

Washington State Register

May 16, 2001

OLYMPIA, WASHINGTON

ISSUE 01-10



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 2001 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

John G. Schultz
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Chief Assistant Code Reviser

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) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the Register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (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].

2000 - 2001

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

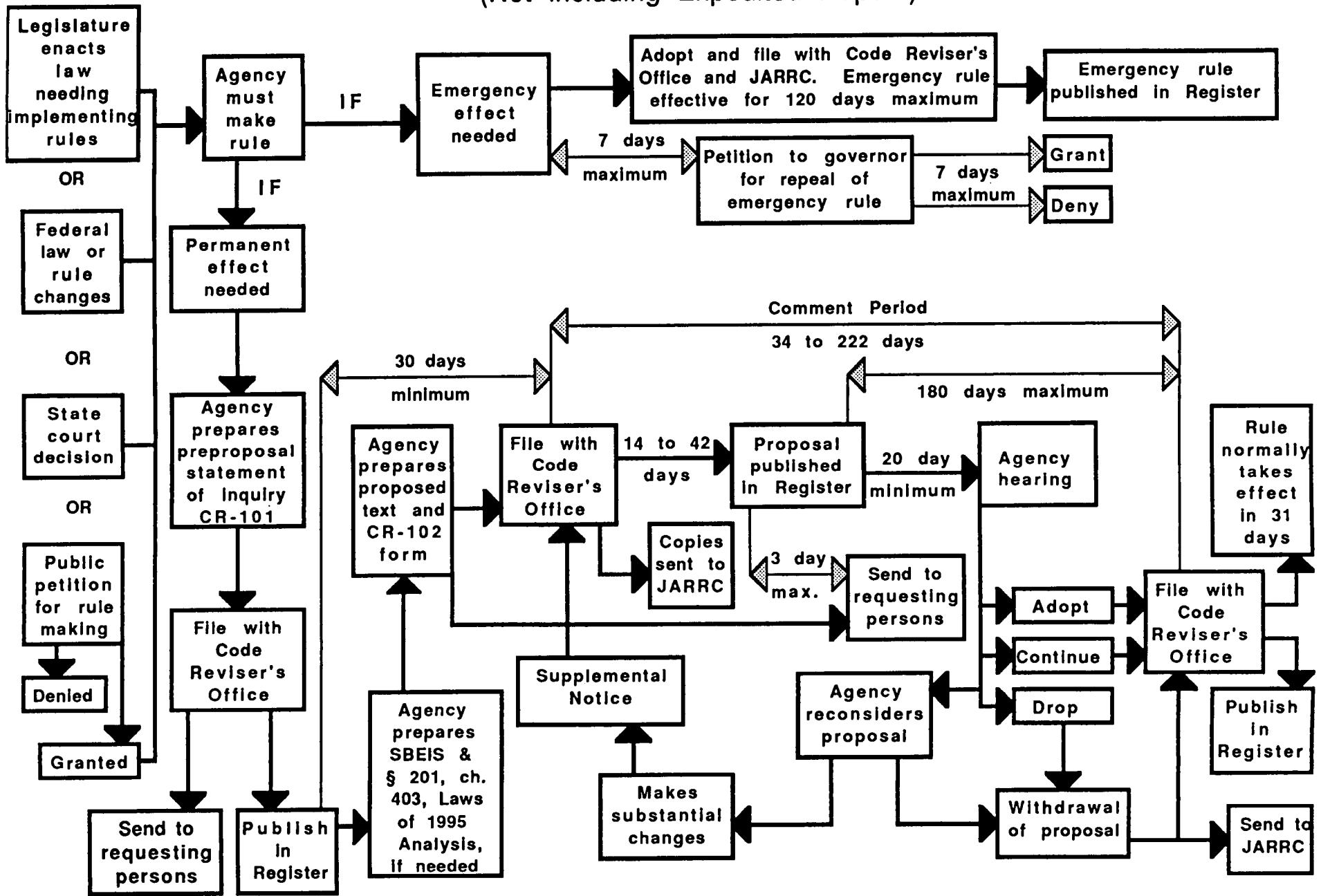
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 01-10-003**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed April 19, 2001, 1:14 p.m.]

Subject of Possible Rule Making: Inspection by the subject of their record.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 10.97 and 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This will modify the time allowed for a subject to inspect their record from fifteen minutes to thirty minutes. This change will allow for consistency with WAC 446-20-090.

Process for Developing New Rule: The identification and criminal history section reviewed this WAC to ensure the language was current and standard.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Toni G. Korneder, Washington State Patrol, P.O. Box 42633, Olympia, WA 98504-5275, phone (360) 705-5101, fax (360) 570-5275.

March 29, 2001
R. M. Leichner
Chief

AMENDATORY SECTION (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

WAC 446-16-030 Inspection by the subject of their record. (1) Any person desiring to inspect criminal history record information which refers to themselves may do so at the central office of the Washington state patrol identification and criminal history section, between the hours of 8 a.m. and 5 p.m., Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal history record information pertaining to themselves shall first permit their fingerprints to be taken by the section for identification purposes if requested to do so. The section, in their discretion, may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed ((+5)) thirty minutes, shall be allowed each individual to examine criminal history record information pertaining to themselves.

(4) No person shall be allowed to retain or reproduce any criminal history record information pertaining to themselves except for the purpose of challenge or correction of entries of arrests by submitting law enforcement agencies of the state of Washington. Visual examination only shall be permitted of such information unless the individual asserts their belief that criminal history record information from a submitting law enforcement agency of the state of Washington concerning them is inaccurate, incomplete or maintained in violation of the law; and unless they request correction or completion of the information on a form furnished by the section, or requests expungement pursuant to WAC 446-16-025.

(5) If any person who desires to examine criminal history record information pertaining to themselves is unable to read or is otherwise unable to examine same because of a physical disability, they may designate another person of their own choice to assist them. The person about whom the informa-

tion pertains shall execute, with their mark, a form provided by the section consenting to the inspection of criminal history record information pertaining to themselves by another person for the purpose of it being read or otherwise described to them. Such designated person shall then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

WSR 01-10-014**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed April 23, 2001, 10:16 a.m.]

Subject of Possible Rule Making: Trauma registry data collection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.168.060 Department duties—Timelines; 70.168.090 Statewide data registry—Quality assurance program—Confidentiality.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Not all data being collected and reported to the statewide data registry is complete and of proper quality or quantity to be analyzed. There is concern that compliance by the prehospital agencies is not adequate. In order to improve compliance, quality, quantity, efficiency and effectiveness of the established statewide data registry, rule amendments are being proposed.

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: Several statutory and other EMS and trauma care committees will participate in drafting, reviewing and commenting on the proposed rules through open public meetings and public workshops. These committees include constituents representing: Washington State Fire Commissioner's Association, Washington Ambulance Association, Washington State Firefighter's Association, Washington State Hospital Association, American College of Surgeons, Emergency Nurse's Association, Washington State Law Enforcement, Association of Neurological Surgeons, Washington State Medical Association Standards Committee, Washington State Association of Fire Chiefs, the public sector and the citizens of Washington state. In addition, we also involve constituents by mailing them the appropriate draft rules for their review and input, inviting them to public WAC sessions, and by providing them with information on rules and updates at the appropriate meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Open public meetings and public workshops will be held throughout the state and the final draft of the proposed WAC amended language will be sent out to all affected and interested parties before the formal public hearing is held.

Any questions or concerns regarding trauma registry data collection (WAC 246-976-330, 246-976-420 and 246-976-430) should contact Shane Sanderson, Trauma Registry Section, Office of Emergency Medical and Trauma Prevention at P.O. Box 47853, Olympia, WA 98504-7853, e-mail

shane.sanderson@doh.wa.gov, phone (360) 705-6727, or fax (360) 705-6706.

April 23, 2001
M. C. Selecky
Secretary

of underage alcohol offenses. A second change will provide victims of sexual offenses to learn the outcome of disciplinary action taken against perpetrators. The third change will expand directory information to include e-mail addresses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Education. The process to coordinate is that we review changes to the federal law and change our regulations to conform thereto as appropriate.

Process for Developing New Rule: New rules necessary to comply with federal FERPA laws. Reviewed internally at many levels before formal proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on the proposed rule. There will also be an opportunity to provide written comments on the proposed rule.

April 13, 2001

Loretta M. Lamb

Assistant Vice-President for
Personnel and Administration
Rules Coordinator

Subject of Possible Rule Making: Library policy on food, beverage and tobacco.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.095, 28B.30.125, and 28B.30.150. 95-13-004, § 504-40-010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To eliminate library food and beverage policies which are no longer applicable, and to allow the director of libraries to set policy regarding the use of food, beverage and tobacco in library facilities without having to codify them in the WAC.

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

Process for Developing New Rule: To eliminate obsolete library food and beverage policies. Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on the proposed rule. There will also be an opportunity to provide written comments on the proposed rule.

April 13, 2001

Loretta M. Lamb

Assistant Vice-President for
Personnel and Administration
Rules Coordinator

WSR 01-10-029

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed April 24, 2001, 11:35 a.m.]

Subject of Possible Rule Making: Campus traffic and parking regulations - Vancouver.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.095, 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow the suspension, modification or repeal of regulations regarding parking for special events, emergencies or disaster. To allow referral of unpaid fines and charges for collection.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on the proposed rule. There will also be an opportunity to provide written comments on the proposed rule.

April 13, 2001

Loretta M. Lamb

Assistant Vice-President for
Personnel and Administration
Rules Coordinator

WSR 01-10-028

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed April 24, 2001, 11:34 p.m.]

Subject of Possible Rule Making: Student records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150 and 20 U.S.C. 1232g. 95-07-043, § 504-21-050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make the provisions of WSU's Family Educational Rights and Privacy Act (FERPA) set forth in chapter 504-21 WAC consistent with changes to the federal FERPA law in 1998 (20 U.S.C. § 1232g). Provisions providing for parental notification in cases of students being charged with illegal use or possession of drugs and/or alcohol will be an important tool in the university's handling

WSR 01-10-033**PREPROPOSAL STATEMENT OF INQUIRY****SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 24, 2001, 4:26 p.m.]

Subject of Possible Rule Making: Chapter 392-139 WAC, finance—Levies, school district maintenance and operation levy authority and eligibility for local effort assistance (LEA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.52.0531(9), 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Rules are updated to reflect changes in state and federal revenues in the levy base.

2. Changes are proposed to prevent an M&O levy from qualifying for LEA then being transferred to the debt service fund to also qualify for state school construction matching money.

3. Changes are proposed to prevent moneys received by a school district as a fiscal agent from substantially increasing a district's LEA eligibility and reducing LEA eligibility for other school districts.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator/Legal Services, Office of Superintendent of Public Instruction, P.O. box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Allen Jones, (360) 753-6708.

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-10-034**PREPROPOSAL STATEMENT OF INQUIRY****BOARD OF BOILER RULES**

[Filed April 24, 2001, 4:55 p.m.]

Subject of Possible Rule Making: Boilers and unfired pressure vessels law, WAC 296-104-001 through 296-104-265 and 296-104-502 and 296-104-700.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW and RCW 70.79.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update current rules to comply with nationally accepted codes and standards; to review and rewrite the rules utilizing the principles of clear rule writing for clarification of meanings of the rules.

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

Process for Developing New Rule: The Board of Boiler Rules will review and approve all rule changes. Other interested parties and the public may also participate 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 Robb Marvin, Acting Secretary to Board of Boiler Rules, P.O. Box 44410, Olympia, WA 98504-4410, phone (360) 902-5270, fax (360) 902-5292, e-mail mrod235@lni.wa.gov; public hearing on September 18, 2001, at 10:00 a.m., Labor and Industries Building, 7273 Linderson Way S.E., Tumwater.

April 20, 2001

Kenneth E. Eshleman
Chair

WSR 01-10-039**PREPROPOSAL STATEMENT OF INQUIRY****STATE BOARD OF EDUCATION**

[Filed April 25, 2001, 12:05 p.m.]

Subject of Possible Rule Making: WAC 180-78A-010 Definition of terms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.011 and 28A.305.130 (1) and (2).

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

April 20, 2001

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

WAC 180-78A-010 Definition of terms. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of

higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is ((fully)) a candidate for accreditation or is accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges;

Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team" means a team of persons comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a

representative from the school district in which the candidate teaches.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

WSR 01-10-044

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed April 26, 2001, 9:25 a.m.]

Subject of Possible Rule Making: Can I name a current or former spouse as a beneficiary if I select a retirement option that provides for a survivor benefit (new). The rules involve the Public Employees' Retirement System Plans 1 and 2, the Teachers' Retirement System Plans 1 and 2, the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2, and the School Employees' Retirement System Plans 1 and 2.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.26.460, 41.32.530, 41.32.785, 41.35.220, 41.40.188, 41.40.660, 41.50.050(5), 41.50.670, 41.50.790.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will clarify what benefits a spouse or former spouse are entitled to when named in a beneficiary form and/or dissolution decree.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy

with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

April 26, 2001
Merry A. Kogut
Rules Coordinator

WSR 01-10-047
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION

COMMISSION

[Docket No. UG-010522—Filed April 26, 2001, 2:35 p.m.]

Subject of Possible Rule Making: SSB 5182 directs the agency to adopt rules that will establish the methodology for charging an annual pipeline safety fee to each intrastate and interstate natural gas and hazardous liquids pipeline company subject to inspection or enforcement by the commission. This rule making will prepare the agency to comply with the legislative requirements of SSB 5182 if enacted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and SSB 5182.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5182 requires the agency to establish by rule the methodology for collection of the appropriate fees from each pipeline operator subject to inspection and enforcement by the commission. The methodology will provide for an equitable distribution of pipeline safety program costs among all pipeline companies subject to the fee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of Pipeline Safety (OPS) is charged by federal law to regulate hazardous liquid pipeline operators. OPS has certified the WUTC to assume that responsibility for intrastate pipeline facilities. The Energy Facility Site Evaluation Council and the state Department of Ecology also have jurisdiction over some matters relating to pipeline safety and environmental effects. The commission will invite participation by those agencies.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission has scheduled a workshop for May 17, 2001, beginning at 9:00 a.m. in the commission's hearing room in Olympia, Washington.

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

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than Thursday, May 10, 2001.

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

- * The docket number of this proceeding (UG-010522);
- * The commenting party's name;
- * The title and date of the comment or comments; and
- * The type of software used.

Please use the three-letter extension noted above for all electronic files. You may also send your comments by electronic mail to the commission's record center at <records@wutc.wa.gov>; if you choose this means of submitting comments, include all of the information requested above for the diskette label. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <<http://www.wutc.wa.gov/010522>>.

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 record center at (360) 664-1234, (2) e-mail the commission at <record@wutc.wa.gov>, (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. UG-010522 to ensure that you are placed on the appropriate service list.

NOTICE OF WORKSHOP: A workshop will be held on **May 17, 2001**, beginning at 9:00 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports are available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Kippi Walker at (360) 664-1139 no later than 5:00 p.m., Tuesday, May 15, 2001. Questions may be addressed to Sondra Walsh at (360) 664-1286 or e-mail at swalsh@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING —The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and infor-

mation. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UG-010522, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UG-010522, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www.wutc.wa.gov/>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

April 25, 2001

Carole Washburn
Secretary

WSR 01-10-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed April 27, 2001, 4:21 p.m.]

Subject of Possible Rule Making: WAC 388-538-067 Healthy Options provider information, 388-538-068 Healthy Options primary care case management, and possible other sections in chapter 388-538 WAC, Managed care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, and [74.09.]522, 1115 Fed Waiver; 42 U.S.C. 1396.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is modifying several aspects of its managed care program, which includes Healthy Options. It is changing from a competitive procurement process to one that allows any qualified managed care organization to contract for Healthy Options; these requirements must be codified. It is also adding a primary care case management (PCCM) program as a choice to deliver mandatory managed care services to Healthy Options eligible clients. The PCCM program and the qualifications for participation in the program must be codified. It is possible that the department will find that other aspects of the Healthy Options program are affected as these rules are developed; notice is given that other rules may need to be amended to accommodate these changes.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of the proposed WAC. Draft material and information about how to participate is available from the DSHS representative below.

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

lication by contacting Ann Myers, Regulatory Improvement, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, e-mail myersea@dshs.wa.gov, fax (360) 586-9727.

April 24, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-10-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed April 27, 2001, 4:22 p.m.]

Subject of Possible Rule Making: Medical assistance administration is planning to amend WAC 388-502-0160 Billing a client, to add the word "must" in subsection (4)(b) after the word "provider."

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The word "must" was erroneously omitted from subsection (4)(b) when the rule was recently amended. Adding the word will make the intended meaning of the rule clearer.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this proposed WAC amendment. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, Regulatory Improvement Coordinator, Medical Assistance Administration, Mailstop 45533, Olympia, Washington 98504-5533, phone (360) 725-1344, e-mail sullikm@dshs.wa.gov, fax (360) 586-9727, TDD 1-800-848-5429.

April 24, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-10-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Order 706—Filed April 30, 2001, 8:35 a.m.]

Subject of Possible Rule Making: The department is considering amendments and/or additions to chapter 332-30 WAC regarding the residential use of state-owned aquatic lands.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The management philosophy the department follows regarding state-owned aquatic lands is described generally in RCW 79.90.450 where the legislative intent of the Aquatic Lands Act is outlined. In RCW 79.90.455, specific

management guidelines for providing a balance of public benefits for all citizens of the state are given including: Encouraging direct public use and access; fostering water-dependent uses; ensuring environmental protection; utilizing renewable resources; and generating revenue consistent with the above.

To effectively carry out these management directives, RCW 79.90.080 specifically authorizes the Board of Natural Resources to make and enforce rules and regulations to carry out the provisions of chapters 79.90 through 79.96 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current RCWs and WACs give explicit direction for some, but not all, residential activities on state-owned aquatic lands. For example, by statute, house boats are water-oriented uses, and thus are treated as favored water-dependent uses if, and only if, they were established by 1984. Apartments and condominiums always are disfavored nonwater-dependent uses. In addition, by rule, house boats and new residential uses of any type are prohibited in harbor areas. However, "live-aboard vessels" are not specifically mentioned in statute or rule. This lack of clarity has contributed to controversy and confusion regarding residential use of state-owned aquatic lands.

New or amended rules are intended to clarify the department's management responsibilities and objectives regarding residential uses on state-owned aquatic lands, consistent with chapters 79.90 through 79.96 RCW, including to: Clarify the department's definitions of residential uses; determine what kind of residential uses, if any, are appropriate on state-owned aquatic lands, beyond the explicit statements in statute; address environmental concerns, legal liabilities and public access issues associated with residential uses; determine appropriate rental rates for residential uses; and provide guidance on leasing standards or other proprietary management practices for these and any other significant issues identified with regard to residential uses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State: Department of Ecology, Department of Health, Department of Community, Trade and Economic Development, port districts.

Federal: United States Coast Guard, United States Army Corps of Engineers.

The department will provide the same opportunities for involvement by these agencies as it will for the public's participation outlined below. In addition, it would be the intent that where appropriate any proposed rule be consistent with statutes guiding or rules adopted by those agencies.

Process for Developing New Rule: In addition to providing the minimum level of public involvement required by the Administrative Procedure Act, the department plans to follow a community relations approach to developing this rule. Opportunities for public participation will be offered during May and June 2001 in advance of filing notice of a proposed rule. Public workshops will be held around the state providing opportunities to present context for the rule, pose key questions and host brainstorming sessions. Legislators and their staff will be notified and asked to provide feedback to the department. Interested stakeholder groups will also be notified.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The schedule for the public workshops noted above is: On May 24, 2001, at 7 - 9 p.m., Tacoma Community College, Building 3 Auditorium, 6501 South 19th Street, Tacoma, WA 98466; on June 4, 2001, at 7 - 9 p.m., Clark College, Gaiser Hall Central Conference Room, 1800 McLoughlin Boulevard, Vancouver, WA 98663; on June 7, 2001, at 7 - 9 p.m., Wenatchee Valley College, Anderson Building, Room 2048, 1300 5th Street, Wenatchee, WA 98801; on June 12, 2001, at 7 - 9 p.m., Renton Technical College, Building I, Main Cafeteria, 300 N.E. 4th Street, Renton, WA 98056; on June 14, 2001, at 7 - 9 p.m., Olympic College, Student Center, North and South Conference Rooms, 1600 Chester Avenue, Bremerton, WA 98337; and on June 20, 2001, at 7 - 9 p.m., Skagit Valley College, North Building, Room N120, 2405 East College Way, Mount Vernon, WA 98273.

The Department of Natural Resources encourages your active participation in the rule-making process. Anyone interested in more information or on how to participate should contact Matthew Green, Aquatic Resources Division, Department of Natural Resources, P.O. Box 47027, Olympia, WA 98504-7027, voice (360) 902-1017, e-mail matthew.green@wadnr.gov, fax (360) 902-1786.

April 27, 2001

Francea McNair
Aquatics Steward

WSR 01-10-073

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed April 30, 2001, 3:11 p.m.]

Subject of Possible Rule Making: Traffic and parking regulations for WSU Spokane.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.125, 28B.30.150, 28B.10.560 and chapter 34.05 RCW. 90-11-078 (Order 90-1), § 504-15-010, filed May 16, 1990, effective July 1, 1990.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed chapter to Title 504 WAC sets forth traffic and parking regulations for the WSU Spokane campus.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on

the proposed rule. There will also be an opportunity to provide written comments on the proposed rule.

April 24, 2001
Loretta M. Lamb
Assistant Vice-President for
Personnel and Administration
Rules Coordinator

WSR 01-10-074
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY

[Filed April 30, 2001, 3:12 p.m.]

Subject of Possible Rule Making: Parking regulations, ICN/WA State College of Nursing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.125 and 28B.30.150. 95-07-042, § 504-18-110, filed March 8, 1995, effective April 8, 1995; Order 73-8, § 504-18-110, filed October 5, 1973.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to make the WAC provisions for parking regulations consistent with administrative name changes at the Intercollegiate College of Nursing/Washington State University College of Nursing.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on the proposed rule. There will also be an opportunity to provide written comments on the proposed rule.

April 24, 2001
Loretta M. Lamb
Assistant Vice-President for
Personnel and Administration
Rules Coordinator

WSR 01-10-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 30, 2001, 3:13 p.m.]

Subject of Possible Rule Making: Commercial shellfish 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: 2001 legislation regarding coastal crab gear identification has been presented to the governor for signature. If this legislation is enacted, rules will be necessary to carry out the program.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, IGP Special Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2720. Contact by June 19, 2001, expected proposal filing June 20, 2001.

April 30, 2001
Evan Jacoby
Rules Coordinator

WSR 01-10-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 30, 2001, 3:15 p.m.]

Subject of Possible Rule Making: Amend Regional Fisheries Enhancement Group rules and rules regarding Aquatic Lands Enhancement Act funding.

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: Boundary adjustments may be needed for RFEGs. The timing and method of distribution of ALEA funding may need to be changed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will work with the Department of Natural Resources on ALEA funding timing.

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 Tim Smith, LEAP Special Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2223. Contact by June 19, 2001, expected proposal filing June 20, 2001.

April 30, 2001
Evan Jacoby
Rules Coordinator

WSR 01-10-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 30, 2001, 3:17 p.m.]

Subject of Possible Rule Making: Migratory waterfowl seasons and regulations; official hunting hours; small game seasons and regulations; nontoxic shot; game reserves and waterfowl closures; waterfowl decoys; and hunting contests.

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: To provide 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, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by June 15, 2001, rule proposal filing expected to be June 20, 2001.

April 30, 2001

Evan Jacoby

Rules Coordinator

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: OAPCA's goal in amending its New Source Review rules is to develop a complete New Source Review program that meets federal requirements. Revisions are expected to be substantially similar to Department of Ecology's program in chapter 173-400 WAC by Department of Ecology. OAPCA does not anticipate that there will be any new requirements imposed on business.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The EPA, Department of Ecology, other local air agencies, and EFSEC regulate sources of air emissions. OAPCA will work with EPA and ecology during the rule development process and will solicit comments from the public and other agencies during the public comment period. After adoption of the revised rule, OAPCA plans to request EPA's approval of OAPCA's New Source Review program.

Process for Developing New Rule: OAPCA will develop revisions to its New Source Review program with assistance from ecology and EPA.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer DeMay, 909 Sleater-Kinney Road S.E., Suite 1, Lacey, WA 98503, e-mail jdemay@OAPCA.org, phone (360) 438-8768 ext. 113, fax (360) 491-6308.

May 1, 2001

Richard Stedman

Executive Director

WSR 01-10-078

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

FISH AND WILDLIFE

[Filed April 30, 2001, 3:19 p.m.]

Subject of Possible Rule Making: Special permits for animal trapping.

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: Initiative 713 limits the types of traps that may be used. Rules need to be adopted to establish the criteria and process for obtaining a special permit to trap problem animals.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by June 19, 2001, expected proposal filing June 20, 2001.

April 30, 2001

Evan Jacoby

Rules Coordinator

WSR 01-10-105

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF

PUBLIC INSTRUCTION

[Filed May 1, 2001, 4:23 p.m.]

Subject of Possible Rule Making: Chapter 392-142 WAC, specifically WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982.

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: The amendment will update the definition of a small school bus vehicle type, as well as be consistent with the National School Transportation Specifications and Procedures Manual adopted in May 2000.

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 sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360)

WSR 01-10-090

PREPROPOSAL STATEMENT OF INQUIRY

OLYMPIC AIR POLLUTION

CONTROL AUTHORITY

[Filed May 1, 2001, 12:05 p.m.]

Subject of Possible Rule Making: Revisions to the New Source Review program in OAPCA Regulation 1.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW.

753-4201, TDD (360) 664-3631. For telephone assistance contact Sue Carnahan, director, (360) 753-0235.

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-10-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 2, 2001, 8:12 a.m.]

Subject of Possible Rule Making: Cougar hunting rules.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The hunting of problem cougar after the established big game seasons is dependent on the closing date of those seasons, and a date adjustment is necessary. Additionally, there may be changes necessary to redefine the criteria for issuance of a permit.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by June 19, 2001, expected proposal filing June 20, 2001.

May 1, 2001
Evan Jacoby
Rules Coordinator

WSR 01-10-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 2, 2001, 8:16 a.m.]

Subject of Possible Rule Making: Ballast water management.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.120.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of this law requires the Department of Fish and Wildlife to monitor the effectiveness of management efforts. Vessels must report management information to the department, and ballast water must be sampled and tested to verify the efficacy of exchange or treatment. Protocols for verifying exchange, and a standard for the discharge of treated ballast water must be put in place by rule, along with a process for verifying that treatment equipment meets the standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington Department of Fish and Wildlife is working with the United States Coast Guard and coordinating with other west coast states to develop uniform regulations.

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. Representatives of the shipping community, ports, United States Coast Guard, and researchers from USGS, University of Washington, and other research groups will work with the Commercial Shipping Subcommittee of the ANS Coordinating Committee in developing the protocols and standards to be put forth as rules. Agency contact: Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by June 19, 2001, expected proposal filing June 20, 2001.

May 1, 2001

Evan Jacoby
Rules Coordinator

WSR 01-10-110
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION IMPROVEMENT BOARD
[Filed May 2, 2001, 8:37 a.m.]

Subject of Possible Rule Making: To amend the Transportation Improvement Board's rules for providing increases on roadway projects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.26 RCW, Development in urban areas—Urban arterials.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Increases in project costs place a substantial financial burden on the urban arterial trust account and the transportation improvement account. Rule changes are required to provide strategic increases necessary for the development of projects that do not jeopardize the financial viability of the funding accounts.

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 Stevan Gorchester, Executive Director, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, phone (360) 705-7301, fax (360) 705-6830, e-mail steveg@tib.wa.gov. Comments must be received by July 25, 2001.

May 1, 2001

Stevan Gorchester
Executive Director

WSR 01-10-117**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 2, 2001, 10:13 a.m.]

Subject of Possible Rule Making: WAC 192-210-005**Definitions—Educational employees and 192-210-015 How will the department decide if reasonable assurance exists?****Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rule-making authority.**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The legislature has amended RCW 50.44.053, which defines the term "reasonable assurance" as it pertains to continuing employment for educational employees. This change is effective for weeks of unemployment beginning after March 31, 2001. The existing rules need to be revised to be consistent with the new statutory definition.**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.**Process for Developing New Rule:** The department will meet with stakeholders and interested parties to solicit input on the proposed regulations.**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Rules Coordinator, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.**

May 1, 2001

Paul Trause

Acting Commissioner

WSR 01-10-121**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed May 2, 2001, 11:20 a.m.]

Subject of Possible Rule Making: Limited fund-raising events.**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 9.46.070.**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** We have received a petition for rule change from Mr. Richard Walker of Wild Bill's Interactive Events of Portland, Oregon. Mr. Walker has requested that the licensing fees for limited fund-raising events be lowered from \$339 to \$50 for a four-hour limited fund-raising event.**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 Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 307; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.****Meetings at Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, on June 14 and 15, 2001; at the Double Tree Hotel/Yakima Valley, 1507 North First Street, Yakima, WA 98901, (509) 248-7850, on July 12 and 13, 2001; and at the Howard Johnson Plaza Hotel, 3105 Pine Street, Everett, WA 98201, (425) 303-8284, on August 9 and 10, 2001.**

May 2, 2001

Susan Arland

Rules Coordinator

WSR 01-10-123**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

[Filed May 2, 2001, 11:26 a.m.]

Subject of Possible Rule Making: The department is considering revising the construction review fees, WAC 246-314-990.**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.70.250 and 43.20B.020.**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department has the authority by statute to adopt fees to cover services provided. The construction review fees need to be revised to accurately reflect the cost of the services provided. Reductions are considered in some areas.**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Department of Social and Health Services licenses some of the facilities that must go through construction review. Program staff will include representatives of these facilities in any mailings or roundtable discussions.**Process for Developing New Rule:** Agency study, the department will complete a fee study to determine the program operating costs.**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bart Eggen, Executive Manager, P.O.**

Box 47852, Olympia, WA 98504-7852, (360) 705-6658, (360) 705-6654, e-mail bart.eggen@doh.wa.gov.

