095	251-01-030	REP-P	05-09-099	251-01-315	REP-P	05-09-099
246-840-870	PREP-W	05-10-095	251-01-035	REP-P	05-09-099	251-01-325	REP-P	05-09-099
246-840-880	PREP-W	05-10-095	251-01-040	REP-P	05-09-099	251-01-335	REP-P	05-09-099
246-840-890	PREP-W	05-10-095	251-01-045	REP-P	05-09-099	251-01-340	REP-P	05-09-099
246-840-990	AMD-P	05-07-109	251-01-050	REP-P	05-09-099	251-01-345	REP-P	05-09-099
246-840-990	PREP-W	05-10-095	251-01-055	REP-P	05-09-099	251-01-350	REP-P	05-09-099
246-841-990	AMD-P	05-07-109	251-01-056	REP-P	05-09-099	251-01-355	REP-P	05-09-099
246-843-990	AMD-P	05-07-109	251-01-057	REP-P	05-09-099	251-01-360	REP-P	05-09-099
246-845-990	AMD-P	05-07-109	251-01-060	REP-P	05-09-099	251-01-365	REP-P	05-09-099
246-847-990	AMD-P	05-07-109	251-01-065	REP-P	05-09-099	251-01-367	REP-P	05-09-099
246-849-990	AMD-P	05-07-109	251-01-070	REP-P	05-09-099	251-01-370	REP-P	05-09-099
246-849-995	REP-P	05-07-109	251-01-072	REP-P	05-09-099	251-01-375	REP-P	05-09-099
246-850-990	AMD-P	05-07-109	251-01-075	REP-P	05-09-099	251-01-380	REP-P	05-09-099
246-851-990	AMD-P	05-07-109	251-01-077	REP-P	05-09-099	251-01-382	REP-P	05-09-099
246-853-990	AMD-P	05-07-109	251-01-080	REP-P	05-09-099	251-01-385	REP-P	05-09-099
246-869-095	REP	05-07-108	251-01-085	REP-P	05-09-099	251-01-390	REP-P	05-09-099
246-907-030	AMD-P	05-07-109	251-01-100	REP-P	05-09-099	251-01-392	REP-P	05-09-099
246-907-995	REP-P	05-07-109	251-01-105	REP-P	05-09-099	251-01-395	REP-P	05-09-099
246-915-040	AMD	05-06-022	251-01-110	REP-P	05-09-099	251-01-400	REP-P	05-09-099
246-915-050	AMD	05-03-009	251-01-115	REP-P	05-09-099	251-01-405	REP-P	05-09-099
246-915-100	AMD	05-06-020	251-01-120	REP-P	05-09-099	251-01-410	REP-P	05-09-099
246-915-105	NEW	05-06-021	251-01-125	REP-P	05-09-099	251-01-415	REP-P	05-09-099
246-915-150	REP	05-09-046	251-01-129	REP-P	05-09-099	251-01-425	REP-P	05-09-099
246-915-170	REP	05-09-046	251-01-130	REP-P	05-09-099	251-01-430	REP-P	05-09-099
246-915-180	AMD	05-06-023	251-01-135	REP-P	05-09-099	251-01-435	REP-P	05-09-099
246-915-350	NEW-P	05-03-008	251-01-140	REP-P	05-09-099	251-01-440	REP-P	05-09-099
246-915-350	NEW	05-09-003	251-01-145	REP-P	05-09-099	251-01-445	REP-P	05-09-099
246-915-990	AMD-P	05-03-008	251-01-147	REP-P	05-09-099	251-01-450	REP-P	05-09-099
246-915-990	AMD-P	05-07-109	251-01-150	REP-P	05-09-099	251-01-460	REP-P	05-09-099
246-915-990	AMD	05-09-003	251-01-160	REP-P	05-09-099	251-04-010	REP-P	05-09-099
246-918-990	AMD-P	05-07-109	251-01-165	REP-P	05-09-099	251-04-030	REP-P	05-09-099
246-919-330	AMD	05-07-024	251-01-170	REP-P	05-09-099	251-04-035	REP-P	05-09-099
246-919-600	REP	05-10-065	251-01-172	REP-P	05-09-099	251-04-060	REP-P	05-09-099
246-919-990	AMD-P	05-07-109	251-01-175	REP-P	05-09-099	251-04-070	REP-P	05-09-099
246-922-990	AMD-P	05-07-109	251-01-185	REP-P	05-09-099	251-04-100	REP-P	05-09-099
246-922-995	REP-P	05-07-109	251-01-190	REP-P	05-09-099	251-04-105	REP-P	05-09-099
246-924-990	AMD-P	05-07-109	251-01-195	REP-P	05-09-099	251-04-110	REP-P	05-09-099
246-926-990	AMD-P	05-07-109	251-01-200	REP-P	05-09-099	251-04-160	REP-P	05-09-099
246-927-990	AMD-P	05-07-109	251-01-201	REP-P	05-09-099	251-04-170	REP-P	05-09-099
246-928-990	AMD-P	05-07-109	251-01-210	REP-P	05-09-099	251-05-010	REP-P	05-09-099
246-930-990	AMD-P	05-07-109	251-01-215	REP-P	05-09-099	251-05-030	REP-P	05-09-099
246-930-995	REP-P	05-07-109	251-01-220	REP-P	05-09-099	251-05-040	REP-P	05-09-099
246-933-590	AMD-P	05-07-109	251-01-225	REP-P	05-09-099	251-05-050	REP-P	05-09-099
246-933-990	AMD-P	05-07-109	251-01-230	REP-P	05-09-099	251-05-060	REP-P	05-09-099
246-935-990	AMD-P	05-07-109	251-01-235	REP-P	05-09-099	251-05-070	REP-P	05-09-099
246-937-990	AMD-P	05-07-109	251-01-240	REP-P	05-09-099	251-05-080	REP-P	05-09-099
246-939-990	AMD-P	05-07-109	251-01-245	REP-P	05-09-099	251-06-010	REP-P	05-09-099
247-02-050	AMD-X	05-06-045	251-01-250	REP-P	05-09-099	251-06-020	REP-P	05-09-099
250-83-010	NEW-P	05-05-073	251-01-255	REP-P	05-09-099	251-06-030	REP-P	05-09-099
250-83-020	NEW-P	05-05-073	251-01-258	REP-P	05-09-099	251-06-050	REP-P	05-09-099
250-83-030	NEW-P	05-05-073	251-01-260	REP-P	05-09-099	251-06-060	REP-P	05-09-099
250-83-040	NEW-P	05-05-073	251-01-265	REP-P	05-09-099	251-06-065	REP-P	05-09-099
250-83-050	NEW-P	05-05-073	251-01-268	REP-P	05-09-099	251-06-070	AMD	05-04-042
250-83-060	NEW-P	05-05-073	251-01-270	REP-P	05-09-099	251-06-070	REP-P	05-09-099
250-83-070	NEW-P	05-05-073	251-01-275	REP-P	05-09-099	251-06-072	NEW	05-04-042
251-01-005	REP-P	05-09-099	251-01-280	REP-P	05-09-099	251-06-072	REP-P	05-09-099
251-01-014	REP-P	05-09-099	251-01-285	REP-P	05-09-099	251-06-080	REP-P	05-09-099
251-01-015	REP-P	05-09-099	251-01-290	REP-P	05-09-099	251-06-091	REP-P	05-09-099

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251-22-170	REP-P	05-09-099	260-08-670	REP	05-05-049	260-34-150	REP-P	05-04-085
251-22-180	REP-P	05-09-099	260-08-671	NEW	05-05-049	260-34-150	REP	05-07-066
251-22-190	REP-P	05-09-099	260-08-673	NEW	05-05-049	260-34-160	REP-P	05-04-085
251-22-195	REP-P	05-09-099	260-08-675	NEW	05-05-049	260-34-160	REP	05-07-066
251-22-200	REP-P	05-09-099	260-08-677	NEW	05-05-049	260-34-170	REP-P	05-04-085
251-22-210	REP-P	05-09-099	260-08-680	REP	05-05-049	260-34-170	REP	05-07-066
251-22-220	REP-P	05-09-099	260-08-690	REP	05-05-049	260-34-180	AMD-P	05-04-085
251-22-240	REP-P	05-09-099	260-08-700	REP	05-05-049	260-34-180	AMD	05-07-066
251-22-245	REP-P	05-09-099	260-08-710	REP	05-05-049	260-34-190	REP-P	05-04-085
251-22-250	REP-P	05-09-099	260-08-720	REP	05-05-049	260-34-190	REP	05-07-066
251-22-260	REP-P	05-09-099	260-08-730	REP	05-05-049	260-36	PREP	05-07-093
251-22-270	REP-P	05-09-099	260-08-740	REP	05-05-049	260-36-085	AMD-W	05-02-052
251-22-280	REP-P	05-09-099	260-08-750	REP	05-05-049	260-36-085	PREP	05-05-011
251-22-290	REP-P	05-09-099	260-08-760	REP	05-05-049	260-36-120	AMD	05-05-047
251-22-300	REP-P	05-09-099	260-08-770	REP	05-05-049	260-36-180	AMD-P	05-02-078
251-23-010	REP-P	05-09-099	260-08-780	REP	05-05-049	260-36-180	AMD	05-05-043
251-23-015	REP-P	05-09-099	260-08-790	REP	05-05-049	260-36-200	AMD-P	05-05-048
251-23-020	REP-P	05-09-099	260-08-800	REP	05-05-049	260-36-200	AMD	05-09-045
251-23-030	REP-P	05-09-099	260-08-810	REP	05-05-049	260-40	PREP	05-09-006
251-23-040	REP-P	05-09-099	260-08-820	REP	05-05-049	260-56-030	REP	05-05-044
251-23-050	REP-P	05-09-099	260-08-830	REP	05-05-049	260-60-300	AMD-P	05-03-028
251-23-060	REP-P	05-09-099	260-12-250	PREP	05-07-094	260-60-300	AMD	05-07-063
251-24-010	REP-P	05-09-099	260-24-500	AMD-P	05-04-084	260-60-320	REP-P	05-03-028
251-24-030	REP-P	05-09-099	260-24-500	AMD	05-07-065	260-60-320	REP	05-07-063
251-24-035	REP-P	05-09-099	260-24-510	AMD-P	05-04-084	260-70	PREP	05-07-035
251-24-050	REP-P	05-09-099	260-24-510	AMD	05-07-065	260-70-520	AMD-P	05-04-086
251-24-200	REP-P	05-09-099	260-28	PREP	05-09-008	260-70-520	AMD	05-07-067
251-25-010	REP-P	05-09-099	260-32-160	PREP	05-09-007	260-70-520	AMD-E	05-07-068
251-25-020	REP-P	05-09-099	260-34	AMD-P	05-04-085	260-70-530	AMD-P	05-04-086
251-25-030	REP-P	05-09-099	260-34	AMD	05-07-066	260-70-530	AMD	05-07-067
251-25-040	REP-P	05-09-099	260-34-010	AMD-P	05-04-085	260-70-530	AMD-E	05-07-068
251-25-050	REP-P	05-09-099	260-34-010	AMD	05-07-066	260-70-540	AMD-P	05-04-086
251-30-010	REP-P	05-09-099	260-34-020	AMD-P	05-04-085	260-70-540	AMD	05-07-067
251-30-020	REP-P	05-09-099	260-34-020	AMD	05-07-066	260-70-540	AMD-E	05-07-068
251-30-030	REP-P	05-09-099	260-34-030	AMD-P	05-04-085	260-70-545	AMD-P	05-04-086
251-30-032	REP-P	05-09-099	260-34-030	AMD	05-07-066	260-70-545	AMD	05-07-067
251-30-034	REP-P	05-09-099	260-34-035	NEW-P	05-04-085	260-70-545	AMD-E	05-07-068
251-30-055	REP-P	05-09-099	260-34-035	NEW	05-07-066	260-70-550	AMD-P	05-04-086
251-30-057	REP-P	05-09-099	260-34-040	REP-P	05-04-085	260-70-550	AMD	05-07-067
257-10-020	NEW-P	05-09-126	260-34-040	REP	05-07-066	260-70-550	AMD-E	05-07-068
257-10-040	NEW-P	05-09-126	260-34-045	NEW-P	05-04-085	260-70-560	AMD-P	05-04-086
257-10-060	NEW-P	05-09-126	260-34-045	NEW	05-07-066	260-70-560	AMD	05-07-067
257-10-080	NEW-P	05-09-126	260-34-050	REP-P	05-04-085	260-70-560	AMD-E	05-07-068
257-10-100	NEW-P	05-09-126	260-34-050	REP	05-07-066	260-70-570	AMD-P	05-04-086
257-10-120	NEW-P	05-09-126	260-34-060	AMD-P	05-04-085	260-70-570	AMD	05-07-067
257-10-140	NEW-P	05-09-126	260-34-060	AMD	05-07-066	260-70-570	AMD-E	05-07-068
257-10-160	NEW-P	05-09-126	260-34-070	AMD-P	05-04-085	260-70-580	AMD-P	05-04-086
257-10-180	NEW-P	05-09-126	260-34-070	AMD	05-07-066	260-70-580	AMD	05-07-067
257-10-200	NEW-P	05-09-126	260-34-080	AMD-P	05-04-085	260-70-580	AMD-E	05-07-068
257-10-220	NEW-P	05-09-126	260-34-080	AMD	05-07-066	260-70-600	AMD-P	05-04-086
257-10-240	NEW-P	05-09-126	260-34-090	AMD-P	05-04-085	260-70-600	AMD	05-07-067
257-10-260	NEW-P	05-09-126	260-34-090	AMD	05-07-066	260-70-600	AMD-E	05-07-068
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257-10-380	NEW-P	05-09-126	260-34-120	REP	05-07-066	260-70-620	AMD-E	05-07-068
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260- 70-650	AMD	05-07-067	284- 17-220	AMD	05-07-091	284- 17-282	NEW	05-07-091
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260- 70-660	AMD-E	05-07-068	284- 17-224	NEW	05-07-091	284- 17-286	NEW	05-07-091
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260- 70-670	REP	05-07-067	284- 17-226	NEW	05-07-091	284- 17-288	NEW	05-07-091
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260- 70-680	AMD-E	05-07-068	284- 17-232	NEW-P	05-03-110	284- 17-294	NEW-P	05-03-110
260- 70-690	REP-P	05-04-086	284- 17-232	NEW	05-07-091	284- 17-294	NEW	05-07-091
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260- 70-690	REP-E	05-07-068	284- 17-234	NEW	05-07-091	284- 17-296	NEW	05-07-091
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260- 70-720	AMD-E	05-07-068	284- 17-238	NEW	05-07-091	284- 17-302	NEW	05-07-091
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260- 84	AMD-P	05-04-083	284- 17-246	NEW	05-07-091	284- 17-310	AMD	05-07-091
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260- 84	PREP	05-07-094	284- 17-250	AMD	05-07-091	284- 17-320	AMD	05-07-091
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260- 84-010	REP	05-07-064	284- 17-252	NEW	05-07-091	284- 24A-010	AMD-W	05-06-054
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260- 84-020	REP	05-07-064	284- 17-254	NEW	05-07-091	284- 24A-045	AMD-W	05-06-054
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260- 84-030	REP	05-07-064	284- 17-256	NEW	05-07-091	284- 24A-055	AMD-W	05-06-054
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296- 56-60005	AMD	05-03-093	296-150P-3000	AMD-P	05-08-111	296-307-696	NEW-W	05-05-070
296- 56-60053	AMD	05-03-093	296-150R	PREP	05-05-066	296-307-69605	NEW-W	05-05-070
296- 56-60057	AMD	05-03-093	296-150R-3000	AMD-P	05-08-111	296-307-69610	NEW-W	05-05-070
296- 56-60107	AMD	05-03-093	296-150T	PREP	05-05-066	296-307-69615	NEW-W	05-05-070
296- 56-60110	AMD	05-03-093	296-150T-3000	AMD-P	05-08-111	296-307-69620	NEW-W	05-05-070
296- 56-60110	AMD-X	05-07-125	296-150V	PREP	05-05-066	296-307-69625	NEW-W	05-05-070
296- 56-60235	AMD	05-03-093	296-150V-3000	AMD-P	05-08-111	296-307-69630	NEW-W	05-05-070
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296- 62	PREP	05-09-061	296-155	PREP-W	05-09-060	296-307-69805	NEW-W	05-05-070
296- 62-07306	AMD	05-03-093	296-155	PREP	05-10-072	296-307-69810	NEW-W	05-05-070
296- 62-07329	AMD	05-03-093	296-155-160	AMD	05-03-093	296-307-69815	NEW-W	05-05-070
296- 62-07336	AMD	05-03-093	296-155-17317	AMD	05-03-093	296-307-69820	NEW-W	05-05-070
296- 62-07342	AMD	05-03-093	296-155-174	AMD	05-03-093	296-307-69825	NEW-W	05-05-070
296- 62-07355	AMD-P	05-10-076	296-155-17613	AMD	05-03-093	296-307-69830	NEW-W	05-05-070
296- 62-07367	AMD	05-03-093	296-155-17625	AMD	05-03-093	296-307-700	NEW-W	05-05-070
296- 62-07413	AMD	05-03-093	296-155-17625	AMD-X	05-07-125	296-307-70005	NEW-W	05-05-070
296- 62-07460	AMD	05-03-093	296-155-17652	AMD	05-03-093	296-307-702	NEW-W	05-05-070
296- 62-07521	AMD	05-03-093	296-155-20301	AMD	05-03-093	296-350	PREP	05-10-074
296- 62-07523	REP-X	05-07-123	296-155-220	AMD	05-03-093	296-400A	PREP	05-05-066
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296- 62-07615	AMD	05-03-093	296-155-525	AMD	05-03-093	296-400A-021	AMD-P	05-06-062
296- 62-07722	AMD	05-03-093	296-155-525	AMD-X	05-07-125	296-400A-022	NEW-P	05-06-062
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296- 62-20019	AMD	05-03-093	296-155-730	AMD	05-03-093	296-800	PREP	05-10-072
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296-855-20050	NEW-P	05-10-076	308- 19-150	AMD	05-08-027	308- 93-089	PREP	05-10-067
296-855-20060	NEW-P	05-10-076	308- 19-160	AMD-P	05-04-105	308- 96A	PREP	05-10-077
296-855-20070	NEW-P	05-10-076	308- 19-160	AMD	05-08-027	308- 96A-026	AMD-X	05-08-096
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296-855-20090	NEW-P	05-10-076	308- 19-200	AMD	05-08-027	308- 96A-311	AMD-P	05-03-105
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296-855-30030	NEW-P	05-10-076	308- 19-220	AMD-P	05-04-105	308- 96A-314	AMD	05-07-151
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296-855-40040	NEW-P	05-10-076	308- 19-240	AMD	05-08-027	308-108-090	NEW-W	05-08-106
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296-865-30020	NEW-P	05-08-112	308- 19-320	NEW-P	05-04-105	308-124A-460	AMD-P	05-09-038