May 2, 2001
 Nancy Ellison
 Deputy Secretary
 for Mary Selecky
 Secretary

the department to collect fees with the application for a license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Health Care Financing Administration (HCFA) administers the Medicare program. The department will include HCFA in the rule development process.

Process for Developing New Rule: Program staff will work closely with representative associations to include roundtable discussions and mailings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Byron Plan, Executive Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6780, fax (360) 705-6654, e-mail byron.plan@doh.wa.gov.

May 2, 2001

Nancy Ellison
 Deputy Secretary
 for Mary Selecky
 Secretary

WSR 01-10-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 2, 2001, 11:26 a.m.]

Subject of Possible Rule Making: The department is considering raising hospital licensing fees, WAC 246-320-990.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.100, 43.20B.110, and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Statutory authority directs the department to collect fees with the application for a license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Health Care Financing Administration (HCFA) administers the Medicare program for hospitals. The department will include HCFA in the rule development process.

Process for Developing New Rule: Program staff will work closely with representative associations to include roundtable discussions and mailings. Department staff will conduct mailings to all hospitals.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Byron Plan, Executive Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6780, fax (360) 705-6654, e-mail byron.plan@doh.wa.gov.

May 2, 2001

Nancy Ellison
 Deputy Secretary
 for Mary Selecky
 Secretary

WSR 01-10-125
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 2, 2001, 11:27 a.m.]

Subject of Possible Rule Making: The department is considering raising home health, hospice and home care agency licensing fees, WAC 246-327-990, 246-331-990, and 246-336-990.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.127.090, 43.20B.110, and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Statutory authority directs

WSR 01-10-131
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 2, 2001, 11:33 a.m.]

Subject of Possible Rule Making: Pediatric education requirements for designated trauma care services and pediatric trauma care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.168 RCW, Statewide trauma care system.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current pediatric education requirements (pediatric advance life support (PALS)/ advanced pediatric life support (APLS) or equivalent) for clinical personnel as required in WAC 246-976-500, 246-976-510, 246-976-550, 246-976-560, 246-976-600, 246-976-610, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, 246-976-820, and 246-976-885 for designated trauma care services and pediatric trauma care services are generating significant opposition from surgeons and anesthesiologists in nonpediatric designated trauma services. They address that the training is inappropriate, it is not relevant to their practice, it does not offer new skills or knowledge, and it requires them to be away from their busy practice and source of income for a minimum of two days. On the other hand, emergency department physicians and nursing staff at these same types of facilities have not provided any opposition and think the education is useful.

The integrity of the trauma system is being threatened. Some physicians are refusing to meet the standards and lower level hospitals are threatening to drop their designation status. Therefore, the Emergency Medical Services and Trauma Care Steering Committee has recommended changing the current standards to a more acceptable set of pediatric education requirements that are more relevant to the various types of providers.

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: Several statutory and other Emergency Medical Services and Trauma Care Committees will participate in drafting, reviewing and commenting on the proposed rules through open public meetings and public workshops. These committees include constituents representing: Designated Trauma Services, Association of Anesthesiologists - Washington Chapter, American College of Surgeons Committee on Trauma - Washington Chapter, Washington State Fire Commissioner's Association, Washington Ambulance Association, Washington State Fire-fighter's Association, Washington State Hospital Association, American College of Surgeons, Emergency Nurse's Association, Washington State Law Enforcement, Association of Neurological Surgeons, Washington State Medical Association Standards Committee, Washington State Association of Fire Chiefs, the public sector and the citizens of Washington state. In addition, we also involve constituents by mailing them the appropriate draft rules for their review and input, inviting them to public WAC sessions, and by providing them with information on rules and updates at the appropriate meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Open public meetings and public workshops will be held throughout the state and the final draft of the proposed WAC amended language will be sent out to all affected and interested parties before the formal public hearing is held.

Any questions or concerns regarding the pediatric education requirements for designated trauma care services and pediatric trauma care services (WAC 246-976-500, 246-976-510, 246-976-550, 246-976-560, 246-976-600, 246-976-610, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, 246-976-820, and 246-976-885) should contact Scott Hogan, Program Administrator, Trauma Designation Section, Office of Emergency Medical and Trauma Prevention, 20435 72nd Avenue South, Suite 200, Mailstop TB-33A, Kent, WA 98032-2358, e-mail scott.hogan@doh.wa.gov, phone (253) 395-7009 or fax (253) 395-6724.

April 30, 2001
M. C. Selecky
Secretary

WSR 01-10-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 2, 2001, 11:34 a.m.]

Subject of Possible Rule Making: Trauma enhanced reimbursement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.168.040 Emergency medical services and trauma care system trust account.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) At present, current WAC

246-976-935 limits the trauma enhanced reimbursement payments to only services provided on the initial hospitalization. Those that perform necessary subsequent procedures do not receive reimbursement. It has been determined that some treatments of traumatic injuries are not possible at the time of initial hospitalization. Orthopedic injuries are good examples. As a result of these types of injuries, the physician responds with the trauma team, but may only evaluate and do palliative treatment because more life threatening procedures are a higher priority. It may be weeks or months later that a complex or staged orthopedic procedure is done.

(2) The emergency medical services and trauma care system trust account, RCW 70.168.040, was established to reimburse hospitals and health care providers for costs incurred while caring for uninsured or underinsured major trauma patients. Unlike the other parts of the trauma system (e.g. hospitals, physicians, and rehabilitation facilities), there is no language in current WAC 246-976-935 to allow prehospital verified agencies (i.e. health care providers), who respond to and transport major trauma patients which may be uninsured or underinsured, to get federal matching funds for transporting Medical Assistance Administration (MAA) patients.

By amending WAC 246-976-935 this would increase the amount of funds channeled into the Washington trauma system and allow for reimbursement to those entitled as intended by the legislature when the trust account was established.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health, Office of Emergency Medical and Trauma Prevention (DOH, OEMTP) has and will continue to work in close conjunction with the Department of Social and Health Services, Medical Assistance Administration (DSHS, MAA). A liaison has been established between DOH, OEMTP and DSHS, MAA.

Process for Developing New Rule: Several statutory and other EMS and trauma care committees will participate in drafting, reviewing and commenting on the proposed rules through open public meetings and public workshops. These committees include constituents representing: Washington State Fire Commissioner's Association, Washington Ambulance Association, Washington State Fire-fighter's Association, Washington State Hospital Association, American College of Surgeons, Emergency Nurse's Association, Washington State Law Enforcement, Association of Neurological Surgeons, Washington State Medical Association Standards Committee, Washington State Association of Fire Chiefs, the public sector and the citizens of Washington state. In addition, we also involve constituents by mailing them the appropriate draft rules for their review and input inviting them to public WAC sessions, and by providing them with information on rules and updates at the appropriate meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Open public meetings and public workshops will be held throughout the state and the final draft of the proposed WAC amended language will be sent out to all affected and interested parties before the formal public hearing is held.

Any questions or concerns regarding trauma enhanced reimbursement (WAC 246-976-935) should contact Dolly

Fernandes, Prevention, Policy and Planning Manager, Office of Emergency Medical and Trauma Prevention, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6718 or fax (360) 705-6706.

April 30, 2001
M. C. Selecky
Secretary

WSR 01-10-135
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 2, 2001, 11:56 a.m.]

Subject of Possible Rule Making: Commercial fishing gear identification.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2001 legislature is expected to pass legislation regarding Puget Sound crab gear identification. Rules will be necessary to implement the program.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, Intergovernmental Program Special Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2720. Contact by June 19, 2001, expected proposal filing June 20, 2001.

May 2, 2001
Evan Jacoby
Rules Coordinator

WSR 01-10-061**EXPEDITED REPEAL****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed April 27, 2001, 4:24 p.m.]

The Following Sections are Proposed for Expedited Repeal: Sections in chapter 388-820 WAC, WAC 388-820-005, 388-820-015, 388-820-025, 388-820-035, 388-820-045, 388-820-055, 388-820-065, 388-820-075, 388-820-085, 388-820-095, 388-820-105, 388-820-115, and 388-820-125.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: DSHS Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850, fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: The Development Disabilities Division is in the process of reorganizing and rewriting chapter 388-820 WAC, Community residential services and support. A proposal for this revision (CR-102) was filed as WSR 01-04-081 [01-09-081] on April 18, 2001. The policy contained in them has been incorporated into the main proposal and therefore, these sections are no longer necessary. These sections were inadvertently omitted from that filing.

April 25, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-820-005	Purpose.
WAC 388-820-015	Exemptions.
WAC 388-820-025	Review and evaluation.
WAC 388-820-035	Eligibility for residential services and support.
WAC 388-820-045	Administration.
WAC 388-820-055	Staffing.
WAC 388-820-065	Individual service plan.
WAC 388-820-075	Health services.
WAC 388-820-085	Client records.
WAC 388-820-095	Notice of fine and appeal rights.
WAC 388-820-105	Physical requirements.

WAC 388-820-115

Payment for service.

WAC 388-820-125

Change of ownership.

WSR 01-10-111**EXPEDITED REPEAL****DEPARTMENT OF REVENUE**

[Filed May 2, 2001, 9:18 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 175-08 WAC, Uniform procedural rules: WAC 175-08-010 Uniform procedural rules and 175-08-990 Appendix A—Relating to chapter 117, Laws of 1972 1st ex. sess. as codified in chapter 43.31A RCW.

Chapter 175-12 WAC, General operating rules: WAC 175-12-005 Appearance and practice before agency—Who may appear, 175-12-010 Authority organization, 175-12-015 Definitions, 175-12-020 Notice of pending authority action, 175-12-025 Consistency with local and state government policies, plans and programs, 175-12-030 Intervention, 175-12-035 Private hearings, 175-12-040 Petition for reconsideration, 175-12-045 Contested case hearings, and 175-12-050 Judicial review.

Chapter 175-16 WAC, Investment tax deferrals applications and procedures: WAC 175-16-010 Application, 175-16-030 Definitions, 175-16-020 Application processing, 175-16-040 Deferral period and repayment schedule, 175-16-050 Responsibility of department of revenue, 175-16-060 Official forms and instruction materials applied on request, and 175-16-990 Appendix A—Application form and instructions—Investment tax deferral for manufacturers.

Chapter 175-20 WAC, Grants and loans application and procedures: WAC 175-20-010 Public facilities loans and grants, 175-20-020 Eligibility for public facilities grants or loans, 175-20-030 Division of funding between economic assistance areas and other areas, 175-20-040 Loan terms, 175-20-050 Project funding priorities, 175-20-060 Application dates, 175-20-070 Application for grants or loans, 175-20-080 Appearance before the authority, 175-20-090 General conditions of aid, 175-20-100 special conditions of aid, 175-20-110 Offer of aid, 175-20-120 Refusal or acceptance of offer of aid, 175-20-130 Contract, 175-20-140 Disbursement of grant and/or loan funds, 175-20-145 Investment of authority funds, 175-20-150 Cost overruns, 175-20-155 Final inspection, 175-20-160 Audits, 175-20-170 Decisions of authority final, 175-20-990 Appendix A—Application form and instructions public facilities grant/loan program, 175-20-99001 Appendix B—Sample form—Attorney's certificate public facilities grant/loan program, 175-20-99002 Appendix C—Sample ordinance and resolution public facilities grant/loan program, 175-20-99003 Appendix D—Offer of financial aid and instructions public facilities grant/loan program, and 175-20-99004 Appendix E—Final contractual agreement public facilities grant/loan program.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail alanl@dor.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate:
Title 175 WAC implemented chapter 43.31A RCW, the Economic Assistance Act of 1972. This act created the Economic Assistance Authority to foster development through the stimulation of investment and job opportunity. The act provides sales and use tax deferrals for eligible investment projects, and loans or grants to political subdivisions of the state and federally recognized Indian tribes for the construction of public facilities.

Chapter 76, Laws of 1981, abolished the Economic Assistance Authority effective June 30, 1982. This legislation provided that no new tax investment deferrals under the program could be approved after March 1, 1982, and no new grants or loans could be made after June 30, 1982. Any remaining duties of the authority were transferred to the Department of Revenue, RCW 43.31A.400.

These rules are being repealed because they no longer serve any useful purpose.

May 2, 2001

Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 01-10-126
EXPEDITED REPEAL
DEPARTMENT OF HEALTH

[Filed May 2, 2001, 11:28 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-836-060 Examination appeals.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Holly Rawnsley, Department of Health, Naturopathy Program, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4941.

Reason the Expedited Repeal of the Rule is Appropriate:
The department no longer administers the examination required for naturopath licensure. The information in the WAC is confusing to examination candidates who must actually follow the processes of the examination company for examination appeals. The rule needs to be repealed to avoid further unnecessary confusion to the exam candidates.

M. C. Selecky
Secretary

WSR 01-09-019
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed April 9, 2001, 9:48 a.m.]

Original Notice.

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

Title of Rule: Chapter 72-171 WAC, Special education programs.

Purpose: To implement federal regulatory changes enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. §§ 1400 *et seq.*

Summary: Changes are needed to comply with federal regulatory changes adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, and the corresponding state regulatory changes adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January 1, 2000.

Reasons Supporting Proposal: Required by federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Dr. Dean O. Stenehjem, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661-4120, (360) 696-6321.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the 1997 amendments to the Individuals with Disabilities Education Act ("IDEA '97") and the regulations of the United States Department of Education adopted as a result of IDEA '97. The rules also provide policies and procedures which are consistent with corresponding regulations of the Office of the Superintendent of Public Instruction, the state educational agency responsible for ensuring compliance by public agencies involved in the delivery of special education.

Proposal Changes the Following Existing Rules: As described above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington State School for the Blind.

Hearing Location: Old Main Board Room, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661, on June 7, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Janet Merz by June 1, 2001, (360) 696-6321 ext. 120.

Submit Written Comments to: Dr. Dean O. Stenehjem, Superintendent, Washington State School for the Blind, Vancouver, Washington 98661, fax (360) 737-2120, by June 6, 2001.

Date of Intended Adoption: June 7, 2001.

April 5, 2001

Dr. Dean O. Stenehjem
Superintendent

Chapter 72-171 WAC
SPECIAL EDUCATION PROGRAMS

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-001 Purposes. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter ((28A.13)) 28A.155 RCW and in compliance with the ((Education for All Handicapped Children)) Individuals with Disabilities Education Act, 20 U.S.C. Sec. ((1401)) 1400 *et seq.*;

(2) ((To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;))

(3) To assure that the rights of handicapped children and their parents are protected; and

(4) To assess and assure the effectiveness of efforts to educate the handicapped students.)) To meet the obligations of additional federal and state civil rights laws (e.g., 29 U.S.C. § 794, 42 U.S.C. § 12132, RCW 49.60.030) that apply to students who have a disability regardless of the student's eligibility for special education and related services.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-008, § 72-171-001, filed 7/19/90, effective 8/19/90.]

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

DEFINITIONS OF GENERAL APPLICATION

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-010 Definitions. ((As used in this chapter:

(1) "Eligible student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.

(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:

(a) A person under the age of twenty-one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-01 and to be in need of special education and related services;

~~Provided, That a student enrolled at the Washington state school for the blind may continue past the age of twenty-one at the superintendent's discretion; or~~

(b) ~~A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-016 in the judgment of the school superintendent or his or her designee, or the parent(s), or the eligible student; or~~

(e) ~~The foregoing categories of persons notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."~~

(3) ~~"Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 72-171-650, who represents a nonadult student. The term does not include the state if the child is a dependent of the state.~~

(4) ~~"School" means Washington state school for the blind.~~

(5) ~~"Assessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine whether a student is visually handicapped or deaf-blind and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.~~

~~The purposes of assessment are to:~~

(a) ~~Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;~~

(b) ~~Draw conclusions regarding the significance of the findings as related to the student's instructional program;~~

(c) ~~Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 72-171-240; and~~

(d) ~~Assure appropriate identification of the handicapping condition.~~

(6) ~~"Current assessment" means:~~

(a) ~~Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.~~

(b) ~~Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(c) ~~Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(d) ~~Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(e) ~~Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety~~

~~calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(f) ~~Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.~~

(g) ~~Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(7) ~~"Reassessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 72-171-430(2).~~

(8) ~~"Consent" means that:~~

(a) ~~The parent (or eligible student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;~~

(b) ~~The parent (or eligible student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and~~

(c) ~~The parent (or eligible student) understands that the granting of consent is voluntary on the part of the parent (or eligible student) and may be revoked at any time.~~

(9) ~~"Special education" has the meaning given that term by WAC 392-171-315.~~

(10) ~~"Related services" has the meaning given that term by WAC 392-171-320.~~

(11) ~~"Superintendent" means the superintendent of the Washington state school for the blind.)~~

The definitions set forth in WAC 392-172-035, 392-172-040, 392-172-045, 392-172-055, 392-172-065, 392-172-070, 392-172-073 and 392-172-075 are hereby incorporated by reference into this chapter and should be referred to if necessary. The Washington state school for the blind, a "public agency" as defined at WAC 392-172-035 (6)(c), is a "state operated program."

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-010, filed 7/19/90, effective 8/19/90.]

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

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-015 Definition and eligibility criteria for visually handicapped. ((WAC 392-171-446 shall be applicable to all students provided for by this chapter.))

The definition and eligibility criteria in WAC 392-172-142 are adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-015, filed 7/19/90, effective 8/19/90.]

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-016 Definition and eligibility criteria for deaf-blind. ((WAC 392-171-451 shall be applicable to all students provided for by this chapter.))

The definition and eligibility criteria in WAC 392-172-144 are adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-016, filed 7/19/90, effective 8/19/90.]

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ASSESSMENT AND PLACEMENT**AMENDATORY SECTION** [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-110 General areas of ((assessment)) evaluation. ((The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in-depth assessment in each of the following areas shall be conducted.))

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student, and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of

adaptive behaviors (e.g., self help, interpersonal communication, survival skills, and practical application of academic skills).))

WAC 392-172-106 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-110, filed 7/19/90, effective 8/19/90.]

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-120 ((General assessment safeguards—Personnel, materials, and procedures)) Evaluation procedures. ((Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.))

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist. Provided, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have con-

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siderable training and experience in individual psychological or psychoeducational assessment.

(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:

(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the suspected handicapping condition(s) of the student, aptitude and achievement tests, teacher recommendations or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.)

The evaluation or reevaluation of any student shall be performed using the procedures established in chapter 392-172 WAC except as specifically provided otherwise in this chapter.

Evaluations may include assessments to identify students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, as required by RCW 72.40.270. Evaluations will be conducted by a group of qualified professionals selected by the Washington school for the blind who are knowledgeable about the student, the suspected area of disability, and in cases where assessment is required by RCW 72.40.270, sexual abuse and assault.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-008, § 72-171-120, filed 7/19/90, effective 8/19/90.]

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NEW SECTION

WAC 72-171-131 Evaluation report and documentation of determination of eligibility. WAC 392-172-10905 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-140 Independent educational ((assessment)) evaluation. (((1)(a) The parent(s) of a student (or an eligible student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) The school shall provide to parent(s) (or eligible student), on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school responsible for the education of the student in question; and

(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or eligible student).

(2) A parent (or eligible student) has the right to an independent educational assessment at public expense if the parent (or eligible student) disagrees with the assessment results obtained by the school, as follows:

(a) The parent(s) (or eligible student) shall provide a written notice to the superintendent which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or eligible student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school shall have the prior opportunity to initiate mediation or an adjudicative proceeding pursuant to WAC 72-171-600 et seq., to show that its assessment is appropriate. Provided, That the school shall provide the parent(s) (or eligible student) written notice of the election to initiate mediation or an adjudicative proceeding no later than the tenth day after the date of receipt of the parent's (or eligible student's) written notice of disagreement;

(c) If the final decision is that the school assessment is appropriate, the parent (or eligible student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the school elects not to initiate an adjudicative proceeding or is not upheld by the final decision, the independent assessment requested by the parent (or eligible student) shall be provided at public expense in accordance with the

~~same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.~~

~~(3) If the parent (or eligible student) obtains an independent educational assessment at private expense, the results of the assessment:~~

~~(a) Shall be considered by the school in any decision made with respect to the provision of special education and related services to the student; and~~

~~(b) May be presented as evidence at the adjudicative proceeding regarding that student.~~

~~(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.)~~

WAC 392-172-150 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-140, filed 7/19/90, effective 8/19/90.]

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-150 Admission and placement. ~~((In accordance with the least restrictive environment mandate of Public Law 94-142: A student may be admitted and enrolled at the Washington state school for the blind when:))~~

~~(1) ((The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the blind;)) Upon a referral for admission and placement from a parent, legal guardian, emancipated minor, adult student, or local educational agency (LEA), a Washington state school for the blind admissions team will assess the appropriateness of placement a visually impaired student residing in the state of Washington as provided for under this chapter.~~

~~(2) ((The student's parents request that their child be served through the educational program available at the Washington state school for the blind;)) Applications for placement shall be in writing and shall include the reason for referral. Reasons for referral to the state school for the blind may include, but are not limited to: vision specific services not readily available in the local school district, need for more intensive vision specific services, adaptive aids and appliances, greater array of vision support services, social skill development, leisure time skill development, and organization skill development.~~

~~(3) ((Assessment pursuant to the procedures in this chapter has been completed and vision loss or impairment is documented;)) The LEA will be notified if the referral is from a parent and the student's records will be requested. The following records must be received prior to review by the school's admissions team: complete application materials, most recent IEP, most recent 3-year summary assessment or evaluation, psychological records, transcripts (for high school students), all records subject to disclosure under RCW~~

28A.225.330, including but not limited to: history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students.

(4) ((Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 72-171-120(1), the parents and a representative of the school district of the student's residence shall meet and consider the following to determine the most appropriate placement for the student:

(a) The summaries of assessment data pursuant to WAC 72-171-130;

(b) The nature and extent of the specific special education and related services needed by the student, if any;

(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;

(d) The availability and identity of current educational programs appropriate to the student's needs; and

(e) The parent(s') and school district's commitment to work in cooperation to meet the student's needs; and)) The admissions team shall review the records and if the information is complete, determine whether to proceed with or terminate the application.

(5) ((The multidisciplinary team described in WAC 72-171-120(1) recommends placement at the Washington state school for the blind.)) Placement of a student at the state school for the blind shall be determined at a meeting conducted pursuant to WAC 72-171-210.

(6) The determination of the appropriate placement for a student shall be based upon:

(a) The student's individualized education program (IEP);

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals;

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs; and

(e) The status of the student as an adjudicated sex offender classified as risk Level II or III in the state of Washington or the equivalent under the laws of the state in which the student resides.

(7) The decision on the educational placement shall be made by a group of persons, including the parents, the LEA and other persons knowledgeable about the student, the evaluation data, and the placement options.

(8) Pursuant to RCW 74.20.040(4) and 74.20.050(2), admission and retention at the Washington state school for the blind may be denied for a student who is an adjudicated sex offender.

(9) The educational placement of each student shall be determined at least annually at a meeting conducted pursuant to WAC 72-171-210.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-150, filed 7/19/90, effective 8/19/90.]

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INDIVIDUALIZED EDUCATION PROGRAMS

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-210 IEP Meetings. ((1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.)

WAC 392-172-156 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-210, filed 7/19/90, effective 8/19/90.]

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-220 Participants in IEP meetings. ((1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 72-171-230;

(d) The student, if appropriate or the eligible student; and

(e) Other individuals at the discretion of the school, parent(s), or eligible student. Either the teacher or school representative should be qualified in the area of the student's disability.

(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.))

WAC 392-172-153 is adopted by reference.

Involvement and participation of the LEA at meetings in which a decision is to be made relating to the educational placement of the student is considered essential for meaningful discussion to occur. A representative of the student's LEA will be invited to meetings involving an IEP, transition services, or placement. The LEA representative should be an individual who is knowledgeable about the availability of resources of the LEA, authorized to allocate resources or develop collaborative requests for funding to establish pro-

grams to meet a student's extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington state school for the blind staff shall keep the LEA representative informed of the proceedings and obtain information that will assist in the provision of services.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-220, filed 7/19/90, effective 8/19/90.]

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

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-230 Parent participation and involvement. ((1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parent(s) and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or eligible student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or eligible students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s') and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent a copy of the IEP upon request.)

WAC 392-172-15700 and 392-172-15705 are adopted by reference.

Inclusion of an LEA representative in meetings with the parent(s) will be encouraged and appropriate notice to the parent(s) will be provided.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-230, filed 7/19/90, effective 8/19/90]

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AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-240 ((Content of the IEP)) Individualized education program. ((The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate. Provided, That if the career development and/or vocational education is specially designed instruction, goals and short term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short term objectives.))

WAC 392-172-160 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-240, filed 7/19/90, effective 8/19/90.]

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NEW SECTION

WAC 72-171-242 Individualized education program—Implementation. WAC 392-172-158 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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NEW SECTION

WAC 72-171-244 Individualized education program—Development, review, revision—Consideration of special factors. WAC 392-172-159 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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ANNUAL REVIEW OR PLACEMENT AND STUDENT PROGRESS-REASSESSMENT

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-410 ((Reassessment)) Reevaluation. ((1) Each student shall be reassessed in accordance with the procedures specified in WAC 72-171-110 through 72-171-130:

(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or

(b) Upon the request of the parents, an eligible student, teacher, or IEP team.

(2) If reassessment is the result of the three year reassessment requirement, the multidisciplinary team, based on the professional judgment of the members, to a reasonable degree of professional certainty, shall determine and document the following:

(a) Whether the student is appropriately classified;

(b) Whether the student meets the continuing eligibility criteria of WAC 392-171-325(3) or 392-171-331. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be gov-

~~erned by the generally recognized professional practice standards of their respective disciplines. Members of the multi-disciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.)~~

WAC 392-172-182 through 392-172-190 are adopted by reference.

~~The student's LEA should continue to be involved in the planning for any student who is enrolled at the Washington state school for the blind, therefore, the group of individuals referred to in the reevaluation procedures adopted by reference should include a representative of the LEA.~~

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-410, filed 7/19/90, effective 8/19/90.]

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

((NOTICE REQUIREMENTS)) PROCEDURAL SAFEGUARDS

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-500 When prior notice must be given.
((Written notice in accordance with WAC 72-171-510 shall be given to the parent(s) (or the eligible student) a reasonable time before the school:)

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.)

WAC 392-172-302 is adopted by reference. Where the adopted rule refers to WAC 392-172-306, refer to WAC 72-171-510.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-500, filed 7/19/90, effective 8/19/90.]

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending WSR 90-16-008, filed 7/19/90)]

WAC 72-171-510 Contents of ((the)) prior written notice. ((1) The notice required by WAC 72-171-500 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent(s) (or eligible student) under this chapter;

(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or eligible student) or other mode of communication used by the parent (or eligible student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or eligible student) is not a written language, the school shall take steps to ensure that:

(a) The notice is translated orally or by other means to the parent (or eligible student) in his or her native language or other mode of communication;

(b) The parent (or eligible student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.)

WAC 392-172-306 is adopted by reference. Where the adopted rule refers to WAC 392-172-302, refer to WAC 72-171-500.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-008, § 72-171-510, filed 7/19/90, effective 8/19/90.]

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

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NEW SECTION

WAC 72-171-512 Parent consent. WAC 392-172-304 is adopted by reference. Where the adopted rule refers to WAC 392-172-185 (reevaluation), refer to WAC 72-171-120.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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NEW SECTION

WAC 72-171-514 Transfer of parental rights at age of majority. WAC 392-172-309 is adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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NEW SECTION

WAC 72-171-550 Mediation. In order to ensure that mediation is available to resolve disagreements concerning the identification, evaluation, educational placement of the student or provision of FAPE to the student and disputes involving any matter where a hearing is requested under this chapter, WAC 392-172-310 through 392-172-317 are adopted and incorporated by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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((~~HEARINGS~~))

NEW SECTION

WAC 72-171-601 Due process rights and procedures.

(1) Hearing rights and procedures shall be consistent with the requirements applicable to public agencies in WAC 392-172-350 through 392-172-364, which are adopted by reference.

(2) A parent, adult student or the superintendent (or designee) may initiate a hearing in any of the matters and for the purposes stated at WAC 392-172-350(1).

(3) Where the adopted rule refers to WAC 392-172-150 (independent educational evaluation), refer to WAC 72-171-140.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

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NEW SECTION

WAC 72-171-605 Request for hearing, notice by parent. In addition to the information required in WAC 392-172-350(2), the parent, adult student, or the attorney representing the student must provide notice (which must remain confidential) to the Washington state school for the blind in a request for a hearing to the office of the superintendent of public instruction. The notice must include:

- (1) The name of the student;
- (2) The address of the residence of the student;
- (3) The name of the school the student is attending;
- (4) A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and
- (5) A proposed resolution of the problem to the extent known and available to the parents at the time.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

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AMENDATORY SECTION [(Amending WSR 90-23-055, filed 11/19/90)]

WAC 72-171-650 Surrogate parents. ((1) The school shall ensure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 72-171-010(3)) can be identified;

(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and
 (b) The provision of free special education and related services to the student.)

WAC 392-172-308 is adopted by reference. The definition of "parent" in WAC 392-172-035(5) is adopted by reference at WAC 72-171-010.

[Statutory Authority: RCW 72.40.022, 90-23-055, § 72-171-650, filed 11/19/90, effective 12/20/90.]

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

MISCELLANEOUS PROGRAM REQUIREMENTS

NEW SECTION

WAC 72-171-710 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

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REPEALER

WAC 72-171-100	Initial assessment.
WAC 72-171-130	Summary analysis of assessment data.
WAC 72-171-200	Definition.
WAC 72-171-400	Annual review of placement and student progress—Program evaluation.
WAC 72-171-420	Reassessment purposes.
WAC 72-171-430	Reassessment notice.
WAC 72-171-600	Right to initiate.
WAC 72-171-610	Hearing rights.
WAC 72-171-620	Timeline for decision.
WAC 72-171-630	Petition for review.
WAC 72-171-640	Student's status during proceedings.
WAC 72-171-700	Administration of medication.

WSR 01-09-057
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
 [Filed April 16, 2001, 10:31 a.m.]

Original Notice.

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

Title of Rule: Chapter 72-120 WAC, Student conduct code.