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308- 13-150	PREP	05-09-017	308- 19-410	AMD	05-08-027	314- 07-010	NEW	05-07-012
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308- 18-240	AMD	05-09-036	308- 19-430	AMD	05-08-027	314- 07-040	NEW	05-07-012
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308- 18-300	AMD	05-09-036	308- 19-445	NEW	05-08-027	314- 07-055	NEW	05-07-012
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308- 18-305	NEW	05-09-036	308- 19-450	NEW	05-08-027	314- 07-070	NEW	05-07-012
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308- 19-010	AMD	05-08-027	308- 19-455	NEW	05-08-027	314- 07-085	NEW	05-07-012
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308- 19-020	AMD	05-08-027	308- 19-460	NEW	05-08-027	314- 07-095	NEW	05-07-012
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314-12-025	REP	05-07-012	315-34-050	AMD-P	05-04-081	352-28-010	AMD-P	05-10-071
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315-10-010	AMD-S	05-08-054	315-34-060	AMD-C	05-08-095	356-05-013	REP-P	05-09-100
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315-10-023	AMD-S	05-08-054	315-34-080	REP-C	05-08-095	356-05-040	REP-P	05-09-100
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315-10-024	AMD-S	05-08-054	315-34-090	REP-P	05-04-081	356-05-050	REP-P	05-09-100
315-10-030	AMD-P	05-04-079	315-34-090	REP-C	05-08-095	356-05-055	REP-P	05-09-100
315-10-030	AMD-S	05-08-054	315-34-100	REP-E	05-04-010	356-05-060	REP-P	05-09-100
315-10-035	AMD-P	05-04-079	315-34-100	REP-P	05-04-081	356-05-065	REP-P	05-09-100
315-10-035	AMD-S	05-08-054	315-34-100	REP-C	05-08-095	356-05-070	REP-P	05-09-100
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315-10-055	AMD-S	05-08-054	315-36-040	REP-X	05-05-059	356-05-085	REP-P	05-09-100
315-10-070	AMD-P	05-04-079	315-36-050	REP-X	05-05-059	356-05-090	REP-P	05-09-100
315-10-070	AMD-S	05-08-054	315-36-060	REP-X	05-05-059	356-05-095	REP-P	05-09-100
315-10-075	AMD-P	05-04-079	315-36-070	REP-X	05-05-059	356-05-100	REP-P	05-09-100
315-10-075	AMD-S	05-08-054	315-36-080	REP-X	05-05-059	356-05-105	REP-P	05-09-100
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315-34-010	AMD-P	05-04-081	315-38-080	AMD-P	05-08-100	356-05-205	REP-P	05-09-100
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315-34-030	AMD-C	05-08-095	332-130-020	AMD-P	05-08-067	356-05-230	REP-P	05-09-100
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356-56-660	REP-P	05-09-100	357-28-070	AMD-P	05-08-131	357-31-285	NEW	05-08-137
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356-60-030	REP-P	05-09-100	357-28-300	AMD-P	05-08-131	357-31-300	NEW	05-08-137
356-60-032	REP-P	05-09-100	357-31-001	NEW	05-08-136	357-31-305	NEW	05-08-137
356-60-034	REP-P	05-09-100	357-31-001	REP-P	05-09-120	357-31-310	NEW	05-08-138
356-60-055	REP-P	05-09-100	357-31-005	NEW	05-08-136	357-31-315	NEW	05-08-138
356-60-057	REP-P	05-09-100	357-31-010	NEW	05-08-136	357-31-320	NEW	05-08-138
357-01-022	NEW-P	05-09-120	357-31-015	NEW	05-08-136	357-31-325	NEW	05-08-138
357-01-023	NEW-P	05-09-120	357-31-020	NEW	05-08-136	357-31-330	NEW	05-08-138
357-01-072	NEW-P	05-09-120	357-31-025	NEW	05-08-136	357-31-335	NEW	05-08-138
357-01-138	NEW-P	05-09-120	357-31-030	NEW	05-08-136	357-31-340	NEW	05-08-138
357-01-172	NEW-P	05-09-120	357-31-035	NEW	05-08-136	357-31-345	NEW	05-08-138
357-01-173	NEW-P	05-08-128	357-31-040	NEW	05-08-136	357-31-346	NEW-P	05-09-108
357-01-174	NEW-P	05-09-120	357-31-045	NEW	05-08-136	357-31-347	NEW-P	05-09-108
357-01-182	NEW-P	05-09-120	357-31-050	NEW	05-08-136	357-31-350	NEW	05-08-138
357-01-202	NEW-P	05-09-120	357-31-055	NEW	05-08-136	357-31-355	NEW	05-08-138
357-01-227	NEW-P	05-09-120	357-31-060	NEW	05-08-136	357-31-360	NEW	05-08-138
357-01-228	NEW-P	05-09-120	357-31-065	NEW	05-08-136	357-31-370	NEW	05-08-138
357-01-229	NEW-P	05-09-120	357-31-070	NEW	05-08-136	357-31-375	NEW	05-08-138
357-01-255	NEW-W	05-02-061	357-31-075	NEW	05-08-136	357-31-380	NEW	05-08-139
357-01-301	NEW	05-08-134	357-31-080	NEW	05-08-136	357-31-385	NEW-W	05-08-125
357-01-301	AMD-P	05-09-119	357-31-090	NEW	05-08-136	357-31-390	NEW	05-08-139
357-01-348	NEW-P	05-09-120	357-31-095	NEW	05-08-136	357-31-395	NEW	05-08-139
357-01-360	NEW-P	05-09-118	357-31-100	NEW	05-08-136	357-31-400	NEW	05-08-139
357-01-365	NEW-P	05-09-118	357-31-105	NEW	05-08-136	357-31-405	NEW	05-08-139
357-04-105	AMD-P	05-09-103	357-31-110	NEW	05-08-136	357-31-410	NEW	05-08-139
357-13-090	AMD-P	05-09-105	357-31-115	NEW	05-08-136	357-31-415	NEW	05-08-139
357-16-110	AMD-P	05-08-131	357-31-120	NEW	05-08-136	357-31-420	NEW	05-08-139
357-16-130	AMD-P	05-09-109	357-31-125	NEW	05-08-136	357-31-425	NEW	05-08-139
357-19-025	AMD-P	05-08-131	357-31-130	NEW	05-08-136	357-31-430	NEW	05-08-139
357-19-080	AMD-P	05-08-131	357-31-135	NEW	05-08-136	357-31-435	NEW	05-08-139
357-19-115	AMD-P	05-08-131	357-31-140	NEW	05-08-136	357-31-440	NEW	05-08-139
357-19-125	NEW-P	05-09-116	357-31-145	NEW	05-08-136	357-31-445	NEW	05-08-139
357-19-181	NEW-P	05-09-111	357-31-150	NEW	05-08-136	357-31-450	NEW	05-08-139
357-19-183	NEW-P	05-08-126	357-31-155	NEW	05-08-136	357-31-455	NEW	05-08-139
357-19-183	NEW-C	05-09-107	357-31-160	NEW	05-08-136	357-31-460	NEW	05-08-140
357-19-184	NEW-P	05-08-126	357-31-165	NEW	05-08-137	357-31-465	NEW	05-08-140
357-19-184	NEW-C	05-09-107	357-31-165	AMD-P	05-09-104	357-31-470	NEW	05-08-140
357-19-185	NEW-P	05-08-126	357-31-170	NEW	05-08-137	357-31-475	NEW	05-08-140
357-19-185	NEW-C	05-09-107	357-31-175	NEW	05-08-137	357-31-480	NEW	05-08-140
357-19-186	NEW-P	05-08-126	357-31-180	NEW	05-08-137	357-31-485	NEW	05-08-140
357-19-186	NEW-C	05-09-107	357-31-185	NEW	05-08-137	357-31-490	NEW	05-08-140
357-19-187	NEW-P	05-08-126	357-31-190	NEW	05-08-137	357-31-495	NEW	05-08-140
357-19-187	NEW-C	05-09-107	357-31-195	NEW	05-08-137	357-31-500	NEW	05-08-140
357-19-188	NEW-P	05-08-126	357-31-200	NEW	05-08-137	357-31-505	NEW	05-08-140
357-19-188	NEW-C	05-09-107	357-31-205	NEW	05-08-137	357-31-510	NEW	05-08-140
357-19-189	NEW-P	05-08-126	357-31-210	NEW	05-08-137	357-31-515	NEW	05-08-140
357-19-189	NEW-C	05-09-107	357-31-215	NEW	05-08-137	357-31-520	NEW	05-08-140
357-19-190	REP-P	05-09-111	357-31-220	NEW	05-08-137	357-31-525	NEW	05-08-140
357-19-191	NEW-P	05-08-126	357-31-225	NEW	05-08-137	357-31-525	AMD-P	05-09-112
357-19-191	NEW-C	05-09-107	357-31-230	NEW	05-08-137	357-31-530	NEW	05-08-140
357-19-300	NEW-P	05-08-130	357-31-235	NEW	05-08-137	357-31-530	AMD-P	05-09-117
357-19-301	NEW-P	05-08-130	357-31-240	NEW	05-08-137	357-31-535	NEW	05-08-140
357-19-302	NEW-P	05-08-130	357-31-245	NEW	05-08-137	357-31-540	NEW	05-08-140