Purpose: To implement federal regulatory changes regarding discipline enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. §§ 1400 *et seq.*

Summary: Changes are needed to comply with the federal regulatory changes regarding discipline for children with disabilities adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, and the corresponding state regulatory changes related to disciplinary exclusion adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January 1, 2000.

Reasons Supporting Proposal: Required for federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Dr. Dean O. Stenehjem, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661-4120, (360) 696-6321.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the 1997 amendments to the Individuals with Disabilities Education Act ("IDEA '97") and the regulations of the United States Department of Education related to discipline and disciplinary exclusion of children with disabilities adopted as a result of IDEA '97. The rules also provide policies and procedures which are consistent with corresponding regulations of the Office of the Superintendent of Public Instruction, the State Educational Agency responsible for ensuring compliance by public agencies involved in the delivery of special education.

Proposal Changes the Following Existing Rules: As described above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington State School for the Blind.

Hearing Location: Old Main Board Room, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661, on June 7, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Janet Merz by June 1, 2001, (360) 696-6321 ext. 120.

Submit Written Comments to: Dr. Dean O. Stenehjem, Superintendent, Washington State School for the Blind, Vancouver, Washington 98661, fax (360) 737-2120, by June 6, 2001.

Date of Intended Adoption: June 7, 2001.

April 12, 2001

Dr. Dean O. Stenehjem
Superintendent

CONDUCT RULES

AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-100 Conduct violations. A student who, either as actor, aider, abettor, or accomplice ((as defined in RCW 9A.08.020)), violates any provision of this chapter shall be subject to the disciplinary actions herein adopted. A student may be an accomplice, or found to have aided and abetted in the commission of a violation of the student conduct code if he or she knowingly associates with the wrongful purpose, undertaking or activity; encourages, promotes, or counsels another student in the commission of an offense, or participates in it as in something he or she desires to bring about, and seeks by his or her action to make it succeed.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) 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.

(4) Disruption. Disorderly or abusive behavior which interferes with the rights of others, school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Disturbing the peace. Creating noise in such a way as to interfere with school functions.

(6) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school premises or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(7) False alarms. Falsely setting off, improper use or disabling of any safety equipment, alarm, exit sign, or other device.

(8) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(9) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee or school visitor, including knowing possession of stolen property.

(10) Conversion. Unauthorized use of school equipment or services.

(11) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his/her work product for the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(12) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(13) Smoking. The Washington state school for the blind supports the goal of the governor's nonsmoking policy and the policy of the public schools mandating a total ban on the use of all tobacco products by September 1, 1991. Students are not allowed to smoke or use tobacco products on school premises or during school-sponsored activities.

(14) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(15) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any ((narcotic or)) controlled substance or illegal drug as defined in ((the Uniform Controlled Substances Act, chapter 69.50 RCW, as amended)) WAC 72-120-300, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(16) Weapons and dangerous chemicals. Unauthorized use, possession or storage of any weapon, explosives, dangerous chemicals, substances or instruments, which may be used to inflict bodily harm on another or damage upon school property or personal property.

(17) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

[Statutory Authority: RCW 72.40.022. 90-16-005, § 72-120-100, filed 7/19/90, effective 8/19/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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((DISCIPLINARY PROCESS AND PROCEDURES)) DISCIPLINE

AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-200 Policy. The Washington state school for the blind has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission,

and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. School policy and rules of conduct shall be applicable to all students in any program or activity conducted by the Washington state school for the blind. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, or suspension.

[Statutory Authority: RCW 72.40.022. 90-16-005, S 72-120-200, filed 7/19/90, effective 8/19/90.]

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AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-220 Short-term suspension. (1) As used in this chapter "short-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) ((Unless otherwise prohibited, s)) Short-term suspensions may be imposed upon a student for violation(s) of rules adopted in WAC 72-120-100.

(3) A student may be suspended for a short term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature and/or so serious in terms of disruptive effect upon the operation of the school as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon the semester grade.

[Statutory Authority: RCW 72.40.022. 90-16-005, § 72-120-220, filed 7/19/90, effective 8/19/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-225 Short-term suspension—Notice and conference—Grievance procedure. (1) Prior to the short-term suspension of any student pursuant to WAC 72-120-220, a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school rules shall be provided to the student;

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student;

(c) An oral or written explanation of the ((disciplinary)) corrective action or discipline which may be imposed shall be provided to the student; and

(d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to ((a brief adjudicative proceeding)) an informal conference pursuant to subsection (3) below and that the suspension may possibly be reduced as a result of such ((proceeding)) conference.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension ((pursuant to WAC 72-120-220,)) shall have the right to ((a brief adjudicative proceeding in accordance with WAC 72-108-100)) an informal conference with the principal or his or her designee for the purpose of resolving the grievance. The school personnel member whose action is being grieved shall be notified of the initiation of a brief adjudicative proceeding as soon as reasonably possible. During the ((brief adjudicative proceeding the parties shall be entitled to question school personnel involved in the matter)) conference, the student, parent, or guardian shall be subject to questioning by the principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent who shall notify the student, parent, or guardian of his or her response to the grievance within ten school business days after receipt of the written or oral grievance. The disciplinary action may continue notwithstanding the implementation of the grievance procedure set forth in this section.

[Statutory Authority: RCW 72.40.022. 90-16-005, § 72-120-225, filed 7/19/90, effective 8/19/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-230 Long-term suspension. (1) As used in this chapter 'long-term suspension' shall mean a denial of attendance at any class or admission to or entry upon school property in excess of ten consecutive school days.

(2) ((Unless otherwise prohibited,)) Long-term suspensions may be imposed on a student for violation(s) of rules adopted in WAC 72-120-100.

(3) When a student engages in conduct that would warrant long-term suspension, the ((student, parent(s) or guardian(s) shall be notified immediately (within twenty-four hours) of the nature and circumstances of the misconduct, the disciplinary action proposed, and the time and location of any individualized education program (IEP) team meeting review.

((4) If long-term suspension is recommended, the school shall convene a meeting to review the student's individualized education program (IEP) pursuant to WAC 72-171-210. The IEP team shall determine whether the misconduct is a manifestation of or is substantially related to the student's handicapping condition(s).

((5) If the IEP team concludes that the misconduct is not a manifestation of the student's handicapping condition(s), the student may be disciplined under the procedures set forth in WAC 72-120-234 through 72-120-236.

((6) If the IEP team concludes that the misconduct is a manifestation of the student's handicapping condition(s), suspension for more than ten days shall not be imposed unless:

((a) The school and parent(s) or guardian(s) agree otherwise; or

((b) The IEP team recommends a change of placement.

((7) A student involved in the complaint shall remain at the school during the pendency of any administrative or judicial proceeding, unless:

((a) The student's misconduct poses an immediate threat to the safety of others or where maintaining the student in his/her current placement at the school has a substantial likelihood of resulting in injury either to the student or to others; or

((b) The school, student, and parent(s) agree otherwise.

((8) A party may request a hearing pursuant to WAC 72-171-600, on any matter described in this section.

((9) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction) requirements and procedures for disciplinary exclusion, found at WAC 72-120-300 through 72-120-313 shall be followed.

[Statutory Authority: RCW 72.40.022. 90-16-005, S 72-120-230, filed 7/19/90, effective 8/19/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

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

AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-234 Long-term suspension—Misconduct ((unrelated to handicapping condition(s))) not a manifestation of disability—Notice. (1) ((A)) Following a determination that behavior which warrants a long-term suspension was not a manifestation of the student's disability, a student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, 'exceptional misconduct' means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempt by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school as to warrant immediate resort to long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct ((unrelated to his/her handicapping condition(s);)) which was not a manifestation of the student's disability,

((a) A conference shall be conducted with the student according to the procedures in WAC 72-120-225(1);

((b) W)) written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

((i)) (a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

((ii)) (b) Specify the alleged misconduct and the rule(s) alleged to have been violated;

((iii)) (c) Set forth the disciplinary action proposed;

((iv)) (d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s);

((v)) (e) State that a written request for a hearing must be received by the school employee designated, or by his or her office within ((twenty)) three (3) school business days after receipt of the notice of opportunity for a hearing; and

((vi)) (f) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed. A schedule of school business days should be included with the notice.

(3) If a request for a hearing is not received within the required three school business day period, the school may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

[Statutory Authority: RCW 72.40.022. 90-16-005, S 72-120-234, filed 7/19/90, effective 8/19/90.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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AMENDATORY SECTION [(Amending WSR 90-16-005, filed 7/19/90)]

WAC 72-120-236 Long-term suspension—Misconduct ((unrelated to handicapping condition(s))) not a manifestation of disability—Hearing. (1) If a request for a hearing is received pursuant to WAC 72-120-234 within the required time period, the superintendent or his or her designee shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received according to the requirements in chapter 10-08 WAC adopted in WAC 72-108-010.

(2) The hearing shall be ((an)) a brief adjudicative proceeding ((governed by the Administrative Procedure Act, chapter 34.05 RCW and chapter 72-108-WAC)) in accordance with WAC 72-108-100. The hearing process described in WAC 180-40-270, applicable to long-term suspensions involving students without disabilities, should apply as guidelines for the conduct of the brief adjudicative proceeding.

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the eligible student as defined in WAC 72-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made.

(4) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

[Statutory Authority: RCW 72.40.022. 90-16-005, S 72-120-236, filed 7/19/90, effective 8/19/90.]

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DISCIPLINARY EXCLUSION

NEW SECTION

WAC 72-120-300 Disciplinary exclusion—Definitions. The following definitions apply to this section only:

(1) "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. § 812(c)).

(2) "Illegal drug" means a controlled substance, but does not include, a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(3) "Weapon" has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of Title 18, U.S.C.: Dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

(4) "Substantial evidence" means beyond a preponderance of the evidence.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-301 Change of placement for disciplinary removals. For purposes of removals of a student from the student's current educational placement under this section, a change of placement occurs if:

(1) The removal is for more than ten (10) consecutive school days; or

(2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-302 Removals—Ten school days or less. School personnel may order the removal of a student from the student's current placement for not more than ten (10) consecutive school days for any violation of school rules, including the student conduct code, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 72-120-202.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-303 Required services. (1) In the case of a student who has been removed from his or her current placement for more than ten (10) cumulative school days in the same school year, the school, for the remainder of the removals, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's individualized education program.

(2) When there is no change of placement, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-304 Change of placement—Removals for weapons or drugs. School personnel may order a change in placement of a student to an appropriate interim alternative educational setting for not more than forty-five (45) calendar days, if the student:

(1) Possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of the state school for the blind; or

(2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the state school for the blind.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-305 Functional behavioral assessment and intervention plan. Within ten (10) business days after first removing a student for more than ten (10) consecutive school days in a school year or placing the student in an interim alternative educational setting, the following actions shall be taken by the school:

(1) If the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, an individualized education program meeting will be convened to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation to determine whether modifications are necessary.

(3) As soon as practicable after developing the assessment plan described in subsection (1) of this section, and completing the assessments required by the plan, an IEP meeting will be convened to develop appropriate behavioral interventions to address the behavior that resulted in removal and to implement those interventions.

(4) If a student has a behavioral intervention plan and has been removed from the current educational placement for more than ten (10) cumulative school days in a school year, and is subsequently subjected to a removal that does not constitute a change of placement under WAC 72-120-301, the IEP team may review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(5) If one or more of the IEP team members believe that modifications to an existing behavioral intervention plan are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-306 Dangerous behavior—Authority of hearing officer. A hearing officer, described in WAC 392-172-352 (adopted by reference in WAC 72-171-601), may order a change in the placement of a student to an appropriate interim alternative educational setting for not more than forty-five (45) days if the hearing officer, in an expedited due process hearing:

(1) Determines that the school has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

(2) Considers the appropriateness of the student's current placement;

(a) Including, when necessary, the requirements and limitations imposed by RCW 72.40.040(4), 72.40.050(2), 72.40.250(2) and 72.40.270;

(3) Considers whether the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of WAC 72-120-307.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-307 Determination of interim alternative educational setting. The individualized education pro-

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gram team shall determine an interim alternative educational setting. Any interim alternative educational setting in which a student is placed under WAC 72-120-304 and 72-120-306 shall:

(1) Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(2) Include services and modifications designed to address and prevent the recurrence of the behavior described in WAC 72-120-304 or 72-120-306.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-308 Manifestation determination review requirements. If school personnel or a hearing officer contemplates action that involves removing a student for behavior described in WAC 72-120-304 or behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct which results in a change of placement under WAC 72-120-301, the school shall:

(1) Not later than the date on which the decision to take action is made, notify the parents of the school's decision and provide the procedural safeguards notice described under WAC 392-172-307; and

(2) Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to remove the student is made, conduct a review of the relationship between the student's disability and the behavior subject to the disciplinary action.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-309 Procedures for conducting a manifestation determination. The individualized education program team and other qualified personnel in a meeting shall conduct a manifestation determination review. In carrying out the review, the team may determine that the behavior of the student was not a manifestation of the student's disability only if the team:

(1) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

(a) Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

(b) Observations of the student; and
(c) The student's individualized education program and placement.

(2) Then determines that:

(a) In relationship to the behavior subject to disciplinary action, the student's individualized education program and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement;

(b) The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(3) If the team determines that any of the above standards in this section were not met, the behavior must be considered a manifestation of the student's disability.

(4) The manifestation determination review described in this section may be conducted at the same individualized education program meeting that is convened to address a functional behavioral assessment and behavioral intervention plan.

(5) If the review identifies deficiencies in the student's IEP or placement or in their implementation, the school will take immediate steps to remedy those deficiencies.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

NEW SECTION

WAC 72-120-310 Determination that behavior was not manifestation of disability. (1) If the results of the manifestation determination review indicate that the behavior of the student was not a manifestation of the student's disability, the student may be subject to the same disciplinary measures applicable to students without disabilities, including long-term suspensions and expulsions, except that a free appropriate public education shall continue to be made available to those students consistent with 34 C.F.R. § 300.121(d).

(2) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.

(3) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the current educational placement or interim alternative educational setting consistent with WAC 72-120-312, whichever applies.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-311 Expedited due process hearings.

(1) "Expedited due process hearing" means a hearing that is conducted by a due process hearing officer, in accordance with WAC 72-171-601 (impartial due process hearing rights) and this section, and may be requested in any of the following situations:

(a) The parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability.

(b) The parent disagrees with the school's decision regarding the student's disciplinary change of placement under WAC 72-120-304.

(c) The school maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting or to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings.

(2) Pursuant to WAC 392-172-350 (adopted by reference in WAC 72-171-601) the office of superintendent of public instruction shall arrange for an expedited hearing in any case described in subsection (1) if requested by the parent.

(3) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the school has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of WAC 72-120-309.

(4) In reviewing a decision to place the student in an interim alternative educational setting, the hearing officer shall apply the standards under WAC 72-120-306.

(5) An expedited due process hearing shall:

(a) Result in a written decision being mailed to the parties within forty-five (45) days of the office of superintendent of public instruction's receipt of the request for the hearing without exceptions or extensions. The timeline established in this subsection shall be the same for hearings requested by parents or the school;

(b) Meet the requirements of WAC 72-120-354 (adopted by reference in WAC 72-171-601) except that the time periods identified for the disclosure of records and evaluations for purposes of expedited due process hearings are not less than two (2) business days prior to the hearing; and

(c) Be conducted by a due process hearing officer who satisfies the impartiality requirements of WAC 392-172-352 (adopted by reference in WAC 72-171-601).

(6) The decisions on expedited due process hearings are appealable under the state's due process appeal procedures (see WAC 72-171-601 and 392-172-360).

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-312 Placement during appeals.

(1) If a parent requests a hearing regarding a disciplinary action described in WAC 72-120-304 or WAC 72-120-306 to challenge the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for, whichever occurs first, unless the parent and the school agree otherwise.

(2) If a student is placed in an interim alternative educational setting pursuant to this section and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), except as provided for below.

(3) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards under WAC 72-120-306.

(4) A placement ordered pursuant to this section may not be longer than forty-five (45) days.

(5) The procedure in this section may be repeated as necessary.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 72-120-313 Referral to and action by law enforcement and judicial authorities.

(1) Nothing in Part B of the Individuals with Disabilities Education Act, or this chapter prohibits the Washington state school for the blind from reporting a crime committed by a student to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student.

(2) When reporting a crime committed by a student, the school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(3) When a reporting a crime under this section, the school may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

NEW SECTION

WAC 72-120-314 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

[Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1400 et seq.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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WSR 01-10-015

PROPOSED RULES

WENATCHEE VALLEY COLLEGE

[Filed April 23, 2001, 12:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-06-010 and 01-06-056.

Title of Rule: Chapter 132W-131 WAC, Tuition and fees; chapter 132W-134 WAC, Designation of rules coordinator; chapter 132W-141 WAC, Use of college facilities; chapter 132W-168 WAC, Use of library; and chapter 132W-300 WAC, Grievance—Discrimination.

Purpose: **Chapter 132W-131 WAC**, tuition, fees and waivers are established by the State Board for Community and Technical Colleges and the Board of District 15. They are published in several places.

Chapter 132W-134 WAC, designate the college officer responsible for rules coordination.

Chapter 132W-141 WAC, the college board of trustees has established college policy on the use of college facilities for noncollege activities. The college has adopted procedures to implement that policy.

Chapter 132W-168 WAC, access to the collection of the college libraries' is defined in compliance with existing state law and the needs of the instructional programs of the institution.

Chapter 132W-300 WAC, to define the grievance process available to the college community in the case of discrimination.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Summary: **Chapter 132W-131 WAC**, the college adopts tuition, fees and waivers at the direction of the State Board for Community and Technical Colleges and the Board of District 15. The college publishes these tuition and fees in several places.

Chapter 132W-134 WAC, designate the college officer responsible for rules coordination as the dean of administrative services.

Chapter 132W-141 WAC, policy governing and procedures guiding the use of college facilities by members of the public for noncollege related activities are covered by this rule.

Chapter 132W-168 WAC, the institution sets the rules for access to college library materials and services and the responsibility for materials loaned.

Chapter 132W-300 WAC, the college has adopted an EEOC approved grievance process for use by students and staff if they feel discriminated against by a college or staff action.

Name of Agency Personnel Responsible for Drafting and Implementation: William Martin, 1300 5th Street, Wenatchee, WA 98801, (509) 664-2554; and Enforcement: College President, 1300 5th Street, Wenatchee, WA 98801, (509) 662-1651.

Name of Proponent: Wenatchee Valley College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: **Chapter 132W-131 WAC**, the college identifies the source of tuition and fee decisions and the locations that these charges can be reliably found.

Chapter 132W-134 WAC, the college as a state agency has a designated person responsible for the coordination of rules development and filing.

Chapter 132W-141 WAC, the use of college facilities by the public is enabled and governed by state law, college instructional needs and contractual demands. The rule sets college policy and procedure for the use of facilities within all these requirements.

Chapter 132W-168 WAC, access to the print, nonprint and electronic materials library resources is defined in the rule. Security of the collection and the facility is required to support the instructional program of the institution.

Chapter 132W-300 WAC, the college developed a procedure that aggrieved persons can use to resolve their complaints against college.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rules were generated in compliance with RCW 34.05.328 and at the request and with the advice of the institution's assistant attorney general.

Hearing Location: Wenatchee Valley College, Well's Hall 1028, 1300 5th, Wenatchee, WA 98801, on June 5, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Carla Boyd by June 1, 2001, TDD (509) 662-1651, or (509) 664-2549.

Submit Written Comments to: William Martin, Wenatchee Valley College, 1300 5th, Wenatchee, WA 98801, fax (509) 664-2576, by June 4, 2001.

Date of Intended Adoption: June 6, 2001.

April 20, 2001
William Martin
Dean of Administrative Services
Rules Coordinator

New Chapter
WAC 132W-131
Tuition and Fees

Wenatchee Valley College
1300 Fifth St.
Wenatchee, WA 98801

New Chapter
WAC 132W-141
Use of Facilities

NEW SECTION

WAC 132W-131-010 Tuition and fee schedules. Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community colleges. The legislature establishes the tuition and fee rates each biennium. The tuition and fee rates charged by Wenatchee Valley College are based on this legislation. The specific amounts to be charged are transmitted to Wenatchee Valley College by the state board for community college education.

NEW SECTION

WAC 132W-131-020 Location of schedules. Additional and detailed information and specific amounts to be charged for each category of students will be found in the class schedule and at the following locations on the Wenatchee Valley College campuses:

- (1) The counseling center;
- (2) The admission/registration office;
- (3) The WVC-North administration office;
- (4) The instruction office;
- (5) The financial aid office.

NEW SECTION

WAC 132W-131-030 Tuition and fee waivers. (1) Wenatchee Valley College may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC and under regular college fiscal processes. Information regarding specific waivers will be available as provided in WAC 132W-131-020.

(2) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college (registrar), in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

New Chapter
WAC 132W-134
Rules Coordinator

NEW SECTION

WAC 132W-134-010 Rules coordinator. The rules coordinator for Wenatchee Valley College as designated by the president is:
Dean of Administrative Services

NEW SECTION

WAC 132W-141-010 Policy statement The College is committed to providing quality educational and cultural services to the people of the College district. On this basis, College facilities are made available for use by organizations conducting educational, cultural, civic, or community activities. College related activities of public educational, cultural or community service nature shall be given first priority consideration for the use of College facilities. Exemptions to the rental fee must be authorized by the president or designee, if deemed to further the best interests of the College, its faculty, staff or students.

The College reserves the right to deny an application by any group, organization, or individual which discriminates in their membership or limits participation in a manner inconsistent with the College's non-discrimination policy.

College facilities may not be used for religious worship, exercise, or instruction (Washington State Constitution, Article 1, Section 11). College facilities may not be used in ways that interfere with the College's teaching, research, public service or support programs or interfere with the flow of pedestrian or vehicular traffic.

College facilities may be used for activities of a commercial nature or by commercial firms provided that the activity does not conflict with College functions and that charges are levied reflecting the full cost of the facility usage.

The College reserves the right to deny any application or to revoke any permit at any time if actions resulting from such application or permission constitute unlawful activity; or, if in the judgment of the administration, present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions or rules and regulations of the College; or if activities which, in the judgment of the president or designee, conflict with, directly compete with, or are incompatible with the programs or mission of the College.

NEW SECTION

WAC 132W-141-020 Scheduling (1) College facilities are made available for outside agencies or individuals by scheduling through the room calendar coordinator on each campus with approval by the dean of administrative services. Students must request facility usage with the student programs office, which will schedule requests through room scheduling. Any organization wishing to use college facilities on the college campus shall provide the following information:

- (a) Name of sponsoring organization;
- (b) Name of person in charge of arrangements;
- (c) Number of participating individuals;

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- (d) Nature of proposed meeting;
 (e) Desired dates and times;
 (f) Type of facilities desired;
 (g) Desired special optional equipment or arrangements.

(2) If the desired facility is available, a contract for the use of the facility is prepared by the office of the dean of administrative services and is to be completed and returned by the user group representative. Requests for scheduling will normally not be allowed more than two months in advance or beyond the end of the quarter in which a request is made. All applications shall be presented in time to allow consideration by the college board of trustees if needed.

(3) No publicity may be released until the college receives copy of the contract signed by the user. Publicity for all non-college sponsored events must include the name of the sponsoring organization. This publicity must not imply Wenatchee Valley College sponsorship.

(4) The possession or consumption of alcoholic beverages on college premises or at college-related activities is prohibited except when pre-approved by the board of trustees or the president in accordance with State Board for Liquor Control regulations.

NEW SECTION

WAC 132W-141-030 Rental fees, additional charges, payment

The following fees and charges are applicable to all non-college use of college facilities.

(1) Rental fees include routine custodial services during normal working hours. Any custodial/security/technical services required in addition to the routine service normally provided shall be paid by the user at current rates which may include overtime.

(2) User organizations using campus facilities after 10:00 p.m. on weekdays, or on weekends, or college holidays will be charged custodial/security/technical services at current hourly rates of time and one-half for a minimum of two hours.

(3) The rental schedule shall apply to by all non-college groups. Exemption and/or reduction in fees are allowed under WAC 132W-141-090. The dean of administrative services is responsible for financial negotiations regarding custodial and rental expenses.

(4) The business office prepares and issues Invoices for rental fees and any required guarantee or bond (WAC 132W-141-060). All fees will be made payable to Wenatchee Valley College one week before the use of the facility.

NEW SECTION

WAC 132W-141-040 Optional services

The user shall arrange food and beverage services in advance with the food services manager. Outside food service is not permitted without prior written approval from the food services manager. For a fee, college-owned audio-visual equipment may be used on campus by any group using college facilities when arranged in advance through college media services.

NEW SECTION

WAC 132W-141-050 Violation of responsibilities

(1) College officials shall have the right to terminate a contract immediately and without notice upon discovery of a violation of any term, condition, or provision of this policy.

(2) Contracts will be terminated immediately if, in the judgment of the college administration, imminent danger exists or unlawful activity is practiced by the using organization.

NEW SECTION

WAC 132W-141-060 Liability

(1) The dean of administrative services may require that any user post of an adequate bond, deposit or a certificate of insurance before any rental agreement is consummated.

(2) The amount of the insurance for liability and property damage is at the discretion of the dean of administrative services, proof of coverage must be presented to the dean at least fourteen days prior to the date of the event. The college may request it be named as an additional insured on such liability insurance policy or certificate.

(3) In consideration of the permission granted to the user of college facilities, the user shall release the college and its agents, employees, or officers from all debts, claims, demands, damages, actions and causes of action whatsoever, which may occur as a result of the use of college facilities. The user shall further agree to protect, indemnify, and hold harmless the district, college, and its agents, employees, and officers from any claims, demands, actions, damages or causes of action directly or indirectly arising out of the use of the facilities or premises. Any group or individual applying for the use of a college facility shall accept financial responsibility and liability. Application for college facility use shall constitute acceptance by said group/individual of the responsibility stated above and willingness to comply with all rules and regulations regarding the use of college facilities.

NEW SECTION

WAC 132W-141-070 Damages

The user organization is responsible for and shall be liable for any repairs or replacement occasioned or made necessary by negligence or misuse of the facility. Damage to college equipment, including stage, audio-visual, or lighting equipment, during and by reason of the occupancy of the premises by the user, shall be paid from the guarantee deposit. The balance, if any, shall be returned to the organization making the deposit. If the guarantee deposit is not sufficient to cover the damage, the group using the facilities will be billed for the difference.

NEW SECTION

WAC 132W-141-080 Cancellations

(1) Cancellations for facility rentals should be made at least 48 hours in advance. Notice of cancellation must be directed to the Dean of Administrative Services, Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801-1799, telephone number

509-662-1651. Failure to cancel at least 48 hours in advance may result in the forfeiture of rental fees.

(2) Cancellations for catering services are the responsibility of the applicant and must be made at least 48 hours in advance. Notice of cancellation must be directed to the Food Services Manager, Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801-1799, telephone number 509-662-1651. Failure to cancel at least 48 hours in advance may require the user to reimburse the college for preparation and personnel expenses.

(3) Cancellations for audio/visual services are the responsibility of the applicant and must be made at least 48 hours in advance. Notice of cancellations must be directed to the Office of Media Services, Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801-1799, telephone number 509-662-1651. Failure to cancel at least 48 hours in advance may result in the forfeiture of rental fees.

NEW SECTION

WAC 132W-141-090 Exemptions from or reduction in rental fees (1) WAC 132W-141-010 allows for exemptions from rental fees. Such exemptions or reductions in rental fees must be authorized by the president or designee, if the planned use deemed to further the best interests of the College and its.

Applications for reductions or exemptions must be made in writing to the Dean of Administrative Services two weeks prior to the event. The application must cite why the exemption meets the best interests and educational mission of the college.

(2) If space is available, exemptions for classroom use are normally granted to state-supported educational institutions with charges only to recover direct costs. A WVC facility use agreement addendum will outline such cost recoveries.

New Chapter WAC 132W-168 USE OF COLLEGE LIBRARIES

NEW SECTION

WAC 132W-168-010 Library loans. Materials from the college library-media center are checked out only to the following groups.

- (1) All currently registered students of the college;
- (2) All current faculty and administrative staff members;
- (3) All persons currently employed in classified staff positions;
- (4) All holders of currently valid courtesy cards.

(5) All (verified) residents of District 15 - This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere; They may check-out print materials only. No audio-visual material checkout or computer access.

(6) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Wenatchee Valley College students.

NEW SECTION

WAC 132W-168-020 Loss and damage. In cases where damage or loss of library material occurs, the patron will be assessed the replacement cost. When materials are not returned, holds are placed on the transcript records of those involved. In extreme cases, when expensive or valuable items are involved, the provisions of RCW 27.12.340 concerning willfully retaining library materials may be invoked.

NEW SECTION

WAC 132W-168-030 Inspections. The library shall have the right to inspect packages, brief cases, containers, articles, and materials leaving the building to prevent the unauthorized removal of library resources. The inspection may be done by persons or devices designed to detect unauthorized removals.

NEW SECTION

WAC 132W-168-040 Prohibited entry. The library shall have the right to prevent entry of foods and beverages, animals (except for service animals) or other things detrimental to the library purpose.

New Chapter WAC 132W-300 Grievance Procedures - Discrimination

NEW SECTION

WAC 132W-300-001 Grievance procedures - Discrimination The procedures for resolving all types of discrimination and harassment complaints are described below and provide a means for resolving any alleged unfair or improper action.

NEW SECTION

WAC 132W-300-010 Definitions (1) Complaint means the cause of dissatisfaction, resentment, or discontent which leads to a petition, a grievance, or an appeal.

(2) Discrimination means an action or actions based on prejudice.

(3) Grievance means the formal request to some higher authority for action when the complaint includes the allegation of violations of the policies of the college.

(4) Grievant means an individual or a group of individuals who have a complaint or are filing a grievance.

(5) Harassment means to persistently act to disturb or irritate.

(6) Petition means an informal request to resolve complaints prior to engaging in the grievance process.

NEW SECTION

WAC 132W-300-020 Scope of procedure A complaint may be initiated by an individual or group of individuals, who shall be known as the grievant. The alleged incident may be initiated by any individual, group of individuals, or by the college itself. Claims of alleged harassment or discrimination may be made by any student, faculty member, administrative/exempt employee, classified staff member of the college, or by any applicant for admission or employment.