357-19-303	NEW-P	05-08-130	357-31-250	NEW	05-08-137	357-31-545	NEW	05-08-140
357-19-350	NEW-P	05-09-114	357-31-255	NEW	05-08-137	357-31-550	NEW	05-08-140
357-19-353	NEW-P	05-09-114	357-31-260	NEW	05-08-137	357-31-555	NEW	05-08-140
357-19-375	AMD-P	05-08-130	357-31-265	NEW	05-08-137	357-31-560	NEW	05-08-140

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357-31-565	NEW	05-08-140	357-55-630	NEW	05-08-133	357-58-290	NEW-P	05-04-089
357-37-200	NEW-C	05-09-101	357-55-635	NEW	05-08-133	357-58-295	NEW-P	05-04-089
357-40-050	NEW-P	05-09-103	357-55-640	NEW	05-08-133	357-58-300	NEW-P	05-04-089
357-43-008	NEW-W	05-09-053	357-55-645	NEW	05-08-133	357-58-305	NEW-P	05-04-089
357-43-045	NEW-W	05-02-062	357-58-005	NEW-P	05-04-087	357-58-310	NEW-P	05-04-089
357-46-010	AMD-W	05-09-054	357-58-010	NEW-P	05-04-087	357-58-315	NEW-P	05-04-089
357-46-012	NEW-W	05-09-054	357-58-015	NEW-P	05-04-087	357-58-320	NEW-P	05-04-089
357-46-050	AMD-P	05-09-110	357-58-020	NEW-P	05-04-087	357-58-325	NEW-P	05-04-089
357-46-053	NEW-P	05-08-129	357-58-025	NEW-P	05-04-087	357-58-330	NEW-P	05-04-089
357-46-055	NEW	05-08-135	357-58-030	NEW-P	05-04-087	357-58-335	NEW-P	05-04-089
357-46-056	NEW	05-08-135	357-58-035	NEW-P	05-04-087	357-58-340	NEW-P	05-04-089
357-46-057	NEW-P	05-08-127	357-58-040	NEW-P	05-04-087	357-58-345	NEW-P	05-04-089
357-46-058	NEW-P	05-08-127	357-58-045	NEW-P	05-04-087	357-58-350	NEW-P	05-04-089
357-46-060	AMD-P	05-08-131	357-58-050	NEW-P	05-04-087	357-58-355	NEW-P	05-04-089
357-46-063	NEW-P	05-08-128	357-58-055	NEW-P	05-04-087	357-58-360	NEW-P	05-04-089
357-46-064	NEW-P	05-08-128	357-58-060	NEW-P	05-04-087	357-58-365	NEW-P	05-04-089
357-46-065	NEW-P	05-08-128	357-58-065	NEW-P	05-04-087	357-58-370	NEW-P	05-04-089
357-46-066	NEW-P	05-08-128	357-58-070	NEW-P	05-04-087	357-58-375	NEW-P	05-04-089
357-46-067	NEW-P	05-08-128	357-58-075	NEW-P	05-04-087	357-58-380	NEW-P	05-04-089
357-46-068	NEW-P	05-08-128	357-58-080	NEW-P	05-04-087	357-58-385	NEW-P	05-04-089
357-46-095	AMD-P	05-08-131	357-58-085	NEW-P	05-04-087	357-58-390	NEW-P	05-04-089
357-46-110	AMD-P	05-08-131	357-58-090	NEW-P	05-04-087	357-58-395	NEW-P	05-04-089
357-46-125	AMD-P	05-09-102	357-58-095	NEW-P	05-04-087	357-58-400	NEW-P	05-04-089
357-49-010	AMD-P	05-09-106	357-58-100	NEW-P	05-04-087	357-58-405	NEW-P	05-04-091
357-52-207	NEW-P	05-09-113	357-58-105	NEW-P	05-04-087	357-58-410	NEW-P	05-04-091
357-52-208	NEW-P	05-09-113	357-58-110	NEW-P	05-04-087	357-58-415	NEW-P	05-04-091
357-55-010	NEW	05-08-132	357-58-115	NEW-P	05-04-087	357-58-420	NEW-P	05-04-091
357-55-020	NEW	05-08-132	357-58-120	NEW-P	05-04-088	357-58-425	NEW-P	05-04-091
357-55-030	NEW	05-08-132	357-58-125	NEW-P	05-04-088	357-58-430	NEW-P	05-04-091
357-55-040	NEW	05-08-132	357-58-130	NEW-P	05-04-088	357-58-435	NEW-P	05-04-091
357-55-110	NEW	05-08-132	357-58-135	NEW-P	05-04-088	357-58-440	NEW-P	05-04-091
357-55-210	NEW	05-08-132	357-58-140	NEW-P	05-04-088	357-58-445	NEW-P	05-04-091
357-55-215	NEW	05-08-132	357-58-145	NEW-P	05-04-088	357-58-450	NEW-P	05-04-091
357-55-220	NEW	05-08-132	357-58-150	NEW-P	05-04-088	357-58-455	NEW-P	05-04-091
357-55-225	NEW	05-08-132	357-58-155	NEW-P	05-04-088	357-58-460	NEW-P	05-04-091
357-55-230	NEW	05-08-132	357-58-160	NEW-P	05-04-088	357-58-465	NEW-P	05-04-091
357-55-235	NEW	05-08-132	357-58-165	NEW-P	05-04-088	357-58-470	NEW-P	05-04-091
357-55-240	NEW	05-08-132	357-58-170	NEW-P	05-04-088	357-58-475	NEW-P	05-04-091
357-55-245	NEW	05-08-132	357-58-175	NEW-P	05-04-088	357-58-480	NEW-P	05-04-091
357-55-250	NEW	05-08-132	357-58-180	NEW-P	05-04-088	357-58-485	NEW-P	05-04-091
357-55-255	NEW	05-08-132	357-58-185	NEW-P	05-04-088	357-58-490	NEW-P	05-04-091
357-55-260	NEW	05-08-132	357-58-190	NEW-P	05-04-088	357-58-495	NEW-P	05-04-091
357-55-265	NEW	05-08-133	357-58-195	NEW-P	05-04-088	357-58-500	NEW-P	05-04-090
357-55-270	NEW	05-08-133	357-58-200	NEW-P	05-04-088	357-58-505	NEW-P	05-04-090
357-55-275	NEW	05-08-133	357-58-205	NEW-P	05-04-088	357-58-510	NEW-P	05-04-090
357-55-280	NEW	05-08-133	357-58-210	NEW-P	05-04-088	357-58-515	NEW-P	05-04-090
357-55-285	NEW	05-08-133	357-58-215	NEW-P	05-04-088	357-58-520	NEW-P	05-04-090
357-55-310	NEW	05-08-133	357-58-220	NEW-P	05-04-088	357-58-525	NEW-P	05-04-090
357-55-320	NEW	05-08-133	357-58-225	NEW-P	05-04-088	357-58-530	NEW-P	05-04-090
357-55-330	NEW	05-08-133	357-58-230	NEW-P	05-04-088	357-58-535	NEW-P	05-04-090
357-55-410	NEW	05-08-133	357-58-235	NEW-P	05-04-088	357-58-540	NEW-P	05-04-090
357-55-415	NEW	05-08-133	357-58-240	NEW-P	05-04-089	357-58-545	NEW-P	05-04-090
357-55-420	NEW	05-08-133	357-58-245	NEW-P	05-04-089	363-116	PREP	05-04-094
357-55-425	NEW	05-08-133	357-58-250	NEW-P	05-04-089	363-116-082	AMD	05-04-028
357-55-430	NEW	05-08-133	357-58-255	NEW-P	05-04-089	363-116-185	AMD-P	05-10-069
357-55-510	NEW	05-08-133	357-58-260	NEW-P	05-04-089	363-116-300	AMD-P	05-08-063
357-55-515	NEW	05-08-133	357-58-265	NEW-P	05-04-089	365-110-035	AMD-W	05-06-057
357-55-520	NEW	05-08-133	357-58-270	NEW-P	05-04-089	371-08-305	AMD-E	05-05-005
357-55-610	NEW	05-08-133	357-58-275	NEW-P	05-04-089	371-08-305	AMD-P	05-08-022
357-55-615	NEW	05-08-133	357-58-280	NEW-P	05-04-089	371-08-335	AMD-E	05-05-005
357-55-620	NEW	05-08-133	357-58-280	NEW-P	05-09-114	371-08-335	AMD-P	05-08-022
357-55-625	NEW	05-08-133	357-58-285	NEW-P	05-04-089	371-08-345	AMD-E	05-05-005

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371-08-345	AMD-P	05-08-022	388-25-0227	NEW-E	05-06-093	388-71-0600	REP-P	05-03-096
371-08-445	AMD-P	05-08-022	388-25-0228	NEW-P	05-03-082	388-71-0605	REP-P	05-03-096
371-08-450	AMD-P	05-08-022	388-25-0228	NEW	05-06-091	388-71-0610	REP-P	05-03-096
388	PREP	05-08-090	388-25-0228	NEW-E	05-06-093	388-71-0613	REP-P	05-03-096
388-02-0215	PREP	05-06-081	388-25-0229	NEW-P	05-03-082	388-71-0615	REP-P	05-03-096
388-14A	PREP	05-08-087	388-25-0229	NEW	05-06-091	388-71-0620	REP-P	05-03-096
388-14A-2160	PREP	05-08-087	388-25-0229	NEW-E	05-06-093	388-71-0700	REP-P	05-03-096
388-14A-3102	PREP	05-05-078	388-25-0230	REP-P	05-03-082	388-71-0704	AMD-P	05-03-096
388-14A-3102	AMD-P	05-09-082	388-25-0230	REP	05-06-091	388-71-0706	AMD-P	05-03-096
388-14A-3120	PREP	05-05-078	388-25-0230	REP-E	05-06-093	388-71-0708	AMD-P	05-03-096
388-14A-3120	AMD-P	05-09-082	388-25-0231	NEW-P	05-03-082	388-71-0710	AMD-P	05-03-096
388-14A-3304	AMD-P	05-03-095	388-25-0231	NEW	05-06-091	388-71-0716	AMD-P	05-03-096
388-14A-3304	AMD	05-07-059	388-25-0231	NEW-E	05-06-093	388-71-0720	AMD-P	05-03-096
388-14A-3310	AMD-P	05-03-095	388-25-1000	NEW-P	05-06-086	388-71-0734	AMD	05-02-064
388-14A-3310	AMD	05-07-059	388-25-1000	NEW-E	05-06-094	388-71-0800	REP-P	05-03-096