NEW SECTION

WAC 132W-300-030 Confidentiality and right to privacy Each complaint shall be handled in a confidential manner so as to protect the privacy of the parties involved to the fullest extent possible.

NEW SECTION

WAC 132W-300-040 Limits to authority (1) Violations of this policy on the part of a classified staff member may result in the application of disciplinary procedures outlined in WAC 251-11 up to and including dismissal.

(2) Violations of this policy on the part of a faculty member may result in the application of procedures outlined in Negotiated Agreement with the AHE up to and including dismissal.

(3) Violations of this policy on the part of an administrative/exempt staff member may lead to immediate dismissal.

(4) Violations of this policy on the part of a student may lead to disciplinary procedures outlined in the WVC student handbook.

(5) Nothing in this procedure shall prevent the District President from taking immediate disciplinary action in accordance with federal and state laws, rules and regulations, and the applicable Negotiated Agreement(s) should it be deemed necessary.

NEW SECTION

WAC 132W-300-050 Informal petition options The parties are encouraged to meet informally in an effort to resolve all complaints. Anyone with a complaint may use one or more of the options outlined below.

(1) Any individual with a complaint alleging harassment or discrimination may discuss the complaint with the person or group of people acting in a discriminatory manner.

(2) An individual may choose not to discuss the issue with the parties directly involved. In such a case the issue may be brought to the appropriate administrative supervisor (i.e., either director or dean).

(3) The complaint may be discussed with the Director of Personnel, or the Special Populations Coordinator, or the

Multicultural Affairs Coordinator, who have two courses of action:

- (a) investigate the complaint; or,
- (b) act as a neutral third-party when the complainant discusses the allegation with the other party.

(4) A complaint may be brought to the Washington State Human Rights Commission, the U.S. Department of Education's Office of Civil Rights, or the U.S. Equal Employment Opportunity Commission at any time.

NEW SECTION

WAC 132W-300-060 Formal grievance procedures If the parties are unable to resolve the complaint informally through the petition procedure, the grievance shall be resolved in the following manner.

(1) Requirements. In order to conduct an adequate investigation, and resolve the complaint as fully and justly as possible the following requirements shall be in force:

(a) All grievances must be in writing and shall include: The date and time of the alleged incident; the name of the individual or group whom the complaint is against, if known; a statement of the incident; the remedy being sought; the name(s) of the grievant(s); the grievant's relationship to the College (i.e., student, faculty, classified, administrator, or applicant); and must include the signature of the grievant(s), and the date which the grievance is signed.

(b) Evidence used to substantiate the claim(s) should be submitted at step 1. Evidence not introduced at step 1 and not brought out during the investigation, (step 2), will not be considered in preparing the finding of fact or conclusions.

(c) Grievances must be submitted within thirty (30) calendar days of the date of the alleged incident, or the date the grievant knew or should have known of the incident.

(2) Grievance Procedures

STEP 1. Reporting the incident. The grievant shall report the incident, in writing, and submit the report to the Dean of the North Campus, the Director of Personnel Services or the Multicultural Affairs Coordinator within thirty (30) calendar days of the date of the alleged incident, or the date the grievant knew or should have known of the incident. Grievances filed with the Dean of the North Campus will be delivered to the Director of Personnel Services within five (5) calendar days. Incidents reported after thirty days will not be considered. Reports which do not conform to the requirements specified in F.1.a) above may be dropped if insufficient information is available, and the grievant or other witnesses are not able to provide further information.

STEP 2. Investigation. Complaints may be handled by either an internal or outside investigator, as determined by the District President. The District President shall appoint an investigator to conduct an investigation and prepare findings of fact and conclusions. A written report of findings and conclusions shall be submitted to the District President within thirty (30) calendar days of the college's receipt of the grievance. The investigator may request, and the District President may grant, up to thirty (30) additional days to complete the investigation for good cause.

STEP 3. Outcome and Feedback. The District President shall send a copy of the report to the grievant, the accused,

and the appropriate supervisor within ten (10) calendar days. Each recipient may respond in writing to the District President within ten (10) days of the date the report was sent by the District President.

STEP 4. Action. The District President shall determine the appropriate course of action, including any disciplinary action to be taken, within ten (10) calendar days after a response was due. Such action shall be in accordance with federal and state laws, rules and regulations, District policies, and the appropriate negotiated Agreement(s).

**WSR 01-10-016
PROPOSED RULES
WENATCHEE VALLEY COLLEGE**

[Filed April 23, 2001, 12:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-06-011.

Title of Rule: Repeal obsolete rules, chapters 132W-140, 132W-149, 132W-129 and 132W-164 WAC.

Purpose: Repeal rules for replacement and/or cessation.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Summary: Repeal the cited rules originally formulated in the 1970s and 1980s.

Reasons Supporting Proposal: Rules no longer required or followed.

Name of Agency Personnel Responsible for Drafting and Implementation: William Martin, 1300 5th Street, Wenatchee, WA 98801, (509) 664-2554; and **Enforcement:** College President, 1300 5th Street, Wenatchee, WA 98801, (509) 662-1651.

Name of Proponent: Wenatchee Valley College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal of rules relating to tenure and dismissal, use of college facilities, human rights policy and public works contracts and bid procedures.

Proposal Changes the Following Existing Rules: Rules are repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply except in the case of chapter 132W-164 WAC which has been superseded by state rules from general administration.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rules were generated in compliance with RCW 34.05.328 and at the request and with the advice of the institution's assistant attorney general.

Hearing Location: Wenatchee Valley College, Well's Hall 1028, 1300 5th Street, Wenatchee, WA 98801, on June 5, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Carla Boyd by June 1, 2001, TDD (509) 662-1651, or (509) 664-2549.

Submit Written Comments to: William Martin, Wenatchee Valley College, 1300 5th Street, Wenatchee, WA 98801, fax (509) 664-2576, by June 4, 2001.

Date of Intended Adoption: June 6, 2001.

April 20, 2001

William Martin, Rules Coordinator
Dean of Administrative Services

WSR 01-10-018

**WITHDRAWAL OF PROPOSED RULES
WASHINGTON STATE SCHOOL
FOR THE BLIND**

[Filed April 23, 2001, 12:12 p.m.]

Proposed new rule WAC 72-171-710 Aversive intervention, originally filed in WSR 00-09-019 is withdrawn.

Dean O. Stenehjem, Ed.D
Superintendent

PROPOSED

**WSR 01-10-062
PROPOSED RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Children's Administration)
[Filed April 27, 2001, 4:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-084.

Title of Rule: Chapter 388-06 WAC, Background checks.

Purpose: Clarify the language of the background check requirements for homes and facilities licensed by Children's Administration (CA), for providers with unsupervised access to clients. This includes care providers to clients of the Division of Developmental Disabilities. The changes incorporate federal legislation, the Adoption and Safe Families Act of 1997 (42 U.S.C. 671(a)), that designated the types of criminal convictions which would preclude an individual from ever having unsupervised access to children.

The Division of Developmental Disabilities will follow the changes in this chapter for their adult clients as well as children.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The clear language and format change will lead to overall clarification of the chapter. The addition of the federal law changes brings the chapter current with the practice of the Division of Licensed Resources, Children's Administration (DSHS).

The addition of the FBI fingerprinting requirement for persons who are new to the state within three years. This places state statute and agency policy into WAC for consistent practice for CA licensees needing to meet this requirement. The chapter adds the process for completing the background check with both Children's Administration and the

Division of Developmental Disabilities making available to those regulated by the WAC the information needed on how to comply with the rule.

Reasons Supporting Proposal: Overall clarity, efficiency and effectiveness of the background check for those having unsupervised access to children and individuals with developmental disability. Additionally, the WAC changes support the licensors of the Division of Licensed Resources with clear language about the process of completing background checks on prospective licensees and other providers.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and **Enforcement:** Division of Licensed Resources, Children's Administration, Department of Social and Health Services, (360) 902-7992.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of rewriting the chapter in clear question and answer style is to improve understanding of the rules and for consistency of interpretation. This chapter regulates the review of the criminal history and child abuse/neglect history of potential caregivers to children and developmental disabled adults.

The addition of the federal law changes (of specific categories of criminal convictions) brings the chapter current with the policy and practice of the Division of Licensed Resources, Children's Administration (DSHS). The addition of the FBI fingerprinting requirement for persons who are new to the state within the last three years places in WAC a state statute and agency policy that has been in effect since 1995. The chapter adds the process for completing the background check with both Children's Administration and the Division of Developmental Disabilities.

The process of screening caretakers, for children in licensed homes and facilities as well as for developmentally disabled adults, is clearly a very important health and safety issue. It is important to have the rules clear and easy to understand for consistent interpretation and implementation.

Proposal Changes the Following Existing Rules: WAC 388-06-0170, list the criminal convictions that permanently disqualify an individual from having unsupervised access to children and to individuals with developmental disability. This change in these crimes now clearly defines these as permanent disqualifiers.

WAC 388-06-0180, lists the crimes that would disqualify an individual for at least five years.

WAC 388-06-0190, outlines the criteria for seeking a license or authorization for unsupervised access to children and to individuals with developmental disability.

All of the changes have been clarified during the review of the chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The substantive changes in the background check chapter were made to align the WAC with state law and federal law changes with the

addition of several crimes to the list of disqualifying convictions. There will be no new costs to businesses.

RCW 34.05.328 applies to this rule adoption. The proposed rule changes for chapter 388-06 WAC, Background checks, are "significant legislative rules" as defined in RCW 34.05.328 and therefore require a cost benefit analysis (CBA). A copy of the CBA may be requested by contacting Jean L. Croisant, Division of Program and Policy Development, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992, or loje300@dshs.wa.gov.

Hearing Location: Blake Office Building East, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 21, 2001, phone (360) 664-6094, TTY (360) 664-6178.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

April 24, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-06 WAC

BACKGROUND CHECKS

PURPOSE

NEW SECTION

WAC 388-06-0010 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules for background checks conducted by children's administration (CA), and the division of developmental disabilities (DDD) at the department of social and health services (DSHS). The department does background checks on individuals who are licensed, certified, contracted, or authorized to care for or have unsupervised access to children and to individuals with a developmental disability. Background checks are conducted to find and evaluate any history of criminal convictions and child abuse or neglect.

(2) This chapter also defines when the one hundred twenty-day provisional hire is allowed by DSHS. WAC 388-06-0500 through 388-06-0540 apply to all DSHS administrations.

DEFINITIONS

NEW SECTION

WAC 388-06-0020 What definitions apply to this chapter? The following definitions apply to these rules:

"Authorized" or "authorization" means not disqualified by the department to have unsupervised access to children and individuals with a developmental disability. This

includes persons who are certified, contracted, or allowed to receive payments from department funded programs.

"CA" means children's administration, department of social and health services. Children's administration is the cluster of programs within DSHS responsible for the provision of licensing of foster homes, group facilities/programs and child-placing agencies, child protective services, child welfare services, and other services to children and their families.

"CAMIS" means case and management information system. This data system is used by children's administration.

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have evidence that they met the minimum licensing requirements.

(2) Department licensing of a of a child-placing agency to certify and supervise foster home and group care programs.

"Children" or **"youth"** means individuals who are under parental or department care including:

(1) Individuals under eighteen years old; or

(2) Foster children up to twenty-one years of age and enrolled in high school or a vocational school program; or

(3) Developmentally disabled individuals up to twenty-one years of age for whom there are no issues of child abuse and neglect; or

(4) JRA youth up to twenty-one years of age and who are under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

(5) These two terms are used interchangeably in this chapter.

"DCFS" means division of children and family services and is a division within children's administration that provides child welfare, child protective services, and support services to children in need of protection and their families.

"DDD" means the division of developmental disabilities, department of social and health services (DSHS).

"DLR" means the division of licensed resources that is a division within children's administration, the department of social and health services.

"Department" means the department of social and health services (DSHS).

"I" and **"you"** refers to anyone who has unsupervised access to children or to persons with developmental disabilities in a home, facility, or program. This includes, but is not limited to, persons seeking employment, a volunteer opportunity, an internship, a contract, certification, or a license for a home or facility.

"JRA" means the juvenile rehabilitation administration, department of social and health services.

"Licensor" means an employee of DLR or of a child placing agency licensed or certified under chapter 74.15 RCW to approve and monitor licenses for homes or facilities that offer care to children. Licenses require that the homes

and facilities meet the department's health and safety standards.

"Individuals with developmental disability" means individuals who meet eligibility requirements in Title 71A RCW, WAC 388-825-030, for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030; originates before the age of eighteen years; is expected to continue indefinitely; and results in a substantial handicap.

"Spousal abuse" includes any crime of domestic violence as defined in RCW 10.99.020 when committed against a spouse, former spouse, person with whom the perpetrator has a child regardless of whether the parents have been married or lived together at any time, or an adult with whom the perpetrator is presently residing or has resided in the past.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization as the applicant; or

(2) Any relative or guardian of the child or developmentally disabled individual or vulnerable adult to whom the applicant has access during the course of his or her employment or involvement with the business or organization (RCW 43.43.080(9)).

"Unsupervised access" means that an individual will or may be left alone with a child or vulnerable adult (individual with developmental disability) at any time for any length of time.

"We" refers to the department, including licensors and social workers.

"WSP" refers to the Washington State Patrol.

NEW SECTION

WAC 388-06-0100 Why are background checks done? The department does background checks to help safeguard the health, safety and well being of children and of individuals with a developmental disability in licensed homes and facilities and in day treatment programs. By doing background checks, the department reduces the risk of harm to children and individuals with a developmental disability from caregivers that have been convicted of certain crimes. The department's regulations require the evaluation of your background to determine your character, suitability and competence before you are issued a license, contract, certificate, or authorized to have unsupervised access to children or to individuals with a developmental disability.

NEW SECTION

WAC 388-06-0110 Who must have background checks? The department requires background checks on individuals who will have unsupervised access to children or to individuals with a developmental disability in homes, facilities, or operations licensed, relicensed, or contracted by the department to provide care as required under chapter 74.15 RCW. The department requires background checks on the following people:

- (1) A person licensed, certified, or contracted by us to care for children (chapter 74.15 RCW and RCW 43.43.832);
- (2) A prospective or current employee for a licensed care provider or a person or entity contracting with us;
- (3) A volunteer or intern with regular or unsupervised access to children who is in a home or facility that offers licensed care to children;
- (4) A person who is at least sixteen years old, is residing in a foster home or child care home and is not a foster child;
- (5) A relative other than a parent who may be caring for a child or an individual with a developmental disability;
- (6) A person who regularly has unsupervised access to an individual with a developmental disability;
- (7) A provider who has unsupervised access to a child or individual with a developmental disability in the home of the child or individual with a developmental disability; and
- (8) Prospective adoptive parents as defined in RCW 26.33.020.

PROPOSED**NEW SECTION**

WAC 388-06-0120 Who is not affected by this chapter? This chapter does not apply to schools, hospitals, or other facilities where the primary focus is not custodial.

NEW SECTION

WAC 388-06-0130 Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children or individuals with a developmental disability? These regulations apply to all applications for new and renewal licenses, contracts, certifications, and authorizations to have unsupervised access to children and individuals with a developmental disability that are processed by the department after the effective date of this chapter.

NEW SECTION

WAC 388-06-0140 What happens if I don't comply with the background check requirement? The department will deny, suspend or revoke your license, contract, certification, or authorization to care for children or for individuals with a developmental disability, if you or someone on the premises of your home or facility having unsupervised access does not comply with the department's requirement for a background check.

NEW SECTION

WAC 388-06-0150 What does the background check cover? (1) The department must review the following records:

- (a) Criminal convictions and pending charges.
- (b) For children's administration, child protective service case file information (CAMIS) for founded reports of child abuse or neglect; and

- (c) For children's administration, administrative hearing decisions related to any DLR license that has been revoked, suspended or denied.
- (2) The department may also review any civil judgment, determination or disciplinary board final decisions of child abuse or neglect.
- (3) The department may review law enforcement records of convictions and pending charges in other states or locations if:
 - (a) You have lived in another state; and
 - (b) Reports from credible community sources indicate a need to investigate another state's records.
- (4) If you have lived in Washington state less than three years immediately prior to your application to have unsupervised access to children or to individuals with a developmental disability, the department requires that you be fingerprinted for a background check.

NEW SECTION

WAC 388-06-0160 Who pays for the background check? (1) Children's administration pays for fingerprinting expenses for those foster home applicants and relatives who require fingerprinting.

(2) Children's administration does not pay for fingerprinting for employees, contractors, or volunteers associated with any other type of home or facility.

(3) The division of developmental disabilities pays for background checks for individuals seeking authorization to provide services to their clients.

NEW SECTION

WAC 388-06-0170 Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability? (1) There are convictions for certain crimes that will permanently prohibit you from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability. Those felony convictions are as follows:

- (a) Child abuse and/or neglect;
- (b) Spousal abuse;
- (c) A crime against a child (including child pornography);
- (d) A crime involving violence (including rape, sexual assault, or homicide but not including other physical assault); or
- (e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or individuals with a developmental disabilities in any home or facility.

(2) If you are convicted of one of the crimes listed in WAC 388-06-0170 (1)(a) through (e) you will not be able to:

- (a) Receive a license to provide care to children;
- (b) Be approved for adoption of a child;
- (c) Be a contractor;

(d) Be employed by a licensed agency or contractor, if you will have unsupervised access to children or to individuals with a developmental disability;

(e) Volunteer or participate as an intern in a home or facility that offers care to children or to individuals with a developmental disability; or

(f) Provide any type of care to children or to individuals with a developmental disability, if the care is funded by the state.

NEW SECTION

WAC 388-06-0180 Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability? (1) The department must disqualify you from licensing, contracting, certification, or from having unsupervised access to children or to individuals with a developmental disability if it has been less than five years from a conviction for the following crimes:

(a) Any physical assault not included in WAC 388-06-0170;

(b) Any sex offense not included in WAC 388-06-0170;

(c) Any felony conviction not included in WAC 388-06-0170; or

(d) Felony violation of the following drug-related crimes:

(i) The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances (see chapter 69.52 RCW));

(ii) The Legend Drug Act (prescription drugs, see chapter 69.41 RCW);

(iii) The Precursor Drug Act (substances used in making controlled substances, see chapter 69.43 RCW);

(iv) The Uniform Controlled Substances Act (illegal drugs or substances, see chapter 69.50 RCW); or

(v) Unlawfully manufacturing, delivering or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

NEW SECTION

WAC 388-06-0190 If I have a conviction, may I ever have unsupervised access to children or individuals with a developmental disability? (1) In two situations, DSHS may find a person with convictions able to have unsupervised access to children or individuals with a developmental disability:

(a) If the conviction for any crime listed in WAC 388-06-0180 occurred more than five years ago; or

(b) If the conviction was for a crime other than those listed in WAC 388-06-0170 or 388-06-0180.

(2) In both of these situations, DSHS must review your background to determine your character, suitability, and competence to have unsupervised access to children or individuals with a developmental disability. In this review, DSHS must consider the following factors:

(a) The amount of time that has passed since you were convicted;

(b) The seriousness of the crime that led to the conviction;

(c) The number and types of other convictions in your background;

(d) The amount of time that has passed since you were convicted;

(e) Your age at the time of conviction;

(f) Documentation indicating you have successfully completed all court-ordered programs and restitution;

(g) Your behavior since the conviction; and

(h) The vulnerability of those that would be under your care.

NEW SECTION

WAC 388-06-0200 Will I be disqualified if there are pending criminal charges on my background check? (1) The department will not license, contract, certify, or authorize a person to have unsupervised access to children or individuals with a developmental disability who have a criminal charge pending.

(2) You may reapply for a license, contract, certification, or approval to have unsupervised access to children or to individuals with a developmental disability by providing proof to the department that the charge against you has been dropped or that you were acquitted.

NEW SECTION

WAC 388-06-0210 Will you license, contract, or authorize me to have unsupervised access to children or individuals with a developmental disability if my conviction has been expunged, or vacated from my record or I have been pardoned for a crime? If you receive a pardon or a court of law acts to expunge or vacate a conviction on your record, the crime will not be considered a conviction for the purposes of licensing, contracting, certification, or authorization for unsupervised access to children or to individuals with a developmental disability.

NEW SECTION

WAC 388-06-0220 How will I know if I have not been disqualified by the background check? (1) If you have not been disqualified by the background check and are applying for a license or certification to care for children, the department will not directly notify you. Instead, the department continues the process for approving your application.

(2) If you have requested a contract or approval for unsupervised access to children or to individuals with a developmental disability, the department will notify you, your prospective employer, or your supervisor.

NEW SECTION

WAC 388-06-0230 How will I know if I have been disqualified by the background check? (1) The department will notify you, and the care provider, the employer, or the licensor if you have been disqualified by the background

PROPOSED

check. The notice will be in writing and will include any laws and rules that require disqualification.

(2) If the department sends you a notice of disqualification, you will not receive a license, contract, certification, or be authorized to have unsupervised access to children or to individuals with a developmental disability.

NEW SECTION

WAC 388-06-0240 What may I do if I disagree with the department's decision to deny me a license, certification, contract, or authorization? (1) If you are seeking a license, you may request an administrative hearing to disagree with the department's decision process to deny authorization for unsupervised access to children or to individuals with a developmental disability (chapter 34.05 RCW). You cannot contest the conviction in the administrative hearing.

(2) Prospective volunteers, interns, contractors, or those seeking certification do not have the right to appeal the department's decision to deny authorization for unsupervised access to children and to individuals with a developmental disability.

(3) The employer or prospective employer cannot contest the department's decision on your behalf.

(4) The administrative hearing will take place before an administrative law judge employed by the office of administrative hearings (chapter 34.05 RCW).

NEW SECTION

WAC 388-06-0250 Is the background check information released to my employer or prospective employer?

(1) The department will share with employers or approved care providers only that:

- (a) You are disqualified; or
- (b) You have not been disqualified by the background check.

(2) The department will follow laws related to the release of criminal history records (chapter 10.97 and 43.43 RCW) and public disclosure (chapter 42.17 RCW) when releasing any information.

NEW SECTION

WAC 388-06-0260 May I receive a copy of my criminal background check results? (1) The department will provide you a copy of your criminal background check results if you:

- (a) Make the request in writing to the department; and
- (b) Offer proof of identity, such as picture identification.

(2) A copy of your WSP criminal background check results may also be obtained from the Washington State Patrol (chapter 10.97 RCW).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-330-010

Purpose and authority.

WAC 388-330-020	Scope.
WAC 388-330-030	Application of inquiry findings.
WAC 388-330-035	Appeal of disqualification.
WAC 388-330-040	Inquiry form to be submitted—Time requirements.
WAC 388-330-050	Release of information.
WAC 388-330-060	Sanctions for noncompliance.

**PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)**
[Filed April 27, 2001, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-084.

Title of Rule: New WAC 388-160-0005 through 388-160-0665, overnight youth shelters and repealing WAC 388-160-010 through 388-160-560.

Purpose: Clarify the language of the licensing requirements for overnight youth shelters. The rules also meet the intent of the Governor's Executive Order 97-02. This notification is for a second hearing on the overnight youth shelter chapter. The language changes from the first hearing are the inclusion of RCW 74.15.125 allowing probationary licenses, the addition of two definitions (compliance agreement and full licensure), and an itemized list of first aide supplies. Additionally, several sections have been moved within the chapter.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: The clear language and format change will lead to overall clarification of the chapter. The addition of the FBI fingerprinting adds state statute and agency policy into WAC. The addition of the qualification for the lead counselor section consolidates those requirements in one section rather than sprinkled throughout the chapter.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Division of Licensed Resources.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-160-0105, this rule adds qualifications of a lead counselor. This rule more clearly defines the lead counselor responsibilities and places this requirement in one section rather than in several as they are currently.

WAC 388-160-0115, this rule raises the minimum age of child care staff from eighteen to twenty-one. It allows eighteen to twenty year olds to work or volunteer if they are enrolled in an internship program.

WAC 388-160-0145, this rule adds FBI fingerprinting check for those individuals who have lived in the state less than three consecutive years prior to application. This complies with RCW 74.15.030.

WAC 388-160-0385, prohibits smoking in the facility and while transporting youth. Lessens the exposure of youth to second-hand smoke and its harmful effects.

WAC 388-160-0405, itemizes first-aid supplies required. This rule is more specific than current language that requires first-aid supplies on hand. Gives providers guidance and clarification on what they are expected to have on hand.

WAC 388-160-0635, expands forbidden disciplinary practices and refers licensees to Children's Administration behavior management policy.

WAC 388-160-0665, adds requirement to document incidents of physical restraint used on youth in care. This rule is added to comply with Children's Administration behavior management policy.

The anticipated effect will be rules that are easier to understand, consistent with current policy of Children's Administration, and overall clarification of the requirements of overnight youth shelters. The more clearly written question and answer format will be consistent with the changes being made in the licensing standards for other group facilities for children and youth. It is anticipated there will be greater compliance with the rules as a result of the changes.

Proposal Changes the Following Existing Rules: Codifies the state statute of FBI criminal history checks that has been in policy since 1995. Codifies two sections of the behavior management policy. The ban on smoking within the facility or while transporting youth eliminates the use of "smoking rooms" for staff and others eighteen years old and older. Itemizing the first-aid supplies while not changing the intent of the current WAC will add a specific list of minimum supplies needed by the facility.

This will provide clarity and ease of locating rules that apply to providers regulated by this chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact on small businesses. Overnight youth shelters are nonprofit organizations/agencies. No small business economic impact statement is required.

RCW 34.05.328 applies to this rule adoption. The proposed rule changes for chapter 388-160 WAC, Overnight youth shelters, are "significant legislative rules" as defined in RCW 34.05.328 and therefore require a cost benefit analysis (CBA). A copy of the CBA may be requested by contacting Jean L. Croisant, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710; (350) [(360)] 902-7992, or loje300@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 21, 2001, phone

(360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

April 24, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-11 issue of the Register.

PROPOSED

**WSR 01-10-064
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Office of the Secretary)
[Filed April 27, 2001, 4:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-07-050.

Title of Rule: New WAC 388-06-0500 through 388-06-0540, one hundred and twenty-day provisional hire/pending FBI background check results.

Purpose: The rule is proposed to clarify when an entity, agency, or hiring individual can use the one hundred and twenty-day provisional hire.

Statutory Authority for Adoption: Chapter 43.20A RCW, RCW 72.05.440, and 74.15.030.

Statute Being Implemented: RCW 43.43.842(7).

Summary: This rule defines when the one hundred and twenty-day provisional hire is allowed by DSHS. It can be used by an entity, agency, or individual provider pending the results of a Federal Bureau of Investigation (FBI) background check. The FBI background check is done on individuals who will or may have unsupervised access to children, juveniles and vulnerable adults and have lived in Washington less than three years.

The rule defines who approves the one hundred and twenty-day provisional hire and extensions. It also notes when the one hundred and twenty-day provisional hire is not available to an agency, entity, or individual provider to use.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jackie Beery, Policy Manager, 1115 Washington Street, Mailstop 45115, (360) 902-7814.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines when the one hundred and twenty-day provisional hire is allowed by DSHS. It can be used by an entity, agency, or individual provider pending the results

of a Federal Bureau of Investigation (FBI) background check. The FBI background check is done on individuals who will or may have unsupervised access to children, juveniles and vulnerable adults and have lived in Washington less than three years.

The rule defines who approves the one hundred and twenty-day provisional hire and extensions. It also notes when the one hundred and twenty-day provisional hire is not available to an agency, entity, or individual provider to use. This rule makes the application of the one hundred and twenty-day provisional hire consistent among an agency, entity, or an individual provider.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared because the rule does not impose costs on small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule is not considered a significant legislative rule. The rule clarifies agency policy relating to one hundred and twenty-day provisional hires pending the receipt of FBI background check results.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 26, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by June 19, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@DSHS.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 26, 2001.

Date of Intended Adoption: No sooner than June 27, 2001.

April 27, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

ONE HUNDRED AND TWENTY-DAY PROVISIONAL HIRE—PENDING FBI BACKGROUND CHECK RESULTS

NEW SECTION

WAC 388-06-0500 What is the purpose of the one hundred twenty-day provisional hire? The one hundred twenty day provisional hire allows an employee to have unsupervised access to children and vulnerable adults on a provisional basis pending the results of their Federal Bureau of Investigation (FBI) background check.

NEW SECTION

WAC 388-06-0510 What definitions apply to one hundred twenty-day provisional hires? "Agency" means any agency of the state or any private agency providing services to children, juveniles, and vulnerable adults.

"Background check central unit (BCCU)" means the DSHS program responsible for conducting background checks for DSHS administrations.

"Disqualified" means the results of an individual's background check disqualifies them from a position which will or may provide unsupervised access to children, juveniles, and vulnerable adults.

"Entity" means, but is not limited to, a licensed facility, a corporation, a partnership, a sole proprietorship, or a contracted or certified service provider.

"Hire" means engagement by an agency, entity or a hiring individual to perform specific agreed duties as a paid employee, a contract employee, a volunteer, or a student intern.

"Hiring individual" means a DSHS client who is eligible to hire an individual to provide in-home service with state funding.

"Individual" means an employee, a contract employee, a volunteer, or a student intern.

"Qualified" means an individual can be hired into a position that includes unsupervised access to children, juveniles, and vulnerable adults because the results of their background check are not disqualifying.

"Unsupervised access" means that:

(1) An individual will or may have the opportunity to be alone with a child, juvenile, or a vulnerable adult; and

(2) Neither a qualified employee, contract employee, volunteer, or student intern of the agency, or entity nor a relative or guardian of the child, juvenile or vulnerable adult is present.

NEW SECTION

WAC 388-06-0520 Who is responsible for approving the one hundred twenty-day provisional hire? The agency, entity or hiring individual is responsible for approving individuals for the one hundred twenty-day provisional hire.

NEW SECTION

WAC 388-06-0525 When are individuals eligible for the one hundred twenty-day provisional hire? Individuals are eligible for the one hundred twenty-day provisional hire immediately. The signed background check application and two FBI fingerprint cards must be sent to the BCCU within forty-eight hours by the agency, entity or hiring individual.

NEW SECTION

WAC 388-06-0530 When does the one hundred twenty-day provisional hire begin? The one hundred twenty-day provisional hire may begin from either:

(1) The date of hire of an individual; or

(2) After completion of a state background check on an individual.

The agency, entity, or hiring individual makes this decision.

NEW SECTION

WAC 388-06-0535 Who approves one hundred twenty-day provisional hire extensions? The agency, entity or hiring individual approves one hundred twenty-day provisional hire extensions. An extension is approved when the agency, entity or hiring individual does not receive the FBI result within one hundred twenty days from:

- (1) The date of hire; or
- (2) Completion of the state background check.

NEW SECTION

WAC 388-06-0540 Are there instances when the one hundred twenty-day provisional hire is not available? The one hundred twenty-day provisional hire is not available to an agency, entity, or hiring individual requesting:

- (1) An initial license;
- (2) An initial contract; or
- (3) Approval as a family child day care home provider, foster parent or adoptive parent (see 42 U.S.C. Sec 671 (a) (20)).

**WSR 01-10-065
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

(Division of Employment and Assistance Programs)

[Filed April 27, 2001, 4:32 p.m.]

Original Notice.

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

Title of Rule: WAC 388-452-0005 Do I have to be interviewed in order to get benefits?

Purpose: Incorporates into rule the following federal law changes:

1. Clients who are not applying solely for medical assistance or who do not meet hardship criteria must have face-to-face interviews at initial certification and at least once every twelve months if they are certified for twelve months or less.

2. If clients are not interviewed on the day the department gets the application, the department must schedule an interview appointment the same day it gets the application or the next business day if received on a holiday or a weekend..

3. Clients who miss their first interview and request another interview within thirty days of the date of the application must be scheduled a second interview.

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

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

Summary: Amends the rule to incorporate changes in federal law that pertain to interviews.

Reasons Supporting Proposal: Updates and clarifies interview rules to improve client service and program delivery.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicki T. Robinson, Division of Employment and Assistance Programs, (360) 413-3031.

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

Rule is necessary because of federal law, C.F.R. 273.2 (e)(2) and (3).

Explanation of Rule, its Purpose, and Anticipated Effects: Incorporates into rule the following federal law changes:

1. Clients who are not applying solely for medical assistance or who do not meet hardship criteria must have face-to-face interviews at initial certification and at least once every twelve months if they are certified for twelve months or less.

2. If clients are not interviewed on the day the department gets the application, the department must schedule an interview appointment the same day it gets the application or the next business day if received on a holiday or a weekend.

3. Clients who miss their first interview and request another interview within thirty days of the date of the application must be scheduled a second interview.

Proposal Changes the Following Existing Rules: Clarifies when clients must have face-to-face interviews and their right to request a second interview within thirty days of the date of request if they missed their initial appointment. Also, if a client is not interviewed on the same day that the department receives the application, the department must schedule an appointment the day the application is received or the next business day if the application is received on a holiday or a weekend.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Small businesses are not impacted by this change in rule.

RCW 34.05.328 does not apply to this rule adoption. These changes do not meet the definition of significant legislative rules.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by May 31, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 5, 2001.

Date of Intended Adoption: No sooner than June 6, 2001.

April 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-22-087, filed 10/31/00, effective 12/1/00)

WAC 388-452-0005 Do I have to be interviewed in order to get benefits? (1) ((You will have only one interview

~~when you apply for or have a review for cash or food assistance or both) Unless you are applying for medical only or meet certain hardship criteria listed in subsection (8) below, you or your authorized representative must have a face-to-face interview with the department:~~

- (a) At initial certification; and
- (b) At least once every twelve months if your assistance unit (AU) is certified for twelve months or less.

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

- (a) ((For a)) If you are pregnant ((woman));
- (b) ((For)) If you are a child under the age of nineteen;
- (c) ((For)) If you have a family with children under the age of nineteen; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Severe weather;

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

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

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

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

WSR 01-10-066

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Employment and Assistance Programs)

(Office of Refugee and Immigrant Assistance)

[Filed April 27, 2001, 4:34 p.m.]

Original Notice.

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

Title of Rule: WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements.

Purpose: To bring in[to] compliance with WAC 388-466-0130 and to comply with federal law in order to continue to meet federal refugee funding requirements.

Statutory Authority for Adoption: RCW 74.20A.310.

Statute Being Implemented: RCW 74.20A.310, 74.08.090, 74.04.050, and 74.08A.320.

Summary: ORIA believes that the new rule will be more efficient and easier to understand and will result in better customer service.

Reasons Supporting Proposal: Efficiency, customer service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Olga Walker, ORIA Program Manager, P.O. Box 45420, Olympia, WA, (360) 413-3285.

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

Rule is necessary because of federal law, C.F.R. Title 45 §400.101, §400.103 and §400.104.

Explanation of Rule, its Purpose, and Anticipated Effects: Federal law requires several changes such as: Requirement to prohibit from considering any cash assistance payment received by refugee from VOLAG when determining eligibility; requirement to determine eligibility on the basis of applicant's income and resources on the date of the application rather than averaging income over the application processing period; requirement of financial eligibility standard established at 200% of national poverty level; requirement to transfer refugee, who is residing in U.S. less than eight months and who lost his/her eligibility for Medicaid due to earnings, to refugee medical assistance program without eligibility determination. General eligibility requirements are also amended by clarifying that RMA is only available to refugees who are ineligible for Medicaid or CHIP.

Proposal Changes the Following Existing Rules: Amends WAC 388-400-0035 to incorporate above changes.

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

RCW 34.05.328 does not apply to this rule adoption. This is not [a] significant legislative rule under RCW 34.05.328.

Hearing Location: Blake Office Park, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by May 31, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail myercme@dshs.wa.gov [coopeKD@dshs.wa.gov].

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 5, 2001.

Date of Intended Adoption: No sooner than June 6, 2001.

April 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-400-0035 Refugee medical assistance—

Summary of eligibility requirements. (1) To be eligible for refugee medical assistance (RMA), ((persons)) you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled ((them; and)) you;

(b) Meet the immigration status requirements of WAC 388-466-0005(());

((2) Except for a person who is not eligible under subsection (3) of this section, a person is eligible for RMA if the person:

((a) Receives));

((c) Meet monthly income standards up to two hundred percent of Federal Poverty Level (FPL). Spenddown is available for applicants whose income exceeds two hundred percent of FPL (see WAC 388-519-0110);

((d) Receive refugee cash assistance (RCA); or

((b)) ((e)) Be eligible for, but choose((s)) not to apply for or receive RCA.

((3) Persons))

((2) You are not eligible to receive RMA if ((they)) you are:

(a) Eligible for Medicaid;

(b) ((Are)) Not eligible for RCA because ((they)) you have not met the employment and training requirements of WAC ((388-466-0015)) 388-466-0150; or

((c) ((Are)) A full-time student((s)) in institution((s)) of higher education unless the educational activity is part of a department-approved employability plan.

((4)) ((3) Refugee families, including families with children who are United States citizens, ((will be)) are treated as single assistance units according to chapter 388-408 WAC.

((5) A person))

((4) If you are meeting the requirements of this section ((is)), you are eligible for RMA only during the eight-month period beginning in the first month ((the person)) you entered the United States (see WAC 388-466-0130).

((6)) ((5) A recipient of ((RCA and)) RMA ((who becomes ineligible for RCA due to an increase in income)) whose earned income goes above the income standard remains eligible for ((extended)) RMA benefits until the end of the ((eighth month period following entry into the United States)) RMA eligibility period.

((7) A person will have his or her eligibility for RMA determined based on the rules for the medicaid program if the person is:

(a) Not eligible for Medicaid; or

(b) Not eligible for RCA because of excess income, unless the person is eligible for extended RMA under subsection (6) of this section))

((6) A refugee recipient of Medicaid, whose eligibility ended due to excess earned income, is transferred to RMA without eligibility determination for the remainder of the RMA eligibility period.

WSR 01-10-070

PROPOSED RULES

NORTHWEST AIR POLLUTION AUTHORITY

[Filed April 30, 2001, 2:50 p.m.]

Original Notice.

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

Title of Rule: Northwest Air Pollution Authority Regulation (NWAPA).

Purpose: To repeal outdoor burning section 501 and to adopt new section 502 that includes outdoor burning regulations consistent with current state rules.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Summary: Section to repeal: Section 501, outdoor burning regulations in section 501 are being rewritten as new section 502 reflecting associated changes to the state chapter 173-425 WAC.

New section: Section 502, new section 502 for outdoor burning replaces repealed section 501.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Randles, 1600 South Second Street, Mt. Vernon, 98273, (360) 428-1617 ext. 208.

Name of Proponent: Northwest Air Pollution Authority, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

RCW 34.05.328 does not apply to this rule adoption.

PROPOSED

Hearing Location: NWAPA Hearing Room, 1600 South Second Street, Mt. Vernon, WA 98273-5202, on June 14, 2001, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Cosby by May 31, 2001, (360) 428-1617 ext. 200.

Submit Written Comments to: James Randles, 1600 South Second Street, Mt. Vernon, WA 98273-5202, fax (360) 428-1620, by June 14, 2001.

Date of Intended Adoption: June 14, 2001.

April 26, 2001

James Randles

Director

REPEALER

SECTION 501 - OUTDOOR BURNING

NEW SECTION

SECTION 502 - OUTDOOR BURNING

502.1 PURPOSE. This section establishes a program to implement the limited burning policy authorized by sections of the Washington Clean Air Act (chapter 70.94 RCW) pertaining to outdoor burning. The limited outdoor burning policy requires Ecology and other agencies to:

A. Reduce outdoor burning to the greatest extent practical, consistent with the laws and regulations of the State of Washington.

B. Establish a permit program for limited burning, including procedures by which outdoor burning may be conducted.

C. Foster and encourage the development of reasonable alternatives to outdoor burning.

502.2 APPLICABILITY

A. This section specifically applies to:

1. Residential burning.
2. Land clearing burning.
3. Recreational fires.
4. Indian ceremonial fires.
5. Weed abatement fires.
6. Fire fighting instruction fires.
7. Rare and endangered plant regeneration fires.
8. Storm or flood debris burning.
9. Other outdoor burning.

B. This section does not apply to:

1. Agricultural Burning (which is governed by chapter 173-430 WAC);

2. Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreements); and

3. Silvicultural burning (which is governed by chapter 332-24 WAC, the Washington state smoke management plan, and various laws including chapter 70.94 RCW).

502.3 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this section shall have the following meanings:

A. AGRICULTURAL BURNING - means outdoor burning regulated under Chapter 173-430 WAC, including, but not

limited to, any incidental agricultural burning or agricultural burning for pest or disease control.

B. AIR POLLUTION EPISODE - means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in Chapter 173-435 WAC.

C. COMMERCIAL OUTDOOR BURNING - means outdoor burning conducted as part of any commercial or business operation.

D. CONSTRUCTION/DEMOLITION DEBRIS - means any material manufactured for or resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

E. FIRE FIGHTER INSTRUCTION FIRES - means fires for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.

F. FIREWOOD - means bare, untreated wood used as fuel in a solid fuel burning device, Indian ceremonial fire, or recreational fire.

G. IMPAIRED AIR QUALITY - for purposes of outdoor burning, means a condition declared by Ecology or the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria (WAC 173-433-140):

1. Particulate that is ten microns and smaller in diameter (PM-10) at or above an ambient level of sixty micrograms per cubic meter measured on a 24-hour average (RCW 70.94.473); or

2. Carbon monoxide at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average; or

3. Particulate that is two and one-half microns or smaller in diameter (PM2.5) at or above an ambient level of 15 micrograms per cubic meter of air measured on a 24-hour average; or

4. Air quality that threatens to exceed other limits established by the Authority.

H. INDIAN CEREMONIAL FIRE - means fires necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.

I. LAND CLEARING BURNING - means outdoor burning of trees, stumps, shrubbery or other natural vegetation from landclearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused). (RCW 70.94.750(2)).

J. NATURAL VEGETATION - means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

K. NONATTAINMENT AREA - means a clearly delineated geographic area which has been designated by the Environmental Protection Agency because it does not meet (or it contributes to ambient air quality in a nearby area that does not meet) a national ambient air quality standard or standards for one or more of the criteria pollutants, which include carbon monoxide, particulate matter (PM-10 and PM2.5), sulfur dioxide, nitrogen dioxide, lead, and ozone.

L. NONURBAN AREAS - means unincorporated areas within a county that are not designated as an urban growth area.

M. NUISANCE - for purposes of outdoor burning, means an emission of smoke or any other emission from an outdoor fire that interferes with the use and enjoyment of the property upon which it is deposited.

N. OTHER OUTDOOR BURNING - means outdoor burning other than agricultural burning, silvicultural burning, residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, fire fighting instruction fires, rare and endangered plant regeneration fire, Indian ceremonial fires, and recreational fires. It includes, but is not limited to, any outdoor burning necessary to protect public health and safety.

O. OUTDOOR BURNING - means the combustion of any material in an open fire or in an outdoor container, other than an incinerator, furnace, or other combustion device approved in advance by the Authority, without providing for the control of combustion or the control of emissions from the combustion. Outdoor burning means all types of outdoor burning except agricultural burning and silvicultural burning.

P. PERMITTING AGENCY - means the agency responsible for issuing permits for a particular type of burning (including adopting a general permit) and/or enforcing all requirements of this section unless another agency agrees to be responsible for certain enforcement activities in accordance with WAC 173-425-060 (1)(a) and (6).

Q. POLLUTANTS EMITTED BY OUTDOOR BURNING - means carbon monoxide, carbon dioxide, particulate matter, sulfur dioxide, nitrogen oxides, lead, and various volatile organic compounds and toxic substances.

R. REASONABLE ALTERNATIVE - means a method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning, including but not limited to, waste reduction, recycling, energy recovery or incineration, and landfill disposal.

S. RECREATIONAL FIRE - means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

T. RESIDENTIAL BURNING - means the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on the maintained area of residential property (i.e. lands immediately adjacent and in close proximity to a human dwelling) and burned on such lands by the property owner and/or any other responsible person.

U. RESPONSIBLE PERSON - means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting or attending to an outdoor fire, or any person who owns or controls property on which an outdoor fire occurs.

V. SILVICULTURAL BURNING - means outdoor burning on any unimproved land the Department of Natural Resources protects pursuant to RCW 70.94.030(20), RCW 70.94.660, RCW 70.94.690 and pursuant to Chapter 76.04 RCW.

W. STORM OR FLOOD DEBRIS BURNING - means fires consisting of natural vegetation deposited on lands by storms or floods, within the previous two years, in which an emergency was declared or proclaimed in the area by the city, county, or

state government and burned on such lands by the property owner or his or her designee.

X. URBAN GROWTH AREA - means an area defined by RCW 36.70A.030.

Y. WEED ABATEMENT FIRES - means any outdoor burning to dispose of weeds that is not regulated under chapter 173-430 WAC, the Agricultural Burning rule.

502.4 PROHIBITIONS AND RESTRICTIONS APPLYING TO ALL OUTDOOR BURNING. The following general requirements apply to all outdoor burning regulated by this section, including any outdoor burning allowed without a permit, unless a specific exception is stated in this section.

A. No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under WAC 173-425-040, or where it requires a permit under WAC 173-425-060(2), unless a permit has been issued and is in effect.

B. A fire protection agency, county, or conservation district may enforce its own controls that are stricter than those set forth in this section.

C. **PROHIBITED MATERIALS.** It shall be unlawful for any person to cause or allow any outdoor fire containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal or any substance other than natural vegetation. Except as follows when authorized by the Authority:

1. Aircraft crash rescue training fires approved and conducted in compliance with RCW 70.94.650(5) may contain uncontaminated petroleum products. (RCW 70.94.650(6)

2. Other fire fighting instruction fires, including those that are exempt from permits under WAC 173-425-060 (2)(f), and other outdoor burning necessary to protect public health and safety (RCW 70.94.650(7), containing limited prohibited materials, may be allowed by Ecology or the Authority.

3. Diseased animals and other infested material when ordered by a duly authorized health officer, as required, to keep the infestation from spreading.

4. Dangerous material when ordered by a fire protection agency to dispose of materials presenting danger to life, property, or public welfare may be burned, if no approved practical alternative method of disposal is available.

D. **HAULED MATERIAL.** No outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning of the material is prohibited.

1. Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit.

2. Any property used for the purpose of outdoor burning, where outdoor burning of the material is allowed on an ongoing basis, must:

a. Be limited to the types of burning listed in WAC 173-351-200 (5)(b) (criteria for municipal solid waste landfills), and

b. Approved in accordance with other laws, including WAC 173-304 (Minimum functional standards for solid waste handling) and WAC 173-400 (General regulations for air pollution sources). (RCW 70.94.745(6)

E. CURTAILMENTS. During episodes or periods of impaired air quality, the person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.

1. No outdoor fire shall be ignited in a geographical area:
a. Where Ecology has declared an air pollution episode; (RCW 70.94.775(2) and 70.94.780) or

b. Where Ecology or the Authority has declared impaired air quality.

c. Defined as Island County if impaired air quality is declared in both Skagit and Whatcom counties.

d. Where the appropriate fire protection authority has declared a fire danger burn ban, unless the Authority grants an exception.

2. The person responsible for an outdoor fire must extinguish the fire when an air pollution episode, or impaired air quality condition, or fire danger burn ban that applies to the burning, is declared.

3. Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality, or fire danger burn ban is declared will constitute *prima facie* evidence of unlawful outdoor burning.

4. Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality, or fire danger burn ban is declared, will constitute *prima facie* evidence of unlawful outdoor burning.

F. UNLAWFUL OUTDOOR BURNING/NUISANCE: It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance.

1. Any person affected by outdoor burning may file a complaint with the permitting agency or other designated enforcing agency.

2. Any agency responding to an outdoor burning complaint should attempt to determine if the burning on any particular property is unlawful.

3. Any person responsible for such unlawful outdoor burning must immediately extinguish the fire.

G. BURNING IN OUTDOOR CONTAINERS. Outdoor containers (such as burn barrels and other incinerators not regulated under WAC 173-400-070(1) used for outdoor burning, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch, and they may only be used in compliance with this section.

H. OTHER GENERAL REQUIREMENTS

1. A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

2. No fires are to be within fifty feet of structures.

3. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

502.5 OUTDOOR BURNING PERMIT PROGRAM/REQUIREMENTS

A. General Requirements.

1. The Authority may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning.

2. The Authority may enter into agreements with any capable agencies to identify the permitting agencies and enforcing agencies for each type of burning and determine the type of permit appropriate for each where a permit is required.

3. Permitting agencies may use a verbal, electronic, written, or general permits established by rule for any type of burning that requires a permit: Provided that a written permit should be used, where feasible, for certain types of burning.

4. A written permit should be used for land clearing burning, storm or flood debris burning in areas where residential burning and land clearing burning are prohibited or other outdoor burning has been banned under WAC 173-425-040 (1), (2), or (3).

5. A fire protection authority may declare a fire hazard in areas where outdoor burning is banned and in areas where outdoor burning is allowed. If outdoor burning is determined to be the most appropriate manner to abate a fire hazard, the fire protection authority must request from the Authority permission to burn. Permits issued under section 502.614 shall provide that:

a. Prohibited material shall not be burned.

b. Outdoor burning shall not be conducted during a period of impaired air quality.

c. No reasonable alternative is available.

d. No outdoor burning shall be conducted in areas that exceed federal or state ambient air quality standards for carbon monoxide and/or PM-10. Such areas shall be defined as nonattainment areas for these pollutants.

e. Failure to abide by conditions of an outdoor burning permit shall be unlawful.

f. The rule for a general permit must establish periods of time when any burning under the permit must occur and must include all appropriate conditions for burning such as requirements for good combustion and restricting burning to specific weather conditions.

B. TYPES OF BURNING THAT REQUIRE A PERMIT. Except as otherwise stated, a permit is required for the following types of outdoor burning in all areas of the state:

1. Residential burning (except in nonurban areas of any county with an unincorporated population of less than fifty thousand);

2. Land clearing burning;

3. Storm or flood debris burning;

4. Tumbleweed burning (except in counties with a population of less than two hundred fifty thousand);

5. Weed abatement fires;

6. Fire fighting instruction fires for training to fight structural fires in urban growth areas and cities with a population over ten thousand, and all other fire fighting instruction fires, EXCEPT:

a. Fire fighting instruction fires for training to fight structural fires as provided in RCW 52.12.150; and

- b. Aircraft crash rescue fires as provided in RCW 70.94.650 (5); and
- c. Forest fires as provided in RCW 70.94.650 (1)(b).
- 7. Rare and endangered plant regeneration fires;
- 8. Indian ceremonial fires (except on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement);
- 9. Recreational fires with a total fuel area greater than three feet in diameter and/or two feet in height (except in the nonurban areas of counties with an unincorporated population of less than fifty thousand);
- 10. Other outdoor burning if specifically authorized by the local air authority or ecology.

C. FEES.

- 1. Permitting agencies may charge a fee for any permit issued, provided that a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires.
- 2. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing a permit program.

TYPE OF PERMIT	FEE
Annual training (single location)	\$250.00/year
Structure training	\$50.00/training
Weed abatement	\$25.00 minimum/up to ten acres per location. \$2.00/acre thereafter.

D. PERMIT DECISIONS.

- 1. Permitting agencies must approve with conditions, or deny outdoor burning permits as needed to achieve compliance with this section.
- 2. All permits must include conditions to satisfy general prohibitions and requirements that apply to all outdoor burning.
- 3. All permits may require other conditions, such as restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions.
- 4. Permitting agencies may also include conditions to comply with other laws pertaining to outdoor burning.

E. RESIDENTIAL BURNING BY GENERAL PERMIT.

- 1. A general permit for residential burning is adopted for use:
 - a. Where the Authority has adopted the general permit by reference, and
 - b. Any designated enforcing agencies have agreed that a general permit is appropriate for residential burning, and
 - c. The public has been notified where the permit applies.
- 2. All burning under a general permit must:
 - a. Comply with condition (4) of this subsection.
 - b. Be restricted to the first and second weekends (Saturday and Sunday) in April and the third and fourth weekends in October unless the enforcing agency substitutes alternative days and adequate notice of the substitution is provided to the public. Alternative days may only be substituted if condi-

tions on the prescribed days are unsuitable due to such things as poor air quality, high fire danger, unfavorable meteorology, likely interference with a major community event, or difficulty for enforcement.

3. The Authority may adopt a general permit for residential burning that prescribes a different set of days, not to exceed eight days per year, provided that adequate public notice of where and when the permit will apply is given.

4. The following conditions apply to all residential burning allowed, in the nonurban areas of any county with an unincorporated population of less than fifty thousand, without a permit or allowed under a general, verbal, or electronic permit. Persons unable to meet these and any other requirements must apply and receive a written permit before burning. Failure to comply with all requirements voids any applicable permit.

a. The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions of each day.

b. A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area.

c. The fire must not include prohibited materials, construction/demolition debris or any substance other than natural vegetation.

d. The fire must not include materials hauled from another property.

e. If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately.

f. A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

g. No fires are to be within fifty feet of structures.

h. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

i. Any burn pile must not be larger than four feet in diameter and three feet high.

j. Only one pile at a time may be burned, and each pile must be extinguished before lighting another.

k. If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch.

l. No fire is permitted within five hundred feet of forest slash.

F. FIELD RESPONSE AND ENFORCEMENT

1. Any agency that issues permits, or adopts a general permit for any type of burning in an area, is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements unless another agency has agreed to be responsible.

2. Except for enforcing Section 502.4.D.1.e, the Authority will be responsible for enforcing any requirements that apply to burning that are prohibited or exempt from permits

in areas of its jurisdiction, unless another agency agrees to be responsible. 3. Permitting agencies and enforcing agencies may require that corrective action be taken, and may assess penalties to the extent allowed under their authority if they discover noncompliance.

4. A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge, and recover from the person responsible for the fire, the costs of its response and control action. The NWAPA may assist a fire protection authority, in fire suppression cost recovery, when assessing a penalty associated with a Notice of Violation.

502.6 AREAS AND TYPES OF PROHIBITED OUTDOOR BURNING.

A. Nonattainment areas. Residential burning and land clearing burning may not be allowed in any areas of the state that exceed federal or state ambient air quality standards for pollutants emitted by outdoor burning as identified in WAC 173-425-040(1).

B. Urban Growth Areas. Residential burning and land clearing burning may not be allowed in any urban growth areas except as follows:

1. Residential burning and land clearing burning may be allowed, until December 31, 2006, in urban growth areas for incorporated cities with a population of less than five thousand that are neither within nor contiguous with any areas identified in section 502.6.A.

2. Residential burning and land clearing burning may be allowed, until December 31, 2006, in urban growth areas that do not include an incorporated city.

C. Cities over 10,000 population. Residential burning and land clearing burning may not be allowed in any cities having a population greater than ten thousand people after December 31, 2000.

D. High density areas. Land clearing burning may not be allowed in any area having a general population density of one thousand or more persons per square mile after December 31, 2000, if the area is contiguous with any area where land clearing burning has already been, or must be, prohibited under subsection (A), (B), or (C) of this section. Land clearing burning may not be allowed in any other areas having this density after December 31, 2006.

E. Areas with a reasonable alternative to burning. Residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires and other outdoor burning of organic refuse may not be allowed in any area of the state, including the areas identified in subsections 502.6.A-502.6.D, when a reasonable alternative for that type of burning is found to exist. A reasonable alternative for a particular type of burning exists when the alternative is available and reasonably economical and less harmful to the environment as defined in (WAC 173-425-040(5).

F. By December 31, 2000 and at least every third year thereafter, each local air authority, and ecology in cooperation with counties must determine whether any reasonable alternative for a particular type of burning, where burning of that type is allowed, exists. Determinations for other outdoor burning must be made on a permit-by-permit basis to determine whether an alternative is available and reasonably economical and less harmful to the environment. A reasonable

alternative exists when the option is available, reasonably economical, and less harmful to the environment as stated in WAC 173-425-040(5).

502.7 ADDITIONAL REQUIREMENTS FOR LAND CLEARING BURNING. The following "best available burning practices" shall be used when land clearing burns are conducted on land not subject to the Forest Protection Assessment (RCW 76.04.-610). Land clearing burning conducted on lands subject to the Forest Protection Assessment is regulated by the Washington Department of Natural Resources under WAC 332-24-201.

A. No land clearing fire shall be larger than fifty (50) feet in diameter and be located less than five times the fire diameter size from any structure.

B. At least one fan rated and operated at 6,000 cubic feet per minute must be on site for each twenty-five (25) feet of fire diameter and must be used to facilitate ignition and burning.

C. Material for a fire must be free of excess dirt and machine stacked by an excavator or equivalent machine, which must be on site and employed until fire is fully extinguished. The ratio of stack height to burn pile diameter shall be as high as possible but no less than 1:2.

D. The number of fires per parcel, defined as a single, integrated, land area that is being cleared by a party, shall not exceed more than two piles per excavator, except that, two additional fires may be lit when the two fires are approximately seventy-five percent consumed.

E. A person qualified to operate stacking or equivalent machinery shall be present at the immediate fire site during burning.

F. Burning shall be conducted in such a manner as to prevent any smoke and/or particulate matter from being emitted that is or is likely to restrict visibility on a public road or airport landing strip.

G. Outdoor fires for the purpose of land clearing burning must have a written permit from the appropriate fire permitting agency. Notwithstanding the restrictions listed in sections 502.6.A through 502.6.G above, all land clearing fires must meet any additional conditions listed on the permit and all other applicable air pollution regulations.

H. No fires shall be permitted for the burning of material generated from land clearing projects located in areas where a burn ban exists.

I. It shall be unlawful for any person to cause or allow the burning of material generated from land clearing projects located in areas where a burn ban exists.

J. It shall be unlawful for any person to cause or allow the burning of any land clearing material that has not been generated on that site.

502.8 Additional requirements for commercial establishments.

A. No outdoor burning is allowed at permanently located commercial establishments excluding land clearing operations. The Northwest Air Pollution Authority may issue fire permits on a case-by-case basis for extenuating circumstances e.g., mitigating an immediate threat to human health or safety.

PASSED: June 14, 2001.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 01-10-071
PROPOSED RULES
NORTHWEST AIR
POLLUTION AUTHORITY**
[Filed April 30, 2001, 2:53 p.m.]

Original Notice.

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

Title of Rule: Northwest Air Pollution Authority Regulation (NWAPA).

Purpose: To amend sections of the NWAPA regulation to provide more clarity for users, to update state and federal regulations adopted by reference, to increase the maximum civil penalty to adjust for inflation, to modify the allowable emission rate for gasoline terminals to be consistent with federal regulations and, repeal section 452 pertaining to motor vehicles due to a lack of jurisdiction for this source category.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Summary: Amendatory Sections: Section 104, update state and federal regulations that are adopted by reference to include recently promulgated NSPS and NESHAP regulations. The update also includes adopting by reference 40 C.F.R. parts 72-78 of the Acid Rain Program.

Section 133, increase the maximum civil penalty from \$12,500 per day to \$13,000 per day to account for inflation.

Section 200, removed definitions specific to outdoor burning. Add definitions related to new source review.

Section 300, clarify requirements for large projects and correct some references to the WAC. References to provisions in chapter 173-400 WAC shall be those as proposed in revisions from WSR 01-04-072 published on February 21, 2001.

Section 301, clarify requirements for portable or temporary sources. Identify new source review requirements for large projects proposed in nonattainment areas. References to provisions in chapter 173-400 WAC shall be those as proposed in revisions from WSR 01-04-072 published on February 21, 2001.

Section 324, clarify registration and new source review fee applicability. Add new source review fees for fuel burning sources, PSD applicability determinations and acid rain sources.

Section 580, require a more stringent VOC emission limit for gasoline terminal vapor control devices. This change reflects similar requirements for these facilities under federal NESHAP regulation 40 C.F.R. 63 subparts R and CC. Reference definitions of volatile organic compounds consistent with federal law.

Section to Repeal: Section 452, NWAPA does not have jurisdiction over motor vehicle emissions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Randles, 1600

South Second Street, Mt. Vernon, 98273, (360) 428-1617 ext. 208.