388-14A-3317	NEW-P	05-03-095	388-25-1010	NEW-P	05-06-086	388-71-0805	REP-P	05-03-096
388-14A-3317	NEW	05-07-059	388-25-1010	NEW-E	05-06-094	388-71-0810	REP-P	05-03-096
388-14A-3320	AMD-P	05-03-095	388-25-1020	NEW-P	05-06-086	388-71-0815	REP-P	05-03-096
388-14A-3320	AMD	05-07-059	388-25-1020	NEW-E	05-06-094	388-71-0820	REP-P	05-03-096
388-14A-3321	NEW-E	05-03-095	388-25-1030	NEW-P	05-06-086	388-71-0825	REP-P	05-03-096
388-14A-3321	NEW	05-07-059	388-25-1030	NEW-E	05-06-094	388-71-0830	REP-P	05-03-096
388-14A-4119	NEW-E	05-03-094	388-25-1040	NEW-P	05-06-086	388-71-0835	REP-P	05-03-096
388-14A-4119	NEW-P	05-05-082	388-25-1040	NEW-E	05-06-094	388-71-0840	REP-P	05-03-096
388-14A-4119	NEW	05-08-060	388-25-1050	NEW-P	05-06-086	388-71-0845	REP-P	05-03-096
388-14A-4180	NEW-E	05-03-094	388-25-1050	NEW-E	05-06-094	388-71-0900	REP-P	05-03-096
388-14A-4180	NEW-P	05-05-082	388-71-0194	REP-P	05-03-096	388-71-0905	REP-P	05-03-096
388-14A-4180	NEW	05-08-060	388-71-0202	REP-P	05-03-096	388-71-0910	REP-P	05-03-096
388-14A-4304	AMD	05-07-087	388-71-0203	REP-P	05-03-096	388-71-0915	REP-P	05-03-096
388-14A-5000	AMD-P	05-02-063	388-71-0205	REP-P	05-03-096	388-71-0920	REP-P	05-03-096
388-14A-5000	AMD	05-06-014	388-71-0210	REP-P	05-03-096	388-71-0925	REP-P	05-03-096
388-14A-5001	AMD-P	05-02-063	388-71-0215	REP-P	05-03-096	388-71-0930	REP-P	05-03-096
388-14A-5001	AMD	05-06-014	388-71-0220	REP-P	05-03-096	388-71-0935	REP-P	05-03-096
388-14A-5005	AMD-P	05-02-063	388-71-0225	REP-P	05-03-096	388-71-0940	REP-P	05-03-096
388-14A-5005	AMD	05-06-014	388-71-0230	REP-P	05-03-096	388-71-0945	REP-P	05-03-096
388-14A-5008	AMD-P	05-02-063	388-71-0235	REP-P	05-03-096	388-71-0950	REP-P	05-03-096
388-14A-5008	AMD	05-06-014	388-71-0240	REP-P	05-03-096	388-71-0955	REP-P	05-03-096
388-14A-5009	NEW-P	05-02-063	388-71-0245	REP-P	05-03-096	388-71-0960	REP-P	05-03-096
388-14A-5009	NEW	05-06-014	388-71-0250	REP-P	05-03-096	388-71-0965	REP-P	05-03-096
388-14A-5010	NEW-P	05-02-063	388-71-0255	REP-P	05-03-096	388-71-1000	REP-P	05-03-096
388-14A-5010	NEW	05-06-014	388-71-0260	REP-P	05-03-096	388-71-1005	REP-P	05-03-096
388-14A-7100	AMD-P	05-03-095	388-71-0400	REP-P	05-03-096	388-71-1010	REP-P	05-03-096
388-14A-7100	AMD	05-07-059	388-71-0405	REP-P	05-03-096	388-71-1015	REP-P	05-03-096
388-14A-7110	NEW-E	05-03-095	388-71-0410	REP-P	05-03-096	388-71-1020	REP-P	05-03-096
388-14A-7110	NEW	05-07-059	388-71-0415	REP-P	05-03-096	388-71-1025	REP-P	05-03-096
388-14A-7115	NEW-E	05-03-095	388-71-0420	REP-P	05-03-096	388-71-1030	REP-P	05-03-096
388-14A-7115	NEW	05-07-059	388-71-0425	REP-P	05-03-096	388-71-1035	REP-P	05-03-096
388-14A-7117	NEW-E	05-03-095	388-71-0430	REP-P	05-03-096	388-71-1065	REP-P	05-03-096
388-14A-7117	NEW	05-07-059	388-71-0435	REP-P	05-03-096	388-71-1070	REP-P	05-03-096
388-14A-7120	NEW-E	05-03-095	388-71-0440	REP-P	05-03-096	388-71-1075	REP-P	05-03-096
388-14A-7120	NEW	05-07-059	388-71-0442	REP-P	05-03-096	388-71-1080	REP-P	05-03-096
388-14A-8100	AMD-E	05-07-034	388-71-0445	REP-P	05-03-096	388-71-1085	REP-P	05-03-096
388-14A-8100	AMD-P	05-09-081	388-71-0450	REP-P	05-03-096	388-71-1090	REP-P	05-03-096
388-14A-8600	NEW-E	05-03-095	388-71-0455	REP-P	05-03-096	388-71-1095	REP-P	05-03-096
388-14A-8600	NEW	05-07-059	388-71-0460	REP-P	05-03-096	388-71-1100	REP-P	05-03-096
388-25-0225	AMD-P	05-03-082	388-71-0465	REP-P	05-03-096	388-71-1105	REP-P	05-03-096
388-25-0225	AMD	05-06-091	388-71-0470	REP-P	05-03-096	388-71-1110	REP-P	05-03-096
388-25-0225	AMD-E	05-06-093	388-71-0480	REP-P	05-03-096	388-72A-0005	REP-P	05-03-096
388-25-0226	NEW-P	05-03-082	388-71-0500	AMD-P	05-03-096	388-72A-0010	REP-P	05-03-096
388-25-0226	NEW	05-06-091	388-71-0515	AMD-P	05-03-096	388-72A-0015	REP-P	05-03-096
388-25-0226	NEW-E	05-06-093	388-71-0520	AMD-P	05-03-096	388-72A-0020	REP-P	05-03-096
388-25-0227	NEW-P	05-03-082	388-71-0540	AMD-P	05-03-096	388-72A-0025	REP-P	05-03-096
388-25-0227	NEW	05-06-091	388-71-05832	NEW-P	05-03-096	388-72A-0030	REP-P	05-03-096

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 72A-0035	REP-P	05-03-096	388-101-1180	RECOD	05-05-077	388-101-1830	RECOD	05-05-077
388- 72A-0036	REP-P	05-03-096	388-101-1190	RECOD	05-05-077	388-101-1840	RECOD	05-05-077
388- 72A-0037	REP-P	05-03-096	388-101-1200	RECOD	05-05-077	388-101-1850	RECOD	05-05-077
388- 72A-0038	REP-P	05-03-096	388-101-1205	RECOD	05-07-138	388-101-1860	RECOD	05-05-077
388- 72A-0039	REP-P	05-03-096	388-101-1210	RECOD	05-05-077	388-101-1870	RECOD	05-05-077
388- 72A-0041	REP-P	05-03-096	388-101-1220	RECOD	05-05-077	388-101-1880	RECOD	05-05-077
388- 72A-0042	REP-P	05-03-096	388-101-1220	AMD-P	05-07-136	388-101-1890	RECOD	05-05-077
388- 72A-0043	REP-P	05-03-096	388-101-1220	AMD	05-10-086	388-101-1900	RECOD	05-05-077
388- 72A-0045	REP-P	05-03-096	388-101-1230	RECOD	05-05-077	388-101-2000	RECOD	05-05-077
388- 72A-0050	REP-P	05-03-096	388-101-1240	RECOD	05-05-077	388-101-2010	RECOD	05-05-077
388- 72A-0053	REP-P	05-03-096	388-101-1250	RECOD	05-05-077	388-101-2020	RECOD	05-05-077
388- 72A-0055	REP-P	05-03-096	388-101-1260	RECOD	05-05-077	388-101-2030	RECOD	05-05-077
388- 72A-0057	REP-P	05-03-096	388-101-1260	AMD-P	05-07-136	388-101-2040	RECOD	05-05-077
388- 72A-0058	REP-P	05-03-096	388-101-1260	AMD	05-10-086	388-101-2050	RECOD	05-05-077
388- 72A-0060	REP-P	05-03-096	388-101-1400	RECOD	05-05-077	388-101-2060	RECOD	05-05-077
388- 72A-0065	REP-P	05-03-096	388-101-1400	AMD-P	05-07-136	388-101-2070	RECOD	05-05-077
388- 72A-0069	REP-P	05-03-096	388-101-1400	AMD	05-10-086	388-101-2080	RECOD	05-05-077
388- 72A-0070	REP-P	05-03-096	388-101-1410	RECOD	05-05-077	388-101-2090	RECOD	05-05-077
388- 72A-0080	REP-P	05-03-096	388-101-1420	RECOD	05-05-077	388-101-2100	RECOD	05-05-077
388- 72A-0081	REP-P	05-03-096	388-101-1420	AMD-P	05-07-136	388-101-2110	RECOD	05-05-077
388- 72A-0082	REP-P	05-03-096	388-101-1420	AMD	05-10-086	388-101-2120	RECOD	05-05-077
388- 72A-0083	REP-P	05-03-096	388-101-1430	RECOD	05-05-077	388-101-2130	RECOD	05-05-077
388- 72A-0084	REP-P	05-03-096	388-101-1440	RECOD	05-05-077	388-101-2140	RECOD	05-05-077
388- 72A-0085	REP-P	05-03-096	388-101-1460	RECOD	05-05-077	388-101-2150	RECOD	05-05-077
388- 72A-0086	REP-P	05-03-096	388-101-1470	RECOD	05-05-077	388-101-2150	AMD-P	05-07-136
388- 72A-0087	REP-P	05-03-096	388-101-1470	AMD-P	05-07-136	388-101-2150	AMD	05-10-086
388- 72A-0090	REP-P	05-03-096	388-101-1470	AMD	05-10-086	388-101-2160	RECOD	05-05-077
388- 72A-0092	REP-P	05-03-096	388-101-1480	RECOD	05-05-077	388-101-2300	RECOD	05-05-077
388- 72A-0095	REP-P	05-03-096	388-101-1490	RECOD	05-05-077	388-101-2310	RECOD	05-05-077
388- 72A-0100	REP-P	05-03-096	388-101-1500	RECOD	05-05-077	388-101-2310	AMD-P	05-07-136