Name of Proponent: Northwest Air Pollution Authority, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: NWAPA Hearing Room, 1600 South Second Street, Mt. Vernon, WA 98273-5202, on June 14, 2001, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Cosby by May 31, 2001, (360) 428-1617 ext. 200.

Submit Written Comments to: James Randles, 1600 South Second Street, Mt. Vernon, WA 98273-5202, fax (360) 428-1620, by June 14, 2001.

Date of Intended Adoption: June 14, 2001.

April 26, 2001

James Randles

Director

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation of the Authority, is hereby adopted by reference and made part of the Regulation of the Authority ((as of November 12, 1999)). Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400, WAC 173-401, WAC 173-405, WAC 173-406, WAC 173-410, WAC 173-415, WAC 173-420, WAC 173-421, WAC 173-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC 173-435, WAC 173-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC 173-492, WAC 173-495, and WAC 173-802.

104.2 All provisions of the following federal rules that are in effect as of July 1, ((1999)) 2000 are hereby adopted by reference and made part of the Regulation of the Authority ((as of November 12, 1999)): 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Cb, Cc, Cd, Ce, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, BBBB, CCCC, DDDD; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, J, L, M, N, O, P, V, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants).

PROPOSED

ants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, QQQ, PPP, TTT, VVV, XXX; and 40 CFR 72, 73, 74, 75, 76, 77 and 78 (Acid Rain Program)

Amended: April 14, 1993, September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996, May 9, 1996, March 13, 1997, May 14, 1998, November 12, 1998, November 12, 1999, June 14, 2001

AMENDATORY SECTION

SECTION 133 - CIVIL PENALTY

133.1 In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW, chapter 70.120 RCW, any of the rules in force under such chapters, including the Regulation of the Northwest Air Pollution Authority shall be liable for a civil penalty in an amount of not more than ((twelve)) thirteen thousand ((five hundred)) 13,000 dollars (\$ ((12,500)) 13,000) per day per violation. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order shall be liable for a civil penalty of not more than ((twelve)) thirteen thousand ((five hundred)) 13,000 dollars (\$((12,500)) 13,000) for each day of continued noncompliance.

AMENDED: November 14, 1984, April 14, 1993, September 8, 1993, October 13, 1994, February 8, 1996, November 12, 1998, November 12, 1999, June 14, 2001

AMENDATORY SECTION

SECTION 200 - DEFINITIONS

AMBIENT AIR MONITORING STATION - A station so designated by the Control Officer for the purpose of measuring air contaminant concentrations in the ambient air. The station location and sampling probe locations shall be designated by the Control Officer utilizing as a guide ((CFR Title)) 40 CFR Part 58, Appendix "D" Network Design and Appendix "E" Probe Siting Criteria.

ATTAINMENT AREA - Means a geographic area designated by EPA at 40 CFR Part 81 (in effect on July 1, 2000) as having attained the National Ambient Air Quality Standard for a given criteria pollutant. An area is in attainment for only the pollutants for which the area meets the NAAQS.

((LAND CLEARING BURNING - Means the burning of outdoor fires over ten (10) feet in diameter consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation in preparation of a land improvement or construction project as distinguished from a forest harvest operation.)) [Added to Outdoor Burning Definitions - Section 501]

((LAND CLEARING OPERATION - The removal of trees, brush, grass and buildings for disposal on the site in preparation of a land improvement or construction project as distin-

guished from a forest harvest operation.)) [Added to Outdoor Burning Definitions - Section 501]

((NO BURN DAY - A day designated by the Control Officer, or other duly authorized person, on which, due to atmospheric, or other meteorological conditions, all outdoor fires are prohibited.)) [Added to Outdoor Burning Definitions - Section 501]

NONATTAINMENT AREA - means a geographic area designated by the Environmental Protection Agency at 40 CFR Part 81 (in effect on July 1, 2000) as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment for only the pollutants that exceed the NAAQS.

OPERATING DAY - Means any time equipment operates within a consecutive 24-hour period.

((OUTDOOR BURNING - means the burning of any material in an open fire or in a receptacle other than an incinerator, furnace, or other combustion device approved in advance by the NWAPA.)) [Added to Outdoor Burning Definitions - Section 501]

((RESIDENTIAL BURNING - Means small outdoor fires, at a one or two family residence, consisting of leaves, clippings, pruning and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling resulting from activities connected with said dwelling and burned on such lands by the property owner or his designee.)) [Added to Outdoor Burning Definitions - Section 501]

((SMALL OUTDOOR FIRE - Means a fire in a pile no more than four (4) feet in diameter and three (3) feet in height.))

AMENDED: October 13, 1982, November 14, 1984, April 14, 1993, October 13, 1994, February 8, 1996, May 9, 1996, March 13, 1997, November 12, 1998, June 14, 2001

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 300 - NEW SOURCE REVIEW

300.3 Except when part of a new major stationary source as defined in WAC 173-400-030 or major modification as defined in WAC 173-400-030 in a nonattainment area, the following air contaminant sources do not need to submit a "Notice of Construction and Application for Approval" approved by the Authority prior to construction, installation, establishment, or modification:

300.9 Control technology determinations issued pursuant to ((Title 40 Code of Federal Regulations)) 40 CFR part 63 subpart B shall be administered in accordance with procedures specified therein.

PASSED: November 12, 1998 Amended: November 12, 1999, March 9, 2000, June 14, 2001

AMENDATORY SECTION**SECTION 301 - ORDER OF APPROVAL - ORDER TO PREVENT CONSTRUCTION**

301.8 Portable or temporary sources. For ((portable)) sources not exempted under 300.3, which locate temporarily at particular sites within the Authority's jurisdiction, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing:

a) The owner(s) or operator(s) notifies the Authority of the intent to operate within the jurisdiction of the Authority at least 15 days prior to starting operation and pays the appropriate fee identified in Section 324.1. Advanced notification may be waived by the Control Officer. Notification can be made after-the-fact for equipment utilized for emergency purposes, and

b) The owner(s) or operator(s) supplies sufficient information to enable the Authority to determine that the operation will comply with all applicable air pollution rules and regulations, and

c) The operation will not cause a violation of ambient air quality standards, and,

d) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards.

e) Permission to operate shall not exceed 90 operational days in any calendar year anywhere within the jurisdiction of the NWAPA. ((and)). The Authority may set specific conditions for operating during that time period. No source shall continue to operate beyond the allowable 90-day period unless an Order of Approval to Construct has been issued by the Authority.

f) All asphalt and soil desorption plants shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington.

g) Portable or temporary sources shall comply with all applicable air pollution rules and regulations.

h) Based on source type and emission quantity portable or temporary sources may be subject to new source review at the discretion of the Control Officer.

i) Relocation to a new site within the NWAPA jurisdiction requires payment of a fee in accordance with Section 324.2.

301.9 No Order of Approval to Construct shall be issued for a new major stationary source or major modification in an attainment area unless the Notice of Construction and Application for Approval demonstrates compliance with the applicable sections of WAC 173-400-113. The definition of a "major stationary source" and "major modification" for the purposes of 301.9 shall be as defined in WAC 173-400-113.

301.10 No Order of Approval to Construct shall be issued for a new major stationary source or major modification in a nonattainment area unless the Notice of Construction and Application for Approval demonstrates compliance with the applicable sections of WAC 173-400-112. The definition of a "major stationary source" and "major modification" for the purposes of 301.10 shall be as defined in WAC 173-400-112.

PASSED: November 12, 1998 Amended: March 9, 2000, June 14, 2001

Reviser's note: The typographical error in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION**SECTION 324 - FEES****324.1 Annual Registration Fees**

a) The Authority shall levy fees as set forth in Section 324.1(b) below for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program.

b) A source shall be assessed a late penalty in the amount of twenty-five percent (25%) of the registration fee for failure to pay the registration fee within 30 days after the due date. The late penalty shall be in addition to the registration fee.

c) Fees

REGISTERED SOURCES	1999	2000	2001	2002	2003
Wastewater treatment plants w/sludge incinerators	\$500	\$515	\$535	\$555	\$575
Portable or temporary sources ((asphalt plants and soil desorption units))	\$300	\$310	\$320	\$330	\$340
Permanent asphalt plants and soil desorption units	\$600	\$620	\$640	\$660	\$680
Odor source	\$600	\$620	\$640	\$660	\$680
Petroleum coke handling facility	\$1,200	\$1,240	\$1,280	\$1,320	\$1,360
Perchloroethylene dry cleaners	\$150	\$155	\$160	\$165	\$170
Gasoline stations and Bulk plants	\$150	\$155	\$160	\$165	\$170
Chrome plating	\$150	\$155	\$160	\$165	\$170
Volatile organic compound storage tanks					
> or = 6000 gallons, < 40,000 gallons	\$200	\$210	\$220	\$230	\$240
> or = 40,000 gallons	\$500	\$515	\$535	\$555	\$575
Other sources as determined by the Control Officer	\$150	\$155	\$160	\$165	\$170

PROPOSED

FOR SOURCES NOT LISTED ABOVE:					
ACTUAL EMISSIONS OF TOTAL CRITERIA AND TOXIC AIR POLLUTANTS					
< 10 tons per year	\$150	\$155	\$160	\$165	\$170
> or = 10 tons per year, < 25 tons per year	\$750	\$775	\$800	\$825	\$850
> or = 25 tons per year, < 50 tons per year	\$1,500	\$1,545	\$1,595	\$1,645	\$1,695
> or = 50 tons per year	\$2,500	\$2,575	\$2,655	\$2,735	\$2,820
ADDITIONAL FEES					
Each source test <u>review required</u>	\$300	\$310	\$320	\$330	\$340
Operation of a Continuous Emission or Opacity Monitor (per ((unit)) <u>CEM or COM</u>)	\$300	\$310	\$320	\$330	\$340
Each source subject to NSPS or NESHAP (per subpart) except dry cleaners, ((&)) chrome platers and <u>portable or temporary sources</u>	\$500	\$515	\$535	\$555	\$575
Synthetic minor designation	\$500	\$515	\$535	\$555	\$575
Odor source	\$600	\$620	\$640	\$660	\$680

324.2 New Source Review Fees

a) Fees

	1999	2000	2001	2002	2003
Filing fee	\$100	\$105	\$110	\$115	\$120
NSR FEES IN ADDITION TO THE FILING FEE: for each piece of equipment or control equipment					
General (not classified below)	\$500	\$515	\$535	\$555	\$575
<u>Fuel Burning Equipment (as an aggregate)</u>					
> or = 0.5 MM Btu/hr, but <10 MM Btu/hr	\$250	\$260	\$270	\$280	\$290
> or = 10 MM Btu/hr, but <100 MM Btu/hr	\$1,000	\$1,030	\$1,065	\$1,100	\$1,135
> or = 100 MM Btu/hr, but <250 MM Btu/hr			\$10,600	\$10,920	\$11,250
> or = 250 MM Btu/hr, but <500 MM Btu/hr			\$15,920	\$16,400	\$16,900
> or = 500 MM Btu/hr, but <1000 MM Btu/hr			\$26,500	\$27,350	\$28,200
> or = 100 1000 MM Btu/hr	\$10,000	\$10,300	\$42,450	\$43,720	\$45,100
Minor Notice of Construction change	\$250	\$260	\$270	\$280	\$290
Asphalt plant	\$750	\$775	\$800	\$825	\$850
Coffee roaster	\$250	\$260	\$270	\$280	\$290
Dry cleaner and Chrome plater	\$150	\$155	\$160	\$165	\$170
Gasoline stations and Bulk plants	\$300	\$310	\$320	\$330	\$340
<u>Refuse burning equipment</u>					
< 6 tons per day	\$1,000	\$1,030	\$1,065	\$1,100	\$1,135
> or = 6 tons per day, but < 12 tons per day	\$3,000	\$3,090	\$3,185	\$3,285	\$3,385
> or = 12 tons per day, but < 250 tons per day	\$20,000	\$20,600	\$21,220	\$21,860	\$22,520
> or = 250 tons per day	\$40,000	\$41,200	\$42,440	\$43,715	\$45,030
Paint spray booth	\$150	\$155	\$160	\$165	\$170
<u>Volatile Organic Compounds storage tanks</u>					
< 40,000 gallons	\$300	\$310	\$320	\$330	\$340
> or = 40,000 gallons	\$1,000	\$1,030	\$1,065	\$1,100	\$1,135
Soil thermal desorption unit	\$750	\$775	\$800	\$825	\$850
<u>Relocation of portable or temporary source to a new site within the NWAPA jurisdiction plant to new address</u>	\$300	\$310	\$320	\$330	\$340
Other sources as determined by the Control Officer	\$150	\$155	\$160	\$165	\$170

ADDITIONAL FEES					
Synthetic minor determination (WAC 173-400091)	\$750	\$775	\$800	\$825	\$850
SEPA threshold determination (NWAPA lead agency, <u>14-day comment period</u>)	\$250	\$260	\$270	\$280	\$290
Air toxics review	\$400	\$415	\$430	\$445	\$460
Major source, major modification, PSD thresholds	\$2,000	\$2,060	\$2,125	\$2,190	\$2,260
<u>PSD applicability analysis</u>			<u>\$3,200</u>	<u>\$3,300</u>	<u>\$3,400</u>
Each emission units subject to NSPS or NESHAPs per sub-part (except dry cleaners & chrome platers)	\$1,000	\$1,030	\$1,065	\$1,100	\$1,135
Public notice (plus publication fee)	\$200	\$210	\$220	\$230	\$240
Public hearing (plus publication fee)	\$500	\$515	\$535	\$555	\$575
NOC applicability determination	\$200	\$210	\$220	\$230	\$240
Each CEM or alternate monitoring device installed	\$500	\$515	\$535	\$555	\$575
Each source test (per pollutant, per unit) required in NOC	\$500	\$515	\$535	\$555	\$575
Bubble application	\$1,000	\$1,030	\$1,065	\$1,100	\$1,135
Netting analysis	\$500	\$515	\$535	\$555	\$575
Non-exempt units under Title IV acid rain program			\$2500	\$2600	\$2700

324.3 Variance Fee. \$1,000.00

324.4 Issuance of Emission Reduction Credits. \$500.00

324.5 New Source Review, filing, SEPA review, emission reduction credit, and other applicable fees may be reduced at the discretion of the Control Officer by up to 75 percent for existing sources implementing pollution prevention or undertaking voluntary and enforceable emission reduction projects.

PASSED: November 12, 1998

Amended: November 12, 1999, June 14, 2001

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Northwest Air Pollution Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

SECTION 452 - MOTOR VEHICLE VISUAL STANDARDS

AMENDATORY SECTION

SECTION 580 - VOLATILE ORGANIC COMPOUND CONTROL

580.4 - Gasoline Loading Terminals

580.42 It shall be unlawful for any person to cause or allow the loading of gasoline into any transport tank unless all the following conditions are met:

580.421 The loading terminal shall employ submerged loading or bottom loading and be equipped with a vapor control system.

580.422 All loading lines and vapor lines shall be equipped with vapor-tight fittings which close automatically upon disconnect. The point of closure shall be on the tank side of any hose or immediate connecting line.

580.423 All vapor return lines shall be connected between the transport tank and the vapor control system such

that all displaced volatile organic compounds are vented to the vapor recovery system.

580.424 The vapor control system shall prevent the emission of at least 90 percent by weight of the volatile organic compounds and shall limit the emission of volatile organic compounds to no more than ((35)) 10 milligrams per liter of gasoline transferred. Compliance shall be demonstrated biennially by conducting emission testing according to EPA Method 25 or another method approved by the Control Officer. Thirty days advance notification is required.

580.425 The vapor control system shall be equipped with an appropriate alarm system to alert personnel when the system is not in compliance with 580.424. Prior approval by the Control Officer is required.

580.426 All loading arms shall be designed, maintained and operated to prevent overfill, prevent fugitive liquid or vapor leaks, and prevent excess gasoline drainage during disconnect in accordance with the requirements of 580.10.

PASSED: December 13, 1989

Amended: June 14, 2001

WSR 01-10-072

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed April 30, 2001, 2:55 p.m.]

Original Notice.

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

Title of Rule: Pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule reflects a 66.8% increase in all tariff categories to be charged for pilotage services in the Grays Harbor pilotage district for the 2001-2002 tariff year.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2811 2nd Avenue, Suite 100, Seattle, WA, (206) 515-3904.

Name of Proponent: Grays Harbor pilots, private.

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, 2001. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed by the Grays Harbor pilots would set a new tariff that would increase the cost of pilotage services in the Grays Harbor pilotage district by 66.8% over the present tariff.

Proposal Changes the Following Existing Rules: The proposed rule is a 66.8% increase over the existing tariff in all categories.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the 66.8% increase is clear in the attached proposed tariff.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on June 14, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 11, 2001.

Submit Written Comments to: Harry Dudley, Chairman, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3969, by June 7, 2001.

Date of Intended Adoption: June 14, 2001.

April 27, 2001
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 00-13-097, filed 6/21/00, effective 8/1/00)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on ((8-1-00)) August 1, 2001 through 2400 hours ((7-31-01)) July 31, 2002.

CLASSIFICATION OF PILOTAGE SERVICE RATE**Piloting of vessels in the inland waters and tributaries of Grays Harbor:**

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be (((\$70.43)) \$117.48 per meter (or ((21.43)) \$35.75 per foot) and the tonnage charge shall be ((0.2246)) \$0.3746 per net registered ton. The minimum net registered tonnage charge is ((785.90)) \$1,310.88. The charge for an extra vessel (in case of tow) is ((449.11)) \$749.12.

Boarding fee:

Per each boarding/deboarding from a boat	((338.84))
	\$565.19

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	((563.37))
	\$939.70

Delays per hour	((134.34))
	\$224.08

Cancellation charge (pilot only)	((224.54))
	\$374.53

Cancellation charge (pilot boat only)	((673.64))
	\$1,123.63

Travel allowance:

Transportation fee per assignment	((55.00))
	\$91.74

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 ((785.93)) \$1,310.93 for each day or fraction thereof, and the travel expense incurred

((785.93))
\$1,310.93

Bridge transit:

Charge for each bridge transited	((246.62))
	\$411.36

Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	((682.80))
	\$1,138.91

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 01-10-080
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 1, 2001, 8:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-06-034.

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

Purpose: Provide taxpayers with stumpage value tables to determine timber excise tax as required by RCW 82.33.091.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, damaged timber and thinning. In addition, the rule also contains a domestic market adjustment table for export restricted public timber not sold through a competitive bidding process.

Reasons Supporting Proposal: RCW 84.33.091 requires the values to be updated twice a year. This is the annual mid-year update.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 1025 East Union Avenue, #400, Olympia, WA, (360) 570-6126; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment of WAC 458-40-660 complies with RCW 84.33.091 that requires the department to publish stumpage values on a semi-annual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Timber harvesters, other than small harvesters, use the tables as a basis for calculating the amount of timber excise tax owed.

The anticipated effects of changes made in the rule is that the updated values will better reflect the current market.

Proposal Changes the Following Existing Rules: WAC 458-40-660 is being revised to update the stumpage value tables. See Explanation of Rule above.

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

nomic impact statement is not required when a legislative rule is being adopted under RCW 34.05.328.

RCW 34.05.328 applies to this rule adoption. This is a significant legislative rule pursuant to RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on June 6, 2001, at 10 a.m.

Assistance for Persons with Disabilities: Contact Barb Vane no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6182.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by June 6, 2001.

Date of Intended Adoption: June 20, 2001.

May 1, 2001

Claire Hesselholt, Rules Manager
 Legislation and Policy Division

PROPOSED

AMENDATORY SECTION (Amending WSR 01-02-020, filed 12/21/00, effective 1/1/01)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((January)) July 1 through ((June 30)) December 31, 2001:

((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

((Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			+	2	3	4	5
Douglas Fir	DF	+	\$628	\$621	\$614	\$607	\$600
		2	549	542	535	528	521
		3	490	483	476	469	462
		4	289	282	275	268	261
Western Red cedar⁽²⁾	RC	+	773	766	759	752	745
Western Hemlock and Other Conifer⁽³⁾	WH	+	568	561	554	547	540
		2	354	347	340	333	326
		3	334	327	320	313	306
		4	289	282	275	268	261
Red Alder	RA	+	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	+	24	17	10	3	+

(TABLE 1—Stumpage Value Table**Stumpage Value Area 1**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling						
			Distance	Zone	Number	+	2	3	4
Other Hardwood	OH	+	168	161	154	147	140		
Douglas Fir Poles	DFP	+	778	771	764	757	750		
Western Redcedar Poles	RCL	+	778	771	764	757	750		
Chipwood	CHW	+	3	2	+	+	+		
RC Shake Blocks	RCS	+	303	296	289	282	275		
RC Shingle Blocks	RCF	+	121	114	107	100	93		
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees ⁽⁶⁾	TPX	+	0.50	0.50	0.50	0.50	0.50		

⁽⁴⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽⁵⁾ Includes Alaska Cedar.⁽⁶⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁸⁾ Stumpage value per lineal foot.**TABLE 2—Stumpage Value Table****Stumpage Value Area 2**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling						
			Distance	Zone	Number	+	2	3	4
Douglas Fir	DF	+	\$595	\$588	\$581	\$574	\$567		
		2	528	521	514	507	500		
		3	459	452	445	438	431		
		4	415	408	401	394	387		
Western Redcedar ⁽²⁾	RC	+	773	766	759	752	745		
Western Hemlock and Other Conifer ⁽³⁾	WH	+	636	629	622	615	608		
		2	379	372	365	358	351		
		3	356	349	342	335	328		
		4	326	319	312	305	298		

TABLE 2—Stumpage Value Table**Stumpage Value Area 2**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling						
			Distance	Zone	Number	+	2	3	4
Red Alder	RA	+	300	293	286	279	272		
		2	239	232	225	218	211		
Black Cottonwood	BC	+	24	17	10	3	+		
Other Hardwood	OH	+	168	161	154	147	140		
Douglas Fir Poles	DFL	+	778	771	764	757	750		
Western Redcedar Poles	RCL	+	778	771	764	757	750		
Chipwood	CHW	+	3	2	+	+	+		
RC Shake Blocks	RCS	+	303	296	289	282	275		
RC Shingle Blocks	RCF	+	121	114	107	100	93		
RC & Other Posts ⁽⁴⁾	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees ⁽⁵⁾	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees ⁽⁶⁾	TPX	+	0.50	0.50	0.50	0.50	0.50		
⁽⁴⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.									
⁽⁵⁾ Includes Alaska Cedar.									
⁽⁶⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."									
⁽⁷⁾ Stumpage value per 8 lineal feet or portion thereof.									
⁽⁸⁾ Stumpage value per lineal foot.									

TABLE 3—Stumpage Value Table**Stumpage Value Area 3**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling						
			Distance	Zone	Number	+	2	3	4
Douglas Fir ⁽²⁾	DF	+	\$743	\$736	\$729	\$722	\$715		
		2	443	436	429	422	415		
		3	377	370	363	356	349		
		4	296	289	282	275	268		
Western Redcedar ⁽³⁾	RC	+	773	766	759	752	745		

TABLE 3—Stumpage Value Table**Stumpage Value Area 3**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number					
			Code	Number	1	2	3	4
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	356	349	342	335	328	
			2	334	327	320	313	306
			3	283	276	269	262	255
			4	283	276	269	262	255
Red Alder	RA	+	300	293	286	279	272	
			2	239	232	225	218	211
Black Cottonwood	BC	+	24	17	10	3	+	
Other Hardwood	OH	+	168	161	154	147	140	
Douglas Fir Poles	DFL	+	778	771	764	757	750	
Western Redcedar Poles	RCL	+	778	771	764	757	750	
Chipwood	CHW	+	3	2	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275	
RC Shingle Blocks	RCF	+	121	114	107	100	93	
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45	
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees ⁽⁶⁾	TFX	+	0.50	0.50	0.50	0.50	0.50	

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Western Larch.⁽³⁾ Includes Alaska Cedar.⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁶⁾ Stumpage value per lineal foot.**TABLE 4—Stumpage Value Table****Stumpage Value Area 4**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number					
			Code	Number	1	2	3	4
Douglas Fir ⁽²⁾	DF	+	628	621	614	607	600	
			2	519	512	505	498	491
			3	503	496	489	482	475
			4	359	352	345	338	331
Lodgepole Pine	LP	+	244	237	230	223	216	
Ponderosa Pine	PP	+	365	358	351	344	337	
			2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	+	773	766	759	752	745	
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	568	561	554	547	540	
			2	347	340	333	326	319
			3	322	325	318	311	304
			4	311	304	297	290	283
Red Alder	RA	+	300	293	286	279	272	
			2	239	232	225	218	211
Black Cottonwood	BC	+	24	17	10	3	+	
Other Hardwood	OH	+	168	161	154	147	140	
Douglas Fir Poles	DFL	+	778	771	764	757	750	
Western Redcedar Poles	RCL	+	778	771	764	757	750	
Chipwood	CHW	+	3	2	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275	
RC Shingle Blocks	RCF	+	121	114	107	100	93	
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45	
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees ⁽⁶⁾	TFX	+	0.50	0.50	0.50	0.50	0.50	

⁽¹⁾ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Western Larch.⁽³⁾ Includes Alaska Cedar.⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁶⁾ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table**Stumpage Value Area 5**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	+	\$628	\$621	\$614	\$607	\$600
		2	516	509	502	495	488
		3	387	380	373	366	359
		4	334	327	320	313	306
Lodgepole Pine	LP	+	244	237	230	223	216
Ponderosa Pine	PP	+	365	358	351	344	337
		2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	+	773	766	759	752	745
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	568	561	554	547	540
		2	372	365	358	351	344
		3	317	310	303	296	289
		4	303	296	289	282	275
Red Alder	RA	+	300	293	286	279	272
		2	239	232	225	218	211
Black Cottonwood	BC	+	24	17	10	3	+
Other Hardwood	OH	+	168	161	154	147	140
Douglas Fir Poles	DFL	+	778	771	764	757	750
Western Redcedar Poles	RCL	+	778	771	764	757	750
Chipwood	CHW	+	3	2	+	+	+
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	+	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Western Larch.⁽³⁾ Includes Alaska Cedar.⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.**TABLE 6—Stumpage Value Table****Stumpage Value Area 6**

January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	+	\$306	\$299	\$292	\$285	\$278
Lodgepole Pine	LP	+	244	237	230	223	216
Ponderosa Pine	PP	+	365	358	351	344	337
		2	253	246	239	232	225
Western Redcedar ⁽³⁾	RC	+	405	398	391	384	377
True Firs and Spruce ⁽⁴⁾	WF	+	248	241	234	227	220
Western White Pine	WP	+	408	401	394	387	380
Hardwoods	OH	+	50	43	36	29	22
Western Redcedar Poles	RCL	+	516	509	502	495	488
Small Logs	SML	+	27	26	25	24	23
Chipwood	CHW	+	2	+	+	+	+
RC Shake & Shingle Blocks	RCF	+	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	+	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	+	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Western Larch.⁽³⁾ Includes Alaska Cedar.⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.⁽⁷⁾ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁺⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number					
			Code Number	1	2	3	4	5
Douglas Fir ⁽²⁾	DF	+	\$317	\$310	\$303	\$296	\$289	
Lodgepole Pine	LP	+	251	244	237	230	223	
Ponderosa Pine	PP	+	392	385	378	371	364	
		2	298	291	284	277	270	
Western Redcedar ⁽³⁾	RC	+	405	398	391	384	377	
True Firs and Spruce ⁽⁴⁾	WH	+	268	261	254	247	240	
Western White Pine	WP	+	408	401	394	387	380	
Hardwoods	OH	+	50	43	36	29	22	
Western Redcedar Poles	RCL	+	516	509	502	495	488	
Small Logs	SML	+	24	23	22	21	20	
Chipwood	CHW	+	2	+	+	+	+	
RC Shake & Shingle Blocks	RCF	+	92	85	78	71	64	
LP & Other Posts ⁽⁵⁾	LPP	+	0.35	0.35	0.35	0.35	0.35	
Pine Christmas Trees ⁽⁶⁾	PX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees ⁽⁷⁾	DFX	+	0.25	0.25	0.25	0.25	0.25	

⁽⁺⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table

Stumpage Value Area 10
January 1 through June 30, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁺⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number					
			Code Number	1	2	3	4	5
Douglas Fir ⁽²⁾	DF	+	\$614	\$607	\$600	\$593	\$586	
		2	505	498	491	484	477	
Lodgepole Pine	LP	+	392	385	378	371	364	
		2	298	291	284	277	270	
Ponderosa Pine	PP	+	365	358	351	344	337	
		2	253	246	239	232	225	
Western Redcedar ⁽³⁾	RC	+	759	752	745	738	731	
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	554	547	540	533	526	
		2	333	326	319	312	305	
Red Alder	RA	+	318	311	304	297	290	
		2	297	290	283	276	269	
Black Cottonwood	BC	+	286	279	272	265	258	
Other Hardwood	OH	+	154	147	140	133	126	
Douglas Fir Poles	DPL	+	764	757	750	743	736	
Western Redcedar Poles	RCL	+	764	757	750	743	736	
Chipwood	CHW	+	3	2	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275	
RC Shingle Blocks	RCF	+	121	114	107	100	93	
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45	
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees ⁽⁷⁾	TFX	+	0.50	0.50	0.50	0.50	0.50	

⁽⁺⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.)