388- 72A-0105	REP-P	05-03-096	388-101-1510	RECOD	05-05-077	388-101-2310	DECOD	05-07-138
388- 72A-0110	REP-P	05-03-096	388-101-1520	RECOD	05-05-077	388-101-2320	RECOD	05-05-077
388- 72A-0115	REP-P	05-03-096	388-101-1530	RECOD	05-05-077	388-101-2320	DECOD	05-07-138
388- 72A-0120	REP-P	05-03-096	388-101-1540	RECOD	05-05-077	388-101-2330	RECOD	05-05-077
388- 76-76505	AMD-P	05-04-058	388-101-1550	RECOD	05-05-077	388-101-2340	RECOD	05-05-077
388- 76-76505	AMD	05-07-137	388-101-1600	RECOD	05-05-077	388-101-2350	RECOD	05-05-077
388- 78A-2020	PREP	05-10-085	388-101-1610	RECOD	05-05-077	388-101-2360	RECOD	05-05-077
388- 78A-2050	PREP	05-10-085	388-101-1620	RECOD	05-05-077	388-101-2370	RECOD	05-05-077
388- 78A-2260	PREP	05-10-085	388-101-1630	RECOD	05-05-077	388-101-2380	RECOD	05-05-077
388- 78A-2270	PREP	05-10-085	388-101-1640	RECOD	05-05-077	388-101-2400	RECOD	05-07-138
388- 78A-2280	PREP	05-10-085	388-101-1650	RECOD	05-05-077	388-101-2410	RECOD	05-07-138
388- 78A-2300	PREP	05-10-085	388-101-1660	RECOD	05-05-077	388-101-2410	AMD	05-10-086
388- 78A-2340	PREP	05-10-085	388-101-1670	RECOD	05-05-077	388-101-2420	RECOD	05-07-138
388- 78A-2360	PREP	05-10-085	388-101-1670	AMD-P	05-07-136	388-101-2430	RECOD	05-07-138
388- 78A-2470	PREP	05-10-085	388-101-1670	AMD	05-10-086	388-101-2440	RECOD	05-07-138
388- 78A-2480	PREP	05-10-085	388-101-1680	RECOD	05-05-077	388-101-2450	RECOD	05-07-138
388- 78A-2490	PREP	05-10-085	388-101-1690	RECOD	05-05-077	388-101-2460	RECOD	05-07-138
388- 78A-2500	PREP	05-10-085	388-101-1700	RECOD	05-05-077	388-101-2470	RECOD	05-07-138
388- 78A-2510	PREP	05-10-085	388-101-1710	RECOD	05-05-077	388-101-2480	RECOD	05-07-138
388- 78A-2520	PREP	05-10-085	388-101-1720	RECOD	05-05-077	388-101-2490	RECOD	05-07-138
388- 78A-2700	PREP	05-10-085	388-101-1730	RECOD	05-05-077	388-101-2500	RECOD	05-07-138
388- 78A-2840	PREP	05-10-085	388-101-1740	RECOD	05-05-077	388-101-2510	RECOD	05-07-138
388- 78A-2910	PREP	05-10-085	388-101-1750	RECOD	05-05-077	388-101-2520	RECOD	05-07-138
388- 78A-2930	PREP	05-10-085	388-101-1750	AMD-P	05-07-136	388-101-2530	RECOD	05-07-138
388- 78A-2940	PREP	05-10-085	388-101-1750	AMD	05-10-086	388-101-2540	RECOD	05-07-138
388- 78A-2960	PREP	05-10-085	388-101-1760	RECOD	05-05-077	388-106	PREP	05-05-080
388-101	PREP	05-07-132	388-101-1770	RECOD	05-05-077	388-106	PREP	05-06-082
388-101-1010	RECOD	05-05-077	388-101-1780	RECOD	05-05-077	388-106	PREP	05-06-083
388-101-1020	RECOD	05-05-077	388-101-1790	RECOD	05-05-077	388-106-0005	NEW-P	05-03-096
388-101-1020	AMD-P	05-07-136	388-101-1800	RECOD	05-05-077	388-106-0010	NEW-P	05-03-096
388-101-1020	AMD	05-10-086	388-101-1810	RECOD	05-05-077	388-106-0015	NEW-P	05-03-096
388-101-1100	RECOD	05-05-077	388-101-1820	RECOD	05-05-077	388-106-0020	NEW-P	05-03-096

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388-106-0025	NEW-P	05-03-096	388-106-0650	NEW-P	05-03-096	388-400	PREP	05-08-091
388-106-0030	NEW-P	05-03-096	388-106-0655	NEW-P	05-03-096	388-400-0005	AMD-P	05-09-083
388-106-0035	NEW-P	05-03-096	388-106-0700	NEW-P	05-03-096	388-406	PREP	05-08-091
388-106-0040	NEW-P	05-03-096	388-106-0705	NEW-P	05-03-096	388-408	PREP	05-08-091
388-106-0045	NEW-P	05-03-096	388-106-0710	NEW-P	05-03-096	388-410	PREP	05-08-091
388-106-0050	NEW-P	05-03-096	388-106-0715	NEW-P	05-03-096	388-410-0001	AMD-P	05-05-081
388-106-0055	NEW-P	05-03-096	388-106-0800	NEW-P	05-03-096	388-410-0001	AMD	05-08-124
388-106-0060	NEW-P	05-03-096	388-106-0805	NEW-P	05-03-096	388-412	PREP	05-08-091
388-106-0065	NEW-P	05-03-096	388-106-0810	NEW-P	05-03-096	388-412-0025	PREP	05-07-130
388-106-0070	NEW-P	05-03-096	388-106-0815	NEW-P	05-03-096	388-414	PREP	05-08-091
388-106-0075	NEW-P	05-03-096	388-106-0900	NEW-P	05-03-096	388-416-0005	AMD-P	05-05-081
388-106-0080	NEW-P	05-03-096	388-106-0905	NEW-P	05-03-096	388-416-0005	AMD	05-08-124
388-106-0085	NEW-P	05-03-096	388-106-0950	NEW-P	05-03-096	388-416-0015	PREP	05-05-079
388-106-0090	NEW-P	05-03-096	388-106-0955	NEW-P	05-03-096	388-416-0015	AMD-E	05-10-038
388-106-0095	NEW-P	05-03-096	388-106-1000	NEW-P	05-03-096	388-418	PREP	05-08-091
388-106-0100	NEW-P	05-03-096	388-106-1005	NEW-P	05-03-096	388-418-0005	AMD-P	05-06-089
388-106-0105	NEW-P	05-03-096	388-106-1010	NEW-P	05-03-096	388-418-0005	AMD	05-09-021
388-106-0110	NEW-P	05-03-096	388-106-1015	NEW-P	05-03-096	388-418-0007	AMD-P	05-08-120
388-106-0115	NEW-P	05-03-096	388-106-1020	NEW-P	05-03-096	388-418-0011	PREP	05-05-079
388-106-0120	NEW-P	05-03-096	388-106-1025	NEW-P	05-03-096	388-418-0011	AMD-P	05-06-088
388-106-0125	NEW-P	05-03-096	388-106-1030	NEW-P	05-03-096	388-418-0011	AMD	05-09-020
388-106-0130	NEW-P	05-03-096	388-106-1035	NEW-P	05-03-096	388-418-0011	AMD-E	05-10-038
388-106-0135	NEW-P	05-03-096	388-106-1040	NEW-P	05-03-096	388-418-0020	AMD-P	05-06-088
388-106-0140	NEW-P	05-03-096	388-106-1045	NEW-P	05-03-096	388-418-0020	AMD	05-09-020
388-106-0200	NEW-P	05-03-096	388-106-1050	NEW-P	05-03-096	388-422	PREP	05-08-091
388-106-0210	NEW-P	05-03-096	388-106-1055	NEW-P	05-03-096	388-424	PREP	05-08-091
388-106-0213	NEW-P	05-03-096	388-106-1100	NEW-P	05-03-096	388-432	PREP	05-08-091
388-106-0220	NEW-P	05-03-096	388-106-1105	NEW-P	05-03-096	388-434	PREP	05-08-091
388-106-0225	NEW-P	05-03-096	388-106-1110	NEW-P	05-03-096	388-436	PREP	05-08-091
388-106-0230	NEW-P	05-03-096	388-106-1115	NEW-P	05-03-096	388-446	PREP	05-08-091
388-106-0235	NEW-P	05-03-096	388-106-1120	NEW-P	05-03-096	388-448	PREP	05-08-091
388-106-0300	NEW-P	05-03-096	388-106-1200	NEW-P	05-03-096	388-450	PREP	05-08-091
388-106-0305	NEW-P	05-03-096	388-106-1205	NEW-P	05-03-096	388-450-0015	AMD	05-03-078
388-106-0310	NEW-P	05-03-096	388-106-1210	NEW-P	05-03-096	388-450-0020	PREP-W	05-02-068
388-106-0315	NEW-P	05-03-096	388-106-1215	NEW-P	05-03-096	388-450-0195	AMD-P	05-06-085
388-106-0320	NEW-P	05-03-096	388-106-1220	NEW-P	05-03-096	388-450-0195	AMD-P	05-09-087
388-106-0325	NEW-P	05-03-096	388-106-1225	NEW-P	05-03-096	388-450-0200	AMD-E	05-03-079
388-106-0330	NEW-P	05-03-096	388-106-1230	NEW-P	05-03-096	388-450-0200	AMD	05-05-025
388-106-0335	NEW-P	05-03-096	388-106-1300	NEW-P	05-03-096	388-450A-0010	NEW-P	05-07-133
388-106-0350	NEW-P	05-03-096	388-106-1305	NEW-P	05-03-096	388-454	PREP	05-08-091
388-106-0355	NEW-P	05-03-096	388-106-1310	NEW-P	05-03-096	388-455	PREP	05-08-091
388-106-0360	NEW-P	05-03-096	388-145-0100	AMD-P	05-07-134	388-458	PREP	05-08-091
388-106-0400	NEW-P	05-03-096	388-145-0230	AMD-P	05-07-134	388-462-0015	AMD-P	05-03-081
388-106-0410	NEW-P	05-03-096	388-160-0075	AMD-P	05-09-079	388-462-0015	AMD	05-07-032
388-106-0415	NEW-P	05-03-096	388-160-0195	AMD-P	05-09-079	388-464	PREP	05-08-091
388-106-0420	NEW-P	05-03-096	388-273-0035	AMD-E	05-06-024	388-468	PREP	05-08-091
388-106-0425	NEW-P	05-03-096	388-273-0035	PREP	05-06-077	388-470	PREP	05-08-091
388-106-0430	NEW-P	05-03-096	388-290-0010	PREP	05-06-078	388-474-0012	AMD	05-07-031
388-106-0435	NEW-P	05-03-096	388-290-0025	PREP	05-06-078	388-475-0550	AMD-E	05-05-088
388-106-0500	NEW-P	05-03-096	388-290-0075	PREP	05-06-078	388-475-0700	AMD-E	05-05-088
388-106-0510	NEW-P	05-03-096	388-290-0095	PREP	05-06-078	388-475-0800	AMD-E	05-05-088
388-106-0515	NEW-P	05-03-096	388-290-0100	PREP	05-06-078	388-475-0820	AMD-E	05-05-088
388-106-0520	NEW-P	05-03-096	388-290-0105	PREP	05-06-078	388-475-0860	AMD-E	05-05-088
388-106-0525	NEW-P	05-03-096	388-290-0110	PREP	05-06-078	388-478	PREP	05-08-091
388-106-0530	NEW-P	05-03-096	388-290-0120	PREP	05-06-078	388-478-0070	AMD-P	05-02-091
388-106-0535	NEW-P	05-03-096	388-290-0200	AMD-E	05-05-024	388-478-0070	AMD	05-06-090
388-106-0600	NEW-P	05-03-096	388-290-0205	AMD-E	05-05-024	388-478-0075	PREP	05-07-095
388-106-0610	NEW-P	05-03-096	388-295	PREP	05-08-059	388-478-0075	AMD-E	05-07-098
388-106-0615	NEW-P	05-03-096	388-296	PREP	05-07-131	388-478-0080	AMD-P	05-02-091
388-106-0620	NEW-P	05-03-096	388-296	PREP-W	05-08-058	388-478-0080	AMD	05-06-090
388-106-0625	NEW-P	05-03-096	388-310-0600	PREP	05-07-074	388-478-0085	PREP	05-07-095
388-106-0630	NEW-P	05-03-096	388-310-1400	AMD-P	05-08-121	388-478-0085	AMD-E	05-07-098

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388-482	PREP	05-08-091	388-550-2301	NEW-E	05-07-058	388-820-220	DECOD	05-05-077
388-492	PREP	05-08-091	388-550-2301	NEW-P	05-07-135	388-820-230	DECOD	05-05-077
388-492-0040	AMD-P	05-05-087	388-550-2600	PREP	05-08-089	388-820-240	DECOD	05-05-077
388-492-0040	AMD	05-08-009	388-550-2800	AMD-E	05-07-058	388-820-250	DECOD	05-05-077
388-492-0070	AMD-P	05-05-086	388-550-2800	AMD-P	05-07-135	388-820-260	DECOD	05-05-077
388-492-0070	AMD	05-08-008	388-550-3000	AMD-P	05-07-096	388-820-270	DECOD	05-05-077
388-501-0135	PREP	05-06-079	388-550-3300	PREP	05-06-080	388-820-280	DECOD	05-05-077
388-501-0165	PREP	05-08-088	388-550-3300	AMD-P	05-09-085	388-820-290	DECOD	05-05-077
388-501-0200	PREP-W	05-02-068	388-550-3800	AMD	05-06-044	388-820-300	DECOD	05-05-077
388-503-0510	AMD	05-07-097	388-550-4300	PREP	05-06-080	388-820-310	DECOD	05-05-077
388-513-1325	PREP-W	05-02-068	388-550-4300	AMD-P	05-09-085	388-820-320	DECOD	05-05-077
388-513-1340	PREP-W	05-02-068	388-550-4400	AMD-E	05-07-058	388-820-330	DECOD	05-05-077
388-513-1350	AMD-P	05-03-109	388-550-4400	AMD-P	05-07-135	388-820-340	DECOD	05-05-077
388-513-1350	AMD	05-07-033	388-550-4600	PREP	05-06-080	388-820-350	DECOD	05-05-077
388-513-1380	AMD-P	05-03-109	388-550-4600	AMD-P	05-09-085	388-820-360	DECOD	05-05-077
388-513-1380	AMD	05-07-033	388-550-4650	NEW-P	05-09-085	388-820-370	DECOD	05-05-077
388-513-1380	AMD-E	05-10-053	388-550-4800	PREP	05-06-080	388-820-380	DECOD	05-05-077
388-515-1505	AMD	05-03-077	388-550-4800	AMD-P	05-09-085	388-820-390	DECOD	05-05-077
388-515-1505	PREP	05-06-084	388-550-4900	AMD-P	05-09-086	388-820-400	DECOD	05-05-077
388-515-1540	AMD-P	05-03-096	388-550-5100	REP-P	05-09-086	388-820-405	DECOD	05-05-077
388-515-1550	AMD-P	05-03-096	388-550-5210	AMD-P	05-09-086	388-820-410	DECOD	05-05-077
388-519-0110	AMD-P	05-05-083	388-550-5220	AMD-P	05-09-086	388-820-420	DECOD	05-05-077
388-519-0110	AMD-E	05-07-057	388-550-5250	REP-P	05-09-086	388-820-430	DECOD	05-05-077
388-519-0110	AMD	05-08-093	388-550-5300	REP-P	05-09-086	388-820-440	DECOD	05-05-077
388-530-1280	AMD-X	05-06-095	388-550-5350	REP-P	05-09-086	388-820-450	DECOD	05-05-077
388-531-0150	AMD-E	05-07-058	388-550-5400	AMD-P	05-09-086	388-820-460	DECOD	05-05-077
388-531-0150	AMD-P	05-07-135	388-550-6800	AMD-P	05-09-086	388-820-470	DECOD	05-05-077
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388-531-0250	AMD-P	05-07-135	388-554-300	NEW	05-04-059	388-820-510	DECOD	05-05-077
388-531-0650	AMD-E	05-07-058	388-554-400	NEW	05-04-059	388-820-520	DECOD	05-05-077
388-531-0650	AMD-P	05-07-135	388-554-500	NEW	05-04-059	388-820-530	DECOD	05-05-077
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388-531-1600	AMD-P	05-07-135	388-554-700	NEW	05-04-059	388-820-550	DECOD	05-05-077
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388-533-0730	AMD	05-08-061	388-820-030	DECOD	05-05-077	388-820-600	DECOD	05-05-077
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388-535-1070	AMD	05-06-092	388-820-050	DECOD	05-05-077	388-820-620	DECOD	05-05-077
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388-544-0010	NEW-P	05-08-092	388-820-070	DECOD	05-05-077	388-820-650	DECOD	05-05-077
388-544-0050	AMD-P	05-08-092	388-820-076	DECOD	05-05-077	388-820-660	DECOD	05-05-077
388-544-0100	AMD-P	05-08-092	388-820-080	DECOD	05-05-077	388-820-670	DECOD	05-05-077
388-544-0150	AMD-P	05-08-092	388-820-086	DECOD	05-05-077	388-820-680	DECOD	05-05-077
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392-140-908	PREP	05-08-029	415-112-445	REP-P	05-08-031	434-253-165	NEW	05-08-065
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392-168-120	REP-P	05-06-066	415-112-4607	AMD-P	05-09-055	434-262-203	NEW	05-08-065
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415-112-145	AMD-P	05-08-031	434-04-017	AMD-X	05-10-033	434-333-090	REP-P	05-05-034
415-112-155	AMD	05-03-001	434-230-175	NEW-E	05-05-033	434-333-095	AMD-E	05-05-033
415-112-240	AMD-P	05-08-031	434-230-177	NEW-E	05-05-033	434-333-095	REP-P	05-05-034
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434-333-110	AMD-E	05-05-033	434-335-100	NEW-P	05-05-034	446- 20-630	AMD-P	05-03-035
434-333-110	REP-P	05-05-034	434-335-110	NEW-P	05-05-034	446- 20-630	AMD	05-07-157
434-333-115	NEW-E	05-05-033	434-335-120	NEW-P	05-05-034	446- 65-010	AMD	05-04-002
434-333-120	AMD-E	05-05-033	434-335-130	NEW-P	05-05-034	456- 09-001	NEW-P	05-09-125
434-333-120	REP-P	05-05-034	434-335-140	NEW-P	05-05-034	456- 09-010	AMD-P	05-09-125
434-333-125	AMD-E	05-05-033	434-335-150	NEW-P	05-05-034	456- 09-110	AMD-P	05-09-125
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434-333-130	REP-P	05-05-034	434-335-190	NEW-P	05-05-034	456- 09-160	REP-P	05-09-125
434-333-135	AMD-E	05-05-033	434-335-200	NEW-P	05-05-034	456- 09-170	REP-P	05-09-125
434-333-135	REP-P	05-05-034	434-335-210	NEW-P	05-05-034	456- 09-210	AMD-P	05-09-125
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434-333-160	REP-P	05-05-034	434-335-310	NEW-P	05-05-034	456- 09-340	AMD-P	05-09-125
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434-333-165	REP-P	05-05-034	434-335-330	NEW-P	05-05-034	456- 09-350	REP-P	05-09-125
434-333-170	AMD-E	05-05-033	434-335-340	NEW-P	05-05-034	456- 09-355	REP-P	05-09-125