PROPOSED

TABLE 1—Stumpage Value Table**Stumpage Value Area 1**July 1 through December 31, 2001Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$526	\$519	\$512	\$505	\$498
		2	526	519	512	505	498
		3	457	450	443	436	429
		4	295	288	281	274	267
Western Redcedar ⁽²⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽³⁾	WH	1	309	302	295	288	281
		2	273	266	259	252	245
		3	266	259	252	245	238
		4	223	216	209	202	195
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Alaska-Cedar.⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁵⁾ Stumpage value per lineal foot.**TABLE 2—Stumpage Value Table****Stumpage Value Area 2**July 1 through December 31, 2001Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$595	\$588	\$581	\$574	\$567
		2	460	453	446	439	432
		3	434	427	420	413	406
		4	265	258	251	244	237
Western Redcedar ⁽²⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽³⁾	WH	1	313	306	299	292	285
		2	278	271	264	257	250
		3	277	270	263	256	249
		4	256	249	242	235	228
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Alaska-Cedar.⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁵⁾ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling				
			Distance Zone Number				
			1	2	3	4	5
<u>Douglas-Fir</u> ⁽²⁾	DF	1	\$536	\$529	\$522	\$515	\$508
		2	421	414	407	400	393
		3	356	349	342	335	328
		4	224	217	210	203	196
<u>Western Redcedar</u> ⁽³⁾	RC	1	677	670	663	656	649
<u>Western Hemlock and Other Conifer</u> ⁽⁴⁾	WH	1	309	302	295	288	281
		2	280	273	266	259	252
		3	279	272	265	258	251
		4	239	232	225	218	211
<u>Red Alder</u>	RA	1	338	331	324	317	310
		2	314	307	300	293	286
<u>Black Cottonwood</u>	BC	1	4	1	1	1	1
<u>Other Hardwood</u>	OH	1	192	185	178	171	164
<u>Douglas-Fir Poles</u>	DFL	1	1116	1109	1102	1095	1088
<u>Western Redcedar Poles</u>	RCL	1	1116	1109	1102	1095	1088
<u>Chipwood</u>	CHW	1	1	1	1	1	1
<u>RC Shake Blocks</u>	RCS	1	303	296	289	282	275
<u>RC Shingle Blocks</u>	RCF	1	121	114	107	100	93
<u>RC & Other Posts</u> ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
<u>DF Christmas Trees</u> ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
<u>Other Christmas Trees</u> ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code	Hauling				
			Distance Zone Number				
			1	2	3	4	5
<u>Douglas-Fir</u> ⁽²⁾	DF	1	\$580	\$573	\$566	\$559	\$552
		2	465	458	451	444	437
		3	457	450	443	436	429
		4	382	375	368	361	354
<u>Lodgepole Pine</u>	LP	1	224	217	210	203	196
<u>Ponderosa Pine</u>	PP	1	346	339	332	325	318
		2	238	231	224	217	210
<u>Western Redcedar</u> ⁽³⁾	RC	1	677	670	663	656	649
<u>Western Hemlock and Other Conifer</u> ⁽⁴⁾	WH	1	309	302	295	288	281
		2	293	286	279	272	265
		3	277	270	263	256	249
		4	250	243	236	229	222
<u>Red Alder</u>	RA	1	338	331	324	317	310
		2	314	307	300	293	286
<u>Black Cottonwood</u>	BC	1	4	1	1	1	1
<u>Other Hardwood</u>	OH	1	192	185	178	171	164
<u>Douglas-Fir Poles</u>	DFL	1	1116	1109	1102	1095	1088
<u>Western Redcedar Poles</u>	RCL	1	1116	1109	1102	1095	1088
<u>Chipwood</u>	CHW	1	1	1	1	1	1
<u>RC Shake Blocks</u>	RCS	1	303	296	289	282	275
<u>RC Shingle Blocks</u>	RCF	1	121	114	107	100	93
<u>RC & Other Posts</u> ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
<u>DF Christmas Trees</u> ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
<u>Other Christmas Trees</u> ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

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TABLE 5—Stumpage Value Table

Stumpage Value Area 5
July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$491	\$484	\$477	\$470	\$463
		2	468	461	454	447	440
		3	457	450	443	436	429
		4	355	348	341	334	327
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽³⁾	RC	1	677	670	663	656	649
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	309	302	295	288	281
		2	293	286	279	272	265
		3	279	272	265	258	251
		4	253	246	239	232	225
Red Alder	RA	1	338	331	324	317	310
		2	314	307	300	293	286
Black Cottonwood	BC	1	4	1	1	1	1
Other Hardwood	OH	1	192	185	178	171	164
Douglas-Fir Poles	DFL	1	1116	1109	1102	1095	1088
Western Redcedar Poles	RCL	1	1116	1109	1102	1095	1088
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table

Stumpage Value Area 6

July 1 through December 31, 2001

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$301	\$294	\$287	\$280	\$273
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽³⁾	RC	1	408	401	394	387	380
True Firs and Spruce ⁽⁴⁾	WH	1	245	238	231	224	217
Western White Pine	WP	1	375	368	361	354	347
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	25	24	23	22	21
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table**Stumpage Value Area 7****July 1 through December 31, 2001****Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾**

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$301	\$294	\$287	\$280	\$273
Lodgepole Pine	LP	1	239	232	225	218	211
Ponderosa Pine	PP	1	340	333	326	319	312
		2	284	277	270	263	256
Western Redcedar ⁽³⁾	RC	1	408	401	394	387	380
True Firs and Spruce ⁽⁴⁾	WH	1	228	221	214	207	200
Western White Pine	WP	1	375	368	361	354	347
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	21	20	19	18	17
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Western Larch.⁽³⁾ Includes Alaska-Cedar.⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.⁽⁷⁾ Stumpage value per lineal foot.**TABLE 8—Stumpage Value Table****Stumpage Value Area 10****July 1 through December 31, 2001****Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾**

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$566	\$559	\$552	\$545	\$538
		2	451	444	437	430	423
		3	443	436	429	422	415
		4	368	361	354	347	340
Lodgepole Pine	LP	1	224	217	210	203	196
Ponderosa Pine	PP	1	346	339	332	325	318
		2	238	231	224	217	210
Western Redcedar ⁽³⁾	RC	1	663	656	649	642	635
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	295	288	281	274	267
		2	279	272	265	258	251
		3	263	256	249	242	235
		4	236	229	222	215	208
Red Alder	RA	1	324	317	310	303	296
		2	300	293	286	279	272
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	1102	1095	1088	1081	1074
Western Redcedar Poles	RCL	1	1102	1095	1088	1081	1074
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.⁽²⁾ Includes Western Larch.⁽³⁾ Includes Alaska-Cedar.⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.⁽⁶⁾ Stumpage value per lineal foot.**PROPOSED**

(3) Harvest value adjustments. The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar.
(Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales:
Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((January)) July 1 through ((June 30)) December 31, 2001:

TABLE 9—Harvest Adjustment Table

Stumpage Value Areas 1, 2, 3, 4, 5, and 10

((January)) July 1 through ((June 30)) December 31, 2001

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$ 15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$ 35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$ 0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$ 30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$ 145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$ 50.00

TABLE 10—Harvest Adjustment Table

Stumpage Value Areas 6 and 7

((January)) July 1 through ((June 30)) December 31, 2001

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$ 7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$ 10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00

Type of Adjustment	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale	
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.

III. Remote island adjustment:

For timber harvested from a remote island	- \$50.00
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TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

**WSR 01-10-081
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed May 1, 2001, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-094.

Title of Rule: WAC 415-100-055 Retirement benefit options.

Purpose: The department proposes amending this WAC to give judicial members benefits that are actuarially equivalent to other retirement plans. The member's estate, rather than the retirement fund, will receive any remaining accumulated contributions. Changes will also be made to make this WAC easier to understand. Similar changes are being made to the WACs in five other retirement plans.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 2.10.052, 2.10.070(6), 2.10.140 - [2.10.]146, 2.12.030.

Summary: See Purpose above.

Reasons Supporting Proposal: Currently, remaining accumulated contributions stay in the retirement fund, rather than being given to a member's estate.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Zan Johnston, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7049.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The [department] proposes amending WAC 415-100-055 Retirement benefit options, to give judicial members benefits that are actuarially equivalent to other plans. The member's estate, rather than the retirement fund, will receive any remaining accumulated contributions. Changes will also be made to make this WAC easier to understand.

Proposal Changes the Following Existing Rules: The department proposes amending this WAC to give judicial members benefits that are actuarially equivalent to other retirement plans. The member's estate, rather than the retirement fund, will receive any remaining accumulated contributions. Changes will also be made to make this WAC easier to

understand. Similar changes are being made to the WACs in five other retirement plans.

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom 3rd Floor, Tumwater, WA, on June 5, 2001, at 10:00 a.m.

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

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on June 5, 2001.

Date of Intended Adoption: No sooner than June 6, 2001.

April 30, 2001
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-01-047, filed 12/14/95, effective 1/14/96)

WAC 415-100-055 Retirement benefit options. RCW 2.10.146, enables the department to provide retiring members with four retirement benefit options. The member must choose an option when applying for service or disability retirement.

(1) **Option One; Benefit option without survivor features (standard allowance).** The department pays the retiree a monthly retirement allowance based solely on the single life of the member, in accordance with RCW 2.10.146. When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions((;)) will be paid to:

- ((a)) The member's designated beneficiary; or if none, to
- ((b)) The member's surviving spouse; or if none, to
- ((c)) The member's legal representative.

The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.((a)) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

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

- ((c)) The member's estate; or

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

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

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, ((the remaining balance is retained in the retirement fund.

((a))) all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

((i)) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

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

((iii)) The member's estate; or

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

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

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

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

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

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

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

(a) This ((section)) subsection applies to members retiring on or after January 1, 1996, who selected Option Two, Three, or Four.

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

((i)) The amount that would have been received had the retiree chosen Option One described in subsection (1) of this section; plus

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

((c)) Pop-up recalculation example.

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

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

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

(d) If the survivor dies and the retiree's benefit increases under this ((section)) subsection, and thereafter the retiree also dies before all contributions are exhausted, ((the remaining balance is retained by the retirement fund)) all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

(a) Such person or persons, trust, or organization as the judge has nominated by written designation duly executed and filed with the department of retirement systems; or

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

(c) The member's estate; or

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

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

amending WAC 415-103-215 to give WSPRS members benefits that are actuarially equivalent. The member's estate, rather than the retirement fund, will receive any remaining accumulated contributions. Changes will also be made to make this WAC easier to understand.

Statutory Authority for Adoption: RCW 41.50.050(5), 43.43.142.

Statute Being Implemented: RCW 43.43.278, 43.43.-280.

Summary: See Purpose above.

Reasons Supporting Proposal: There is no definition of salary, earnable compensation, or anything similar in chapter 415-103 WAC. Adding a definition will assist in determining retirement benefits. Currently, remaining accumulated contributions stay in the retirement fund, rather than being given to a member's estate. The amended WAC will provide retirement funds to the member's estate.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Zan Johnston, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7049.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department proposes adding a new section to chapter 415-103 WAC, Washington State Patrol retirement system benefit options, defining salary. It also proposes amending WAC 415-103-215 to give WSPRS members benefits that are actuarially equivalent. The member's estate, rather than the retirement fund, will receive any remaining accumulated contributions. Changes will also be made to make this WAC easier to understand.

Proposal Changes the Following Existing Rules: Currently, remaining accumulated contributions stay in the retirement fund, rather than being given to a member's estate.

**WSR 01-10-082
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed May 1, 2001, 9:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-08-093 and 01-06-048.

Title of Rule: WAC 415-103-010 WSPRS definitions and 415-103-215 WSPRS retirement benefit options.

Purpose: The department proposes adding a new section to chapter 415-103 WAC, Washington State Patrol retirement system benefit options, defining salary. It also proposes

The amended WAC will provide retirement funds to the member's estate. Changes are also being made to make the WAC easier to understand.

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom 3rd Floor, Tumwater, WA, on June 5, 2001, at 10:00 a.m.

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

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on June 5, 2001.

Date of Intended Adoption: No sooner than June 6, 2001.

April 30, 2001
Merry A. Kogut
Rules Coordinator

Chapter 415-103 WAC

WASHINGTON STATE PATROL RETIREMENT SYSTEM (WSPRS) ((~~BENEFIT OPTIONS~~))

NEW SECTION

WAC 415-103-010 WSPRS definitions. (1) General. The definitions in RCW 43.43.120 and 41.50.010 apply to this chapter. In case of conflict between definitions, RCW 43.43.120 will prevail.

(2) "Salary," for members commissioned:

(a) Prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or voluntary overtime earned on or after July 1, 2001.

(b) On or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

AMENDATORY SECTION (Amending WSR 00-11-103, filed 5/18/00, effective 6/18/00)

WAC 415-103-215 WSPRS retirement benefit options. ((RCW 43.43.278 requires the department to provide retiring members with an actuarially equivalent retirement option by July 1, 2000. The option pays the retiree a reduced retirement allowance which, upon the retiree's death, continues throughout the life of the lawful surviving spouse.)) (1) When retiring for service, ((the)) a married member can select either ((the historic retirement option))

Option A (historic retirement option) under RCW 43.43.270 ((~~Option A~~) or the ~~actuarially equivalent retirement option (Option B)~~)) or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse to receive a monthly allowance after the retiree dies.

((1))) (2) As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."

(3) Option A (historic retirement option and survivor benefit). The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

(a) When the retiree dies, the department pays the retiree's lawful spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree, or an allowance equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be adjusted by the annual increase amount as provided by RCW 43.43.272 (Surviving spouse allowance—Annual adjustment).

(b) If a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system and the retiree predeceases the spouse, the spouse can receive only the higher of the two survivor's allowances for which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.

(c) To be eligible for an allowance, the lawful surviving spouse of a retired member must have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death, or must have been married to the retired member at least two years prior to the member's death. ((As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."))

(d) If the retiree has surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's AFS at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(e) If there is no surviving spouse or the spouse dies, the child or children will receive a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child.

(f) All ((payments)) benefits cease upon the death of the surviving spouse or the youngest unmarried child's attainment of age eighteen, whichever occurs last. ((2))) Any remaining balance of the member's accumulated contributions will be paid to:

((i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

((ii) The member's estate; or

((iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

((4)) Option B (actuarially equivalent retirement option and survivor benefit). The department pays the retiree a monthly benefit that is actuarially reduced by three percent to offset the cost of the survivor feature. The retiree's annual post-retirement increase (PRI) is based upon the amount of the retiree's reduced benefit.

(a) When the retiree dies, the department pays the retiree's eligible spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be increased every July 1 by the amount of the PRI that had been paid to the retiree under the provisions of RCW 43.43.260(5).

(b) Benefits to the surviving spouse cease upon the spouse's death. Any remaining balance of the member's accumulated contributions will be paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

((3))) ((5)) Retiree's benefit increases if spouse ceases to be married to retiree or predeceases retiree (pop-up provision).

(a) This ((section)) subsection applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree's spouse ceases to be married to the retiree or dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

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

(ii) Any post-retirement increases the retiree received prior to the survivor's death or the termination of marriage.

(c) Pop-up recalculation example:

Option B:

Bob retires on August 1, 2000. He selects Option B so that his spouse Linda, to whom he has been married for 30 years, will receive his monthly allowance and post-retirement increases after he dies. As a result, his monthly allowance is reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's PRI is \$58.20, two percent of his reduced retirement allowance.

Unfortunately, Linda dies in September 2002. Under the "pop-up" provision, Bob's monthly benefit will increase in October 2002 to a total of \$3,116.40. His new benefit amount is composed of the \$3,000 he would have received had he originally chosen Option A, plus the total of the PRIs he received in 2001 and 2002.

PROPOSED

Year	Option A (Historic Survivor Benefit)	Annual PRI Based on Option A Benefit	Option B (Full Survivor Benefit)	Annual PRI Based on Optional B Benefit	Total Benefit
08/01/2000			2,910.00	(not eligible.)	2,910.00
07/01/2001			2,910.00	58.20	2,968.20
07/01/2002			2,968.20	58.20	3,026.40
10/01/2002	3,000.00				3,116.40
07/01/2003	3,000.00	60.00			3,176.40

On July 1, 2003, Bob's PRI will be two percent of the Option A amount (\$60.00) and his benefit will increase to \$3,176.40.

(d) If the retiree whose benefit increases under this section thereafter dies before all contributions are exhausted and there is no surviving spouse or eligible child, ((the)) all benefits cease. Any remaining balance is ((retained by the retirement fund)) paid to:

(i) Such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department of retirement systems; or

(ii) The member's estate; or

(iii) If there is neither such designated person or persons still living at the time of death, then to the member's legal representative.

WSR 01-10-083

**WITHDRAWAL OF PROPOSED RULES
WASHINGTON STATE PATROL**

(By the Code Reviser's Office)

[Filed May 1, 2001, 10:10 a.m.]

WAC 204-91A-010, 204-91A-030, 204-91A-060, 204-91A-090, 204-91A-120, 204-91A-130, 204-91A-140, 204-91A-170 and 204-91A-180, proposed by the Washington State Patrol in WSR 00-21-026 appearing in issue 00-21 of the State Register, which was distributed on November 1, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-10-092**PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed May 1, 2001, 2:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-122.

Title of Rule: WAC 180-52-041 Approval of list of standardized tests for use by students receiving home-based instruction.

Purpose: Repeal WAC 180-52-041.

Statutory Authority for Adoption: RCW 34.05.310(4).

Reasons Supporting Proposal: Provide homeschoolers flexibility in editions of tests approved by the State Board of Education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal WAC 180-52-041 Approval of list of standardized tests for use by students receiving home-based instruction.

Proposal Changes the Following Existing Rules: This rule will no longer exist.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 4, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 4, 2001.

Date of Intended Adoption: June 15, 2001.

April 20, 2001

Larry Davis

Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-52-041

Approval of list of standardized tests for use by students receiving home-based instruction.

WSR 01-10-093**PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed May 1, 2001, 2:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-126 [01-05-126], 01-09-127 [01-05-127], 01-09-128 [01-05-128], 01-09-129 [01-05-129], and 01-09-147 [01-05-147].

Title of Rule: WAC 180-79A-257 Out-of-state candidates, 180-79A-265 Endorsements on teacher certificates for out-of-state candidates, 180-82-202 certificate endorsements, 180-82-204 Endorsement requirements, and 180-82-210 primary and supporting endorsements.

Purpose: The amendments would permit out-of-state candidates for teacher certificates who have completed preparation programs in subject areas other than those identified as endorsements in Washington to receive a Washington certificate which bears the out-of-state area of preparation.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: This will allow those individuals to be certificated in Washington but will retain the integrity of the certificate endorsement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-23-005, filed 11/2/00, effective 12/3/00)

WAC 180-79A-257 Out-of-state candidates. Candidates for certification from other states who meet the general certificate requirements described in WAC 180-79A-150 (1)

and (2) shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate for teachers after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate who meets one of the following:

(a) Qualifies under provisions of the interstate compact.

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Provided, That if a candidate does not meet the qualifications described in (a) or (b) of this subsection, an initial/residency certificate shall be issued to a candidate who holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in the role, comparable to an initial/residency certificate, issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years.

(d) Provided further, That if a candidate for a teacher's certificate would qualify under (b) of this subsection, but for the fact that he or she has completed an approved teacher preparation program in a subject area that is not listed in chapter 180-82 WAC as a Washington endorsement, the candidate shall be issued a certificate that bears the out-of-state area of program preparation. It shall be noted on the certificate so issued that the subject area listed is not a Washington state endorsement.

(e) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

((e))) (f) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued ((through August 31, 2000,)) to administrators and educational staff associates on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates if the candidate meets the child abuse course work requirement as described in WAC 180-79A-206 (3)(b) and if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) A Washington state college or university with an approved professional certificate program verifies that the candidate has met all the requirements of that institution's

approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79A-265

Endorsements on teacher certificates for out-of-state candidates.

AMENDATORY SECTION (Amending WSR 00-18-061, filed 9/1/00, effective 10/2/00)

WAC 180-82-202 Certificate endorsements. Teacher certificates shall be endorsed as follows, except as otherwise provided in WAC 180-79A-257 (1)(d):

(1) All levels:

- (a) Bilingual education, (supporting).
- (b) Designated arts: Dance, (primary and supporting).
- (c) Designated arts: Drama, (primary and supporting).
- (d) Designated arts: Music: Choral, instrumental or general, (primary and supporting).
- (e) Designated arts: Visual arts, (primary and supporting).
- (f) Designated world languages, (primary and supporting).
- (g) English as a second language, (primary and supporting).
- (h) Health/fitness, (primary and supporting).
- (i) Library media, (primary and supporting).
- (j) Reading, (primary and supporting).
- (k) Special education, (primary).

(2) Early childhood:

- (a) Early childhood education, (primary and supporting).
- (b) Early childhood special education, (primary).

(3) Elementary education, (primary).

(4) Middle level, (primary).

(5) Secondary level:

- (a) Designated science: Biology, (primary and supporting).

- (b) Designated science: Chemistry, (primary and supporting).

- (c) Designated science: Earth science, (primary and supporting).

- (d) Designated science: Physics, (primary and supporting).

- (e) Designated vocational/technical: Agriculture education, business education, family and consumer sciences education, marketing education, and technology education, (primary).

- (f) English, (primary and supporting).

- (g) English/language arts, (primary).

- (h) History, (primary and supporting).

- (i) Mathematics, (primary and supporting).

- (j) Science, (primary).

PROPOSED

(k) Social studies, (primary).

(6) **Traffic safety** endorsements may be noted on certificates issued under chapter 180-79A WAC if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

AMENDATORY SECTION (Amending WSR 00-09-047, filed 4/14/00, effective 5/15/00)

WAC 180-82-204 Endorsement requirements. (1) Candidates for all primary teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (See WAC 180-78A-264(5)) and field experience/internship (See WAC 180-78A-264(7)).

(2) Candidates for all supporting teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which shall include methodology (see WAC 180-78A-264(5)). The requirement for field experience/internship for a supporting endorsement shall be at the discretion of the college/university: Provided, That in cases where programs require a field experience/internship the colleges and universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's existing schedule.

(3) The state board of education shall approve teacher preparation programs for each endorsement program at Washington colleges and universities, pursuant to chapter 180-78A WAC.

(4) Candidates from out-of-state shall be required to present verification that they completed a state-approved program ((equivalent to a major)) in a Washington endorsement area, except as otherwise provided in WAC 180-79A-257 (1)(d).

(5) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(6) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(7) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

AMENDATORY SECTION (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

WAC 180-82-210 Primary and supporting endorsements. (1) All endorsements obtained under the requirements in chapter 180-82 WAC shall be designated as either primary or supporting endorsements on teaching certificates.

(2) All candidates for teaching certificates shall be required to obtain a primary endorsement, except as otherwise provided in WAC 180-79A-257 (1)(d).

(3) Primary endorsements shall require a minimum of forty-five quarter credit hours (thirty semester credit hours) of academic study (or its equivalent) in the endorsement area: Provided, That primary endorsements for broad area endorsements (i.e., English/language arts, science, and social studies) shall require sixty quarter credit hours (forty semester credit hours) of academic study (or its equivalent) in the endorsement area.

(4) Supporting endorsements shall require a minimum of twenty-four quarter credit hours (sixteen semester credit hours) of academic study (or its equivalent) in the endorsement area.

(5) The state board of education or its designee may establish performance/competency criteria for obtaining an endorsement.

WSR 01-10-094

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 1, 2001, 2:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-092.

Title of Rule: WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date.

Purpose: To amend language in subsection [(2)](g).

Other Identifying Information: Emergency adoption WSR 01-08-042, March 30, 2001.

Statutory Authority for Adoption: RCW 28A.230.090.

Summary: Update language for clarification.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 180-51-063, this rule is [to] identify the effective date the certificate of mastery becomes a graduation requirement.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 00-13-039, filed 6/14/00, effective 7/15/00)

WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date. (1) Pursuant to RCW 28A.655.060 (3)(c):

(a) The certificate of mastery shall be a graduation requirement, but not the only requirement for graduation from high school; and

(b) The state board of education is responsible for determining when the secondary Washington assessment of student learning has been implemented and is sufficiently valid and reliable.

(2)(a) The state board of education establishes the 2007-08 school year as the first year in which graduating high school students shall be required to have attained the state certificate of mastery in order to graduate, in addition to other state and local graduation requirements.

(b) The state board of education fully recognizes that a higher standard of validity and reliability must be applied when the result of the assessment affects the ability of an individual student to receive a high school diploma. Therefore, the state board of education will continue to monitor the high school level Washington assessment of student learning. If the board finds that the assessment is lacking in this higher level of validity or reliability, or both, by the beginning of the 2004-05 school year, the state board may change the effective date of the certificate of mastery, for state graduation purposes, to a later school year.

(c) Beginning the 2007-08 school year, the certificate of mastery shall consist of the subject areas under the student learning goals for which a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for graduation purposes. It is expected that the initial certificate of mastery will be comprised of reading, writing, communications, and mathematics.

(d) Beginning the 2009-10 school year, the certificate of mastery shall include science if a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for this subject area.

(e) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in social studies may be required to achieve the certificate of mastery or may lead to an endorsement on the high school transcript.

(f) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in arts and health and fitness may lead to an endorsement on the high school transcript.

(g) ((Beginning)) Effective with students ((in 2001)) who begin the ninth grade in 2003 (the graduating class of 2007), students who take the secondary Washington assessment of student learning and earn the certificate of mastery and/or meet the standard, attainment of the state certificate of mastery and/or meeting the standard shall be noted on the student's transcript pursuant to WAC 180-57-070.

(3) Notwithstanding WAC 180-18-055 and 180-51-107, subsection (2) of this section shall not be waived.

(4) The certificate of mastery shall not be a graduation requirement for students who receive home-based instruction under RCW 28A.200.101(3) nor for students attending private schools under RCW 28A.195.010(6).

WSR 01-10-095

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-118.

Title of Rule: WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements and 180-85-035 Lapse date—Definition.

Purpose: The amendments to these rules will clarify the definition of a lapsed continuing certificate.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(1) may have the certificate renewed for one additional two-year-period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

(b) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program pursuant to WAC 180-75A-535(1) may have their residency certificates renewed for one additional five-year-period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) All other individuals who hold, or have held, residency certificates may have their certificates renewed only by appeal to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Teachers who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987 and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August

31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificates reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement, to include the filing requirement, specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC and must meet the conditions stated in WAC 180-79A-253.

(4) Professional certificate. A professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. All continuing education credit hours shall relate to either (a) or (b) or this subsection: Provided, That both categories (a) and (b) must be represented in the one hundred fifty continuing education credit hours required for renewal:

(a) One or more of the following three standards outlined in WAC 180-78A-540:

- (i) Effective instruction.
- (ii) Leadership.
- (iii) Professional development.

(b) One of the salary criteria specified in RCW 28A-415.023.

(i) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(ii) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(iii) Is necessary to obtain an endorsement as prescribed by the state board of education;

(iv) Is specifically required to obtain advanced levels of certification; or

(v) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(5) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

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

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-035 Lapse date—Definition. As used in this chapter, the term "lapse date" shall mean the date upon which the professional certificate affected by this chapter will lapse if the holder fails to complete the continuing education requirement and the filing requirement of this chapter.

WSR 01-10-096
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-127.

Title of Rule: WAC 180-78A-125 Annual reports by colleges and universities, 180-78A-250 Approval standard—Professional education advisory board, and 180-78A-255 Approval standard—Accountability.

Purpose: These amendments would clarify reports required from approved preparation programs and align them with reports required by Title II.

Statutory Authority for Adoption: RCW 28A.305.130 (1) through (4).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-250 Approval standard—Professional education advisory board. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-209.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board annually has reviewed follow-up studies and placement records.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board ((for the period from July 1 through June 30 of the reporting year)). The college or university has submitted the approved executive summary to the state board of education.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-255 Approval standard—Accountability. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based program for the preparation of teachers, administrators, and educational staff associates.

(2) ((Conduct follow up studies of graduates, maintain placement records for all graduates, and prepare annual placement and follow up summaries.

(3) Submit annually the following to the state board of education for each approved program:

(a) The number of students enrolled in certificate programs during fall of the previous year;

(b) The number of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year; and

(e) A brief narrative description of changes that occurred in certificate programs during the reporting year.) During the first year following program completion, solicit feedback from program completers employed in education, and their supervisors, regarding the program's effectiveness.

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(3) Maintain placement records for all program completers during the first year following program completion.

(4) Submit an annual report to the state board of education for each approved program to include:

(a) An executive summary of the activities of each professional education advisory board, including membership, meeting attendance, meeting expenditure information, PEAB recommendations, and program responses to the recommendations.

(b) The number of students completing each approved program during the period from September 1 - August 31 of the previous year.

(c) Other information related to the preparation programs requested by the state board of education.

(5) Collect and maintain exemplar candidate work samples that document a positive impact on student learning.

PROPOSED

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-78A-125

Annual reports by colleges and universities.

**WSR 01-10-097
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed May 1, 2001, 3:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-121.

Title of Rule: WAC 180-79A-311 Specialty areas of study.

Purpose: Repeal the section.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: There are no standards for the specialty areas.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis

Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79A-311

Specialty areas of study.

WSR 01-10-098

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-125.

Title of Rule: WAC 180-51-061 Minimum requirements for high school graduation.

Purpose: To amend "occupational education" definition.

Statutory Authority for Adoption: RCW 28A.230.090.

Summary: Correct the definition of "occupational education."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 180-51-060 Minimum subject areas for high school graduation, definition of "occupational education" amended to include demonstrating competency of skills under student learning goal four.

Proposal Changes the Following Existing Rules: Language change in definition, see above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis

Executive Director

and credits required for high school graduation, beginning July 1, 2004, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall be as listed below.

(2) State board of education approved private schools under RCW 28A.305.130(6) may, but are not required to, align their curriculums with the state learning goals under RCW 28A.150.210 or the essential academic learning requirements under RCW 28A.665.060.

AMENDATORY SECTION (Amending WSR 00-23-032, filed 11/8/00, effective 12/9/00)

WAC 180-51-061 Minimum requirements for high school graduation. (1) The statewide minimum subject areas

Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
English • Reading • Writing • Communications (Student Learning Goal 1)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	3	Secondary WASL ² (beginning 2008)
Mathematics (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	Secondary WASL ² (beginning 2008)
Science • Physical • Life • Earth (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content At least one credit in laboratory science, which shall be defined locally	2	The assessment of achieved competence in this subject area remains at the local levels ⁵
Social Studies • Civics • History • Geography (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content U.S. history and government, Washington state history and government, and including study of the U.S. and Washington state Constitutions ³ Contemporary world history, geography, and problems ⁴	2.5	The assessment of achieved competence in this subject area remains at the local levels ⁵

PROPOSED

Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
Health and Fitness⁶ (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	The assessment of achieved competence in this subject area remains at the local level ⁵
Arts (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content May be satisfied in the visual or performing arts	1	The assessment of achieved competence in this subject area remains at the local level ⁵
Occupational Education ("Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goals three and four, and which skills are required for success in current and emerging occupations. Programs meeting the vocational technical education program approval standards adopted by the superintendent of public instruction meet this definition))	(("General work skills": Student competencies aligned with learning goals three and four and, as appropriate, the program approval standards adopted by the superintendent of public instruction for exploratory or preparatory vocational technical education courses)) "Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the superintendent of public instruction.	1	The assessment of achieved competence in this subject area remains at the local level ⁵
Electives⁷	See footnote #7	5.5	The assessment of achieved competence in this subject area remains at the local level ⁵
TOTAL		19	

Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
Culminating Project ⁸	See footnote #8		The assessment of achieved competence in this subject area remains at the local level ⁵
High School + Education Plan ⁹	See footnote #9		The assessment of achieved competence in this subject area remains at the local level ⁵

¹ See WAC 180-51-050 for definition of high school credit.