434-333-170	REP-P	05-05-034	434-335-350	NEW-P	05-05-034	456- 09-365	REP-P	05-09-125
434-333-175	AMD-E	05-05-033	434-335-360	NEW-P	05-05-034	456- 09-410	REP-P	05-09-125
434-333-175	REP-P	05-05-034	434-335-370	NEW-P	05-05-034	456- 09-420	REP-P	05-09-125
434-333-180	NEW-E	05-05-033	434-335-380	NEW-P	05-05-034	456- 09-430	REP-P	05-09-125
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434-333-190	NEW-E	05-05-033	434-335-400	NEW-P	05-05-034	456- 09-510	AMD-P	05-09-125
434-333-195	NEW-E	05-05-033	434-335-410	NEW-P	05-05-034	456- 09-520	AMD-P	05-09-125
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434-333-225	NEW-E	05-05-033	434-335-470	NEW-P	05-05-034	456- 09-555	NEW-P	05-09-125
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434-333-235	NEW-E	05-05-033	434-335-490	NEW-P	05-05-034	456- 09-565	NEW-P	05-09-125
434-333-240	NEW-E	05-05-033	434-335-500	NEW-P	05-05-034	456- 09-570	AMD-P	05-09-125
434-333-245	NEW-E	05-05-033	434-335-510	NEW-P	05-05-034	456- 09-575	NEW-P	05-09-125
434-333-250	NEW-E	05-05-033	434-335-520	NEW-P	05-05-034	456- 09-610	REP-P	05-09-125
434-333-255	NEW-E	05-05-033	434-335-530	NEW-P	05-05-034	456- 09-615	REP-P	05-09-125
434-333-260	NEW-E	05-05-033	434-335-540	NEW-P	05-05-034	456- 09-620	REP-P	05-09-125
434-333-265	NEW-E	05-05-033	434-335-550	NEW-P	05-05-034	456- 09-625	REP-P	05-09-125
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434-333-275	NEW-E	05-05-033	434-335-570	NEW-P	05-05-034	456- 09-640	REP-P	05-09-125
434-333-280	NEW-E	05-05-033	434-335-580	NEW-P	05-05-034	456- 09-645	REP-P	05-09-125
434-333-285	NEW-E	05-05-033	434-335-590	NEW-P	05-05-034	456- 09-650	REP-P	05-09-125
434-333-290	NEW-E	05-05-033	434-335-600	NEW-P	05-05-034	456- 09-655	REP-P	05-09-125
434-333-295	NEW-E	05-05-033	434-335-610	NEW-P	05-05-034	456- 09-705	REP-P	05-09-125
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456-09-742	AMD-P	05-09-125	456-10-560	AMD-P	05-09-125	468-38-010	REP	05-04-053
456-09-745	AMD-P	05-09-125	456-10-565	AMD-P	05-09-125	468-38-020	REP	05-04-053
456-09-750	AMD-P	05-09-125	456-10-570	REP-P	05-09-125	468-38-030	AMD	05-04-053
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456-09-910	AMD-P	05-09-125	456-10-740	REP-P	05-09-125	468-38-073	NEW-P	05-07-085
456-09-915	AMD-P	05-09-125	456-10-745	REP-P	05-09-125	468-38-075	AMD	05-04-053
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456-09-925	AMD-P	05-09-125	456-10-755	AMD-P	05-09-125	468-38-095	NEW	05-04-053
456-09-930	AMD-P	05-09-125	458-12-342	PREP	05-06-017	468-38-100	AMD	05-04-053
456-09-935	REP-P	05-09-125	458-16-1000	NEW-E	05-04-047	468-38-110	REP	05-04-053
456-09-940	REP-P	05-09-125	458-16-1000	NEW-P	05-05-063	468-38-120	AMD	05-04-053
456-09-945	REP-P	05-09-125	458-20-100	PREP	05-07-156	468-38-130	REP	05-04-053
456-09-950	REP-P	05-09-125	458-20-141	AMD	05-03-053	468-38-135	REP	05-04-053
456-09-955	AMD-P	05-09-125	458-20-144	AMD	05-03-052	468-38-140	REP	05-04-053
456-09-960	AMD-P	05-09-125	458-20-168	AMD-P	05-06-019	468-38-155	NEW	05-04-053
456-10-001	NEW-P	05-09-125	458-20-177	AMD-P	05-06-018	468-38-160	REP	05-04-053
456-10-010	AMD-P	05-09-125	458-20-17803	NEW	05-03-051	468-38-175	NEW	05-04-053
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456-10-120	AMD-P	05-09-125	458-20-191	REP	05-03-002	468-38-190	REP	05-04-053
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456-10-140	AMD-P	05-09-125	458-20-196	AMD	05-04-048	468-38-220	REP	05-04-053
456-10-150	AMD-P	05-09-125	458-20-198	AMD	05-04-048	468-38-230	REP	05-04-053
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456-10-170	REP-P	05-09-125	458-20-24001	PREP	05-05-061	468-38-240	REP	05-04-053
456-10-180	REP-P	05-09-125	458-20-24001A	PREP	05-05-061	468-38-250	REP	05-04-053
456-10-210	AMD-P	05-09-125	458-20-24003	PREP	05-05-062	468-38-260	REP	05-04-053
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456-10-220	AMD-P	05-09-125	458-20-267	NEW-E	05-03-016	468-38-280	AMD	05-04-053
456-10-300	NEW-P	05-09-125	458-20-268	NEW-E	05-03-017	468-38-290	AMD	05-04-053
456-10-310	AMD-P	05-09-125	458-20-268	PREP	05-09-121	468-38-300	REP	05-04-053
456-10-315	AMD-P	05-09-125	458-20-99999	REP	05-03-002	468-38-310	REP	05-04-053
456-10-320	REP-P	05-09-125	458-40-610	AMD	05-08-070	468-38-320	REP	05-04-053
456-10-325	AMD-P	05-09-125	458-40-660	PREP	05-06-059	468-38-330	REP	05-04-053
456-10-330	AMD-P	05-09-125	458-40-680	AMD	05-08-070	468-38-340	REP	05-04-053
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456-10-345	REP-P	05-09-125	463-60-385	RECOD-W	05-03-087	468-38-390	REP	05-04-053
456-10-355	REP-P	05-09-125	463-60-435	RECOD-W	05-03-087	468-38-405	AMD	05-04-053
456-10-360	REP-P	05-09-125	463-60-525	RECOD-W	05-03-087	468-38-420	AMD	05-04-053
456-10-410	AMD-P	05-09-125	463-60-625	RECOD-W	05-03-087	468-300-010	AMD-P	05-05-058
456-10-420	REP-P	05-09-125	463-60-645	RECOD-W	05-03-087	468-300-010	AMD-S	05-07-159
456-10-430	REP-P	05-09-125	463-60-655	RECOD-W	05-03-087	468-300-010	AMD	05-10-041
456-10-440	REP-P	05-09-125	463-60-665	RECOD-W	05-03-087	468-300-020	AMD-P	05-05-058
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456-10-501	NEW-P	05-09-125	463-60-680	RECOD-W	05-03-087	468-300-020	AMD	05-10-041
456-10-503	NEW-P	05-09-125	463-60-685	RECOD-W	05-03-087	468-300-040	AMD-P	05-05-058
456-10-505	AMD-P	05-09-125	463-60-690	RECOD-W	05-03-087	468-300-040	AMD-S	05-07-159
456-10-507	NEW-P	05-09-125	463-64-060	NEW-W	05-03-087	468-300-040	AMD	05-10-041
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456-10-515	AMD-P	05-09-125	463-70-080	RECOD-W	05-03-087	468-300-220	AMD-S	05-07-159
456-10-525	REP-P	05-09-125	463-76-020	RECOD-W	05-03-087	468-300-220	AMD	05-10-041
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478-118-020	AMD	05-08-017	480- 80-123	AMD	05-03-031	480- 93-111	REP-S	05-02-096
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478-118-045	NEW	05-08-017	480- 80-206	AMD	05-03-031	480- 93-112	REP-S	05-02-096
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478-118-050	AMD	05-08-017	480- 90-023	AMD	05-06-051	480- 93-115	AMD-S	05-02-096
478-118-055	NEW-P	05-03-071	480- 90-207	NEW	05-06-051	480- 93-115	AMD	05-10-055
478-118-055	NEW	05-08-017	480- 90-207	AMD-S	05-10-099	480- 93-120	REP-S	05-02-096
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478-118-060	AMD	05-08-017	480- 90-209	NEW	05-06-051	480- 93-124	AMD-S	05-02-096
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478-118-420	AMD	05-08-017	480- 93-002	REP	05-10-055	480- 93-183	REP-S	05-02-096
478-118-510	REP-P	05-03-071	480- 93-005	AMD-S	05-02-096	480- 93-183	REP	05-10-055
478-118-510	REP	05-08-017	480- 93-005	AMD	05-10-055	480- 93-184	REP-S	05-02-096
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