² See WAC 180-51-063 for effective date.

³ The study of Washington state history and government is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. The study of the U.S. and Washington state Constitutions shall not be waived, but may be fulfilled through an alternative learning experience approved by the school principal pursuant to written district policy. Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. For purposes of the Washington state history and government requirement only, the term "secondary school students" shall mean a student who is in one of the grades seven through twelve.

⁴ Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

⁵ Locally determined assessment means whatever assessment or assessments, if any, the district determines are necessary.

⁶ The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally pursuant to WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement pursuant to RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement. "Directed athletics" shall be interpreted to include community-based organized athletics.

⁷ Study in a world language other than English or study in a world culture may satisfy any or all of the required electives.

⁸ Each student shall complete a culminating project for graduation. The project consists of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.

⁹ Each student shall have an education plan for their high school experience, including what they expect to do the year following graduation.

Preproposal statement of inquiry was filed as WSR 01-05-124.

Title of Rule: WAC 180-51-060 Minimum subject area for high school graduation.

Purpose: To amend "occupational education" definition.

Statutory Authority for Adoption: RCW 28A.230.090.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 180-51-060 Minimum subject areas for high school graduation, definition of "occupational education" amended to include demonstrating competency of skills under student learning goal four.

Proposal Changes the Following Existing Rules: Language change in definition, see above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-19-108, filed 9/20/00, effective 10/21/00)

WAC 180-51-060 Minimum subject areas for high school graduation. (1) The minimum subject areas and credits therein shall be:

SUBJECT	CREDIT
English	3
Mathematics	2
Science*	2

WSR 01-10-099 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:09 p.m.]

Original Notice.

Social Studies		2 1/2
United States History and Government	(1)	
Washington State History and Government	(1/2)**	
Contemporary World History, Geography, and Problems	(1)**	
Occupational Education***	1	
Physical Education	2	
Restricted Elective	****	1

*At least one credit of the two science credits shall be in a laboratory science.

**See WAC 180-51-075 for equivalencies.

****"Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal ((three, student learning goal four, and the vocational technical education program approval standards adopted by the superintendent of public instruction and which skills are required for success in current and emerging occupations)) four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the superintendent of public instruction.

*****This one credit requirement must be selected from visual or performing arts or any of the subject areas listed above.

Electives	5 1/2
Total	19

(2) The minimum elective credits shall be met by additional courses in the required subject areas, by specific local district requirements, or by any course offered pursuant to WAC 180-50-115.

(3) In accordance with WAC 180-51-035, this section shall expire on June 30, 2014, for those students who begin the equivalent of a four-year high school program prior to July 1, 2004.

(4) The state board of education and superintendent of public instruction are not authorized by law to issue a high school diploma.

WSR 01-10-100
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:10 p.m.]

Continuance of WSR 01-05-091.

Preproposal statement of inquiry was filed as WSR 99-04-008.

Title of Rule: WAC 180-82-130 Assignment of persons providing instruction to Braille to students.

Purpose: To amend WAC 180-82-130 regarding the assignment of teachers of Braille.

Other Identifying Information: Continuance of WSR 01-05-091, change in hearing date.

Statutory Authority for Adoption: RCW 28A.305.130 (1) and (2), 28A.410.010, 28A.150.220(4).

Summary: Amendment of WAC 180-82-130.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments to WAC 180-82-130 provide for the needed instruction to maintain certification to teach Braille to students.

Proposal Changes the Following Existing Rules: Amends WAC 180-82-130.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

WAC 180-82-130 Assignment of persons providing instruction of Braille to students. (1) No certificated school district employee shall be assigned to provide instruction of Braille to students who has not demonstrated competency with the grade two standard literary Braille code by:

(a) Successful completion of the National Literary Braille Competency Test; or

(b) Successful completion of the Braille competency test developed at Portland State University; or

(c) Successful completion of any other test approved for use by the state board of education.

(2) No classified school district employee working under the supervision of a certificated school district employee, which certificated employee meets the requirement of subsection (1) of this section, may produce Braille material or provide instruction in the Braille code unless the employee has demonstrated competency with the grade two standard

PROPOSED

literary Braille code as provided under subsection (1) of this section.

(3)(a) Each school district is responsible for monitoring the appropriate assignment of personnel under subsections (1) and (2) of this section.

(b) Any person under subsections (1) and (2) of this section shall have one year from the date of request to successfully pass the testing requirement under subsection (1) of this section.

(c) The Washington Instructional Resource Center for the Visually Impaired shall forward to the state board of education the names of individuals who have passed the testing requirement under subsection (1) of this section and the date of passage. The center also shall forward to the state board the names of individuals who have not passed the testing requirement within one year and the name of the employing school district of the individual.

(4) The state board shall establish a test review committee which shall be responsible for developing criteria to evaluate a test under subsection (1)(c) of this section. No test shall be considered for approval by the state board under subsection (1)(c) of this section unless it has been evaluated by the test review committee and a recommendation for approval or disapproval has been submitted to the board. At a minimum, the membership of the committee shall include persons representing:

- (a) National Federation of the Blind of Washington;
- (b) Washington council of the blind;
- (c) Association of education and rehabilitation of the blind and visually impaired of Washington;
- (d) Washington instructional resource center for the visually impaired;
- (e) Washington state school for the blind; and
- (f) Office of the superintendent of public instruction.

((4)) (5) A person who has met the requirement of subsection (1) of this section shall maintain their facility with the grade two standard literary Braille code by:

- (a) Completing ten hours every five years of continuing education; or
- (b) Successful completion every five years of one of the tests under subsection (1) of this section.

((5) This section shall take effect September 1, 1997.))

(6)(a) For the purpose of subsection (5)(a) of this section, the continuing education option may be satisfied by:

(i) Completing the equivalent of ten clock hours through completion of college credits as provided under WAC 180-85-030 (1) and (2); or

(ii) Completing ten clock hours of continuing education as provided under WAC 180-85-030 (3) and (4); or

(iii) Completing the equivalent of ten clock hours through completion of continuing education units through a college or university. One continuing education unit shall equal not fewer than ten clock hours of attendance.

(b) For the purpose of subsection (5)(a) of this section, "continuing education" shall mean one or more of the following:

- (i) Instructional methodology in Braille;
- (ii) Improving Braille code skills; or
- (iii) Maintaining or refreshing Braille code skills, not including technology or software. "Braille code skills"

means literary, music, and the Nemeth code of mathematics and scientific notation.

(c) For the purpose of subsection (5)(a) of this section, an approved provider of continuing education may include:

- (i) The National Braille Association;
- (ii) The Library of Congress;
- (iii) The Braille Authority of North America;
- (iv) A regionally accredited institution of higher education under WAC 180-78A-010(6);

(v) An educational service district;

(vi) The American Foundation for the Blind;

(vii) The Association of Education and Rehabilitation of the Blind and Visually Impaired of Washington;

(viii) The American Foundation for the Blind annual American Braille literacy conference; or

(ix) Any other entity approved by the state board of education based upon a recommendation to approve from the test review committee established under subsection (4) of this section.

(d) For the purpose of subsection (1) of this section, a person who holds a Library of Congress transcriber's certificate is exempt only from the testing requirement under subsection (1) of this section. If an individual earns the Library of Congress transcriber's certificate, they shall be deemed to have met the continuing education option under subsection (5)(a) of this section.

(e) Individuals who seek through subsection (5)(a) of this section to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals are strongly encouraged to provide a copy of their documentation to their employing school district. The documentation shall not be collected by the state board of education. However, the documentation could be audited for purposes of compliance with basic education appropriation requirements under WAC 180-16-195.

WSR 01-10-101 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-127.

Title of Rule: WAC 180-78A-010 Definition of terms.

Purpose: Change language to include university or college which is a candidate for accreditation to be accredited.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130 (1) and (2).

Summary: See Purpose above.

Reasons Supporting Proposal: Students currently in program will be able to graduate from an accredited institution.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change language to allow an institution of higher education to be accredited while they are a candidate for accreditation.

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Fife School District Administration Building, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 1, 2001

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

WAC 180-78A-010 Definition of terms. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is ((fully)) a candidate for accreditation or is accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges: Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team" means a team of persons comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

WSR 01-10-102
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed May 1, 2001, 3:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-130.

Title of Rule: WAC 180-33-042 Replacement option.

Purpose: To provide a waiver option under special conditions from the conditions covered in the WAC.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: Adding a section to WAC 180-33-042.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To provide a waiver option under special conditions from the conditions covered in the WAC.

Proposal Changes the Following Existing Rules: Provides the option for a waiver.

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

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

Hearing Location: Board Room, Fife School District, 5802 20th Street East, Tacoma, WA 98424-2000, on June 15, 2001, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 1, 2001, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

April 26, 2001
 Larry Davis
 Executive Director

AMENDATORY SECTION (Amending WSR 98-19-138, filed 9/23/98, effective 10/24/98)

WAC 180-33-042 Replacement option. A district with space eligible for modernization pursuant to WAC 180-33-015 and 180-33-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

(1) The existing building or space to be replaced will not be used for district instructional purposes; and

(2) The existing building or space will be ineligible for any future state financial assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or

in part, the district shall become ineligible for any state construction financial assistance for a period of ten years from the date that the executive director or the chief executive officer of the state board notifies the board during the course of an open public meeting or sends written notice to members of the board of the return of the building in whole or in part to instructional purposes. Districts exercising this election shall be limited in state assistance to the provision of WAC 180-33-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 180-33-015 (1)(c): Provided, That no new construction in lieu of modernization project may qualify for additional state assistance pursuant to WAC 180-27-115 unless the facility being replaced would have qualified pursuant to such section for additional state assistance as a modernization project.

(3) The state board of education may waive the provisions of this section for a period it determines is appropriate to the particular situation. A waiver request must be submitted in writing to the superintendent of public instruction. The superintendent of public instruction shall review the waiver request and make a written recommendation to the state board of education to approve or deny the request. The waiver request shall include, but not be limited to, the following information:

- (a) Description of the district's planning process;
- (b) Rationale why the need for the waiver request was not anticipated;
- (c) The requested length of time of the waiver;
- (d) The availability of funding for proposed projects;
- (e) List of specific projects and timelines;
- (f) List of the specific student groups that will use the facility; and
- (g) Rationale why this is the best use of facilities and public funds.

WSR 01-10-103

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)

[Filed May 1, 2001, 3:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-074.

Title of Rule: Medicaid rates for contracted home and community residential care services, WAC 388-105-0005, 388-105-0010, 388-105-0015, 388-105-0020, and 388-105-0025.

Purpose: Establishes in rule Medicaid payment rates for contracted home and community residential care services.

Statutory Authority for Adoption: RCW 74.39A.030(3). Statute Being Implemented: Chapter 74.39A RCW.

Summary: Implements Medicaid four level payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Hague, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2447.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implements Medicaid payment rates four level payment system for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC). The effect of the four level payment system will increase the number of payment levels from three to four resulting in rate increases for some residents and decreases for others.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed new sections of chapter 388-105 WAC are exempt from a small business economic impact statement under RCW 19.85.025(2) and 34.05.310 (4)(f), rules that set or adjust fees or rates pursuant to legislative standards.

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees or rates pursuant to legislative standards are exempt from RCW 34.05.328. The new sections of chapter 388-105 WAC set Medicaid payment rates for residential care facilities pursuant to chapter 74.39A RCW. (1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care... and (3)(a). The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care.

Hearing Location: Blake Office Park, 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Phone (360) 664-6094, TTY (360) 664-6178, e-mail coopekd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 5, 2001.

Date of Intended Adoption: June 8, 2001.

April 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-105 WAC

MEDICAID RATES FOR CONTRACTED HOME AND COMMUNITY RESIDENTIAL CARE SERVICE RATES

NEW SECTION

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

Four level payment system rates for AFHs, ARCs, & EARCs			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$42.41	\$41.19	\$41.19
Level 2	\$45.06	\$47.24	\$52.49
Level 3	\$52.26	\$54.64	\$60.65
Level 4	\$63.09	\$66.89	\$72.90

*Benton, Clark, Franklin, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0010 What are care levels? The care levels correspond to the amount of assistance a Medicaid resident needs in performing unmet activities of daily living (ADL) and to meet additional unmet care needs. Level 1 represents minimal assistance with level 4 representing maximum assistance.

NEW SECTION

WAC 388-105-0015 How does the department determine whether the Medicaid resident needs assistance in completing ADLs and/or has unmet care needs? The department completes a comprehensive assessment (CA) to identify the assistance needed with unmet ADLs and other care needs of a Medicaid resident.

NEW SECTION

WAC 388-105-0020 How does the department determine at which care level the Medicaid resident will be placed? (1) The department assigns:

(a) Values from zero to three to any of the following unmet activities of daily living (ADL) that the Medicaid resident needs either minimal, substantial, or total assistance to complete: eating, toileting, ambulation, transfer, positioning, and bathing; and

(b) Points to the resident's health, psychological, social, behavioral and/or cognitive status.

(2) A Medicaid resident's total:

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[Filed May 2, 2001, 8:18 a.m.]

- (a) ADL values can range from zero to sixteen; and
- (b) Points can range from zero to three hundred fifty.
- (3) The department determines the Medicaid resident's care level by combining his/her total ADL values and total points.

NEW SECTION

WAC 388-105-0025 How many ADL values and unmet care need points correspond to the four care levels? The following table illustrates the number of ADL values and points that the Medicaid resident's assessment must demonstrate to be assigned to one of the four levels of care:

Level	ADL values	Unmet care needs points
1	0	0-59
1	1	0-59
1	2	0-49
1	3	0-39
1	4	0-29
2	0	60-109
2	1	60-109
2	2	50-109
2	3	40-109
2	4	30-99
2	5-10	no points required
3	0-3	110+
3	4	100+
3	5	90+
3	6	80+
3	7	70+
3	8	60+
3	9	50-99
3	10	40-89
3	11-16	no points required
4	9	100+
4	10	90+
4	11	80+
4	12	70+
4	13	60+
4	14	50+
4	15	40+
4	16	30+

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-002.

Title of Rule: Commercial fishing rules.

Purpose: Amend salmon troll rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sets coastal salmon troll seasons.

Reasons Supporting Proposal: Provides opportunity to harvest surplus salmon.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Salmon troll seasons have been managed by emergency rule since 1979, since there has been insufficient fishing opportunity to leave the fishery open longer than [than] the statutory period of effectiveness of emergency rules. This year opportunity is expected to last from May through September, and a permanent rule is needed. The department is also concerned with accurate reporting of catch, and is proposing a rule to limit misreporting of catch taken south of Cape Falcon.

Proposal Changes the Following Existing Rules: New season settings.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping and Other Compliance Requirements of the Proposed Rule: Sets days, times and gear for commercial salmon troll fishing.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Commercial fishers must have valid licenses and use approved gear.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No, the rules open fishing opportunity that is otherwise closed.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: None.

a. Cost per employee.

b. Cost per hour of labor.

c. Cost per one hundred dollars of sales.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: None taken, none needed.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The draft rules were developed after two public meetings (North of Falcon) and a final PFMC meeting. Meetings were announced through news releases and on the Washington Department of Fish and Wildlife website. Key industry members are involved in commenting on, and proposing changes to, rules and seasons. Once drafted, the rules go through the standard public process set up for promulgating and revising Washington Administrative Codes.

8. A List of Industries That Will Be Required to Comply with the Rule: Coastal salmon troll fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 175A, Olympia, WA, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jackie Hursey by June 1, 2001, TDD (360) 902-2207, or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2155, by June 4, 2001.

Date of Intended Adoption: June 5, 2001.

May 1, 2001

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 79-43, filed 6/22/79)

WAC 220-24-020 Lawful acts. ((1)) It shall be lawful to take, fish for or possess salmon other than coho taken for commercial purposes with "troll line" gear in waters of District No. 1 west of a line projected true north from Cape Flattery during the period May 1 through June 14 except as provided in WAC 220-44-020.

((2)) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 west of a line projected true north from Cape Flattery during the period July 1 through September 15 except as provided in WAC 220-44-020.

((3)) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 south of a line projected true west from Point Grenville during the period July 1 through October 31.

((4))) It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the state of Wash-

ton has jurisdiction, an original package or packages containing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country: Provided, That for the purpose of this regulation the term "original package" shall mean a package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country: Provided further, That it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of reicing: Provided further, That the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

NEW SECTION

WAC 220-24-040 All-citizen troll seasons. 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) SMCRA 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, 2001, and remain open through June 30, 2001, or until the chinook quota is taken. Unlawful to retain coho. No more than 4 spreads per line beginning June 1. Cape Flattery and Columbia River Control Zones closed.

(2) SMCRA 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1, 2001, and remains open through July 27, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Gear is restricted to plugs with a plug body length of six inches or greater, and no more than 4 spreads per line. Cape Flattery Control Zone closed.

(3) SMCRA 1 opens July 20, 2001, and remains open through September 30, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Columbia River Commercial Control Zone closed.

(4) SMCRA 2 south of the Queets River opens July 28, 2001 or upon closure of the fishery provided for in subsection (2) of this section, and remains open concurrent with the fishery provided for in subsection (3) of this section.

(5) In all fisheries provided for in this section, chinook minimum size 28 inches and coho minimum size 16 inches. No minimum size for pink, sockeye or chum salmon.

(6) Lawful troll gear is restricted to single point, single shank barbless hooks.

(7) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(8) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the SMCRA fished, or within an adjacent SMCRA closed to all-citizen troll fishing.

(9) The Cape Flattery Commercial 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.

(10) The Columbia River Commercial Control Zone is defined 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. latitude, 124°06'50" W. longitude) and the green lighted Buoy #7 (46°15'09" N. latitude, 124°06'16" W. longitude); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. latitude, 124°03'07" W. longitude to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. latitude, 124°05'20" W. longitude) 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. latitude, 124°04'05" W. longitude), and then along the south jetty to the point of intersection with the Buoy #10 line.

(11) It is unlawful to fish in SMCRAs 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from SMCRAs 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

**WSR 01-10-109
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 2, 2001, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-002

Title of Rule: Recreational fishing rules.

Purpose: Amend rules for 2001 recreational salmon seasons.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: WAC 220-56-105, amends definition of mouth of Wind River to provide protection for fish when buoys are installed.

WAC 220-56-124, modifies Hoodsport Hatchery fishery. Provides additional fishing opportunity on jack chinook salmon.

WAC 220-56-195, amends salmon closed areas. Allows additional fishing opportunity in Carr Inlet and Dungeness Bay. Rescinds near-shore closure in Areas 5, 6, and Whidbey Island. Establishes near-shore closure in Strait of Juan de Fuca and mouth of Elwah River for chinook protection.

WAC 232-28-619, amends seasons and limits in freshwater. Freshwater seasons adjusted for expected returns based on preseason forecasts.

WAC 232-28-620 and 232-28-621, amends seasons and limits in saltwater. Puget Sound and coastal seasons adjusted for expected returns based on preseason forecasts.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishing.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 175A, Olympia, WA, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jackie Hursey by June 1, 2001, TDD (360) 902-2207, or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2155, by June 4, 2001.

Date of Intended Adoption: June 5, 2001.

May 1, 2001

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chambers Creek - Burlington Northern Railroad Bridge.

Chehalis River - Highway 101 Bridge in Aberdeen.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hoquiam River - Highway 101 Bridge.

Humptulips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Tucannon River - State Highway 261 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Markers downstream of the Burlington Northern Railroad Bridge.

Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth except boundary lines southerly to the two boundary line buoys and a line east-west between the two boundary line buoys when the buoys are in place.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-124 Unlawful provisions—Hoodsport Hatchery. During the period July 1 through December 15, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodsport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline

to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling May 1 through July 31 ((and September 16 through October 15)).

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling August 1 through September ((15)) 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 ((April 16)) August 1 through September 30 and November 1 through April ((15)) 10.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 16 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 running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed June 1 through July 31 and April 1 through April 10.

(7) ((Whidbey Island and mainland shores in Areas 5 and 6. Those waters of Catch Record Card Areas 5 and 6 within 3/4 mile of the shores of the mainland and Whidbey Island are closed to salmon angling August 1 through August 31 when angling from boats.))

(8)) Rosario Strait and eastern Strait of Juan de Fuca:

(a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a straight line running from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal Buoy, then to the easternmost point of Obstruction Island, then true south to Blakely Island, and south along the Blakely Island shore to

the southernmost point on Blakely Island, then across Thatcher Pass to Fauntleroy Point, then along the eastern shore of Decatur Island 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 west from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

(b) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to the Bird Rocks Buoy, then true west from Bird Rocks Buoy to Decatur Island, and then along the eastern shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true ((west)) south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon August 1 - September 30.

(8) Strait of Juan de Fuca:

(a) Waters of Areas 4 and 5 in the Strait of Juan de Fuca southerly of a line running from Kydaka Point to Shipwreck Point - Closed to fishing for salmon August 1 - September 30.

(b) Waters of Area 6 within 1000 feet of the mouth of the Elwha River - Closed to fishing for salmon August 1 - August 31.

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

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:

PROPOSED

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through ((October)) August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Lake (Reservoir) (Pierce/Thurston counties): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

American River (Yakima County): Selective gear rules.

Ancient Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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): ((From the)) Mouth to Highway 20 Bridge: July 1 through July 31 and September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Daily limit one fish, minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as the one trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31. Daily limit two fish, release all salmon except sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters June 1 through August 31.

Ballinger Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 (~~((October 16)) September 1~~ through November 30. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release (~~((wild adult coho and wild))~~ adult chinook.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. 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.) Only wheel-chair-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: Minimum size 12 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

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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): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

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): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. 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 Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.

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. Terminal gear limited to one single hook. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Wild steelhead may be retained December 1 through last day in February.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 sea-

sons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only October 1 through November 30. Daily limit 2 salmon. Release wild coho.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

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Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend ((Orieille)) 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.

Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 ((September 1)) August 16 through November ((15 upstream from mouth to Porter Bridge and October 16 through November 15 from the Porter Bridge to the high bridge)) 30. Trout: Minimum length fourteen inches. Salmon: Open only ((May 1)) April 16 through July 31 from mouth to high bridge, September 1 through ((November 15)) January 31 from mouth to Porter Bridge, and October 16 through ((November 15)) February 28 from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September 1 through ((November 15 the daily limit may contain no more than one wild adult coho and one adult chinook)) January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho and one wild adult chinook, and release all chum. October 16 through November 30, Porter Bridge to High Bridge, the daily limit may contain no more than one wild adult coho, and release chum and adult chinook. December 1 through February 28, Porter Bridge to High Bridge, release chum, adult chinook and wild adult coho.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two 15 inches minimum except May 15 through September 30 east of Fields Point daily limit 5, minimum length 8 inches no more than 2 over 15 inches in length. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Landlocked salmon rules apply, except minimum length 15 inches. Burbot: Set line gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective gear rules.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

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: Additional season November 1 through May 31, steelhead only. Release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon January 1 through September 30 and no more than 4 fish may be adult salmon October 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. (~~(Release wild adult coho and wild adult chinook.)~~)

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around 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 eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

From bridge at Valley upstream and tributaries: Selective gear rules.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Family Fishing Pond (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

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: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through ((September 30)) August 15 daily limit 2 salmon, except the daily limit may contain no more than 1 chinook. Release chum, sockeye, wild coho,

((and)) chinook less than 24 inches in length, and coho salmon less than 16 inches in length. August 16 through September 30, daily limit 3 salmon, except the daily limit may contain no more than one chinook. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. October 1 through ((March)) December 31 daily limit 6 fish of which no more than ((2)) 3 may be adult salmon and not more than one of the three may be a chinook. Release chum, sockeye, and wild coho. January 1 through March 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

~~From the Rocky Point - Tongue Point line to the I-5 Bridge: ((Closed waters: September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek.)) 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 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 release chinook within waters east of a line from the northern tip of Bachelor Island to the lighthouse at Warrior Rock to Sand Island to a navigation marker 1/2 mile off the northwest tip of Sand Island and then to marker No. 77 on the Washington shore.))~~

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. ((Drano Lake: August 1 through December 31: Nonbuoyant lure restriction.)) September 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. Salmon: Open only August 1 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho except wild coho may be retained in the daily limit from The Dalles Dam to McNary 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. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. Ringold Hatchery waters (from WDFW markers 1/4 mile downstream from the Ringold wastewater outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only May 15 through July 31 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon: Daily limit 2 fish.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release wild coho.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except November 1 through December 31 release adult salmon. Release wild coho.

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.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

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.

Coot Lake (Grant County): March 1 through July 31 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.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year around 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.

Cow Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholand Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches. Salmon: Landlocked salmon rules apply except October 1 through December 31 daily limit 6 fish, of which not more than 4 may be adult salmon and of which not more than five may be trout.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through

May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open only August 1 through April 30 mouth to Barrier Dam. Daily limit 6 fish of which no more than 2 may be adult salmon, except ~~((May 1 through May 31 daily limit one fish and October)) September~~ 1 through December 31 daily limit may contain ((4)) 6 hatchery adult ~~((salmon)) coho~~. Release chum and wild coho August 1 through April 30. Release chinook August 1 through December 31.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Salmon: Open year around from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon, except up to 4 adults may be retained October 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 County) and tributaries: Year around season.

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.

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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 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): March 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): Closed waters.

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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches. Salmon: Open only year around from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through December 31 daily limit six fish of which no more than two may be chinook. Release chum and wild coho.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All game fish: Release all fish except trout greater than twenty inches in length. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Desire Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. ((From Dewatto Holly Road Bridge upstream: Selective gear rules.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season.) Salmon: Open only September 16 through October 31. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dollar Lake (Grant County): March 1 through July 31 season.

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Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit ((2)) 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 July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen 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 June 30 and September 1 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.

Elbow Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required ((September 1)) August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November ((15)) 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one ((wild)) adult chinook. Release chum.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be ((adult salmon, except October 1 through December 31 the daily limit may contain 4 adult salmon)) chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Foster Road Bridge.

Eloika Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

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From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

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. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Finnel Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April 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.

Flowing Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release ((all)) steelhead June 1 through ((October)) August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): June 1 through last day in February season. 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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of free licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length. Bluegill: Not more than five over six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 around season. Selective gear rules September 1 through May 31. Trout: Minimum length twelve inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches. Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and steelhead with a missing adipose fin and a healed scar at the fin site.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and

December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. All game fish: Release all fish except hatchery steelhead. ((Trout: Minimum length twenty inches.)) Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish ((of which no more than 2 may be adult salmon)). Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from Hatchery Road Bridge: June 1 - August 31 season except closed from the Hatchery Road Bridge to posted sign at hatchery outlet. Trout: Additional December 15 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than hatchery steelhead.

Green Lake and Green Lake, Lower (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Green (Duwamish) River (King County):

From the First Avenue Bridge to South 277th Street Bridge in Auburn: June 1 through August 15 and September 15 through last day in February season except waters from the SW 43rd Street/South 180th Street Bridge to the 277th Street Bridge are closed September 15 through September 30. Nonbuoyant lure restriction and night closure ((August 1)) September 15 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through August 15 and September 15 through the last day in February. Salmon: Open only ((October 1)) September 15 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through last day in February. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: ((June)) April 1 through November 30 season except closed from 400 feet above to

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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 above to 400 feet below the salmon hatchery rack when the rack is installed in the river. Non-buoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. ((~~Trout: Minimum length twenty inches.~~)) Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except ((~~October~~)) September 1 through November 30 the daily limit may contain 4 adult salmon. Release chum and wild coho. August 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

"H" Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hallin Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 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.

Hart Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from DNR oxbow campground boat launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR oxbow campground boat launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only ((~~June 1~~)) May 16 through November 30 mouth to Morgan's Crossing Boat Launch and June 1 through August 31 from boat launch to South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon except release adult chinook salmon ((~~June 1~~)) May 16 through August 31 upstream from mouth to DNR Oxbow campground boat launch and ((~~September 1~~)) May 16

through October 15 release adult salmon from Oxbow boat launch to Morgan's Crossing boat launch.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required ((September 1)) August 16 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November ((15)) 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained.

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): March 1 through March 31 and September 1 through September 30 seasons.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season. Nonbuoyant lure restriction, night closure and single point barbless hooks required ((September 1)) August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, adult chinook, and wild adult coho.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure September 1 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County): Nonbuoyant lure restriction and night closure September 1 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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): Closed waters.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Island Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Island Lake (Pacific County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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Issaquah Creek (King County): Closed waters.

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 ((September 1)) August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November ((15)) 30 from Highway 109 Bridge to Ocean Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. ((Release adult chinook.))

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required ((September 1)) August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November ((15)) 30 from mouth to Ballon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season. Bass: Release fish. 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 Mineral Creek: Closed waters.

Kahlotus Lake (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year around. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through December 31 daily limit 6 fish. Release chum and wild coho. 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 around season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Kapowsin Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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 Octo-

ber 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches.

Additional season: November 1 through May 31. All species except whitefish: Selective gear rules and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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.

Kitsap Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: ((June)) May 1 through January 31 season. Game fish: Closed December 1 through January 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 daily limit one hatchery steelhead or one salmon. Salmon: ((Open only June 1 through January 31)) June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through January 31 daily limit 6 fish. Release wild coho.

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. Daily limit 6 fish of which no more than 2 may be adult salmon, except June 1 through July 31 release adult salmon and September 1 through November 30 daily limit 6 fish. Release wild coho. Whitefish: Additional

December 1 through March 31 season. Release all fish except whitefish.

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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: No more than 2 trout 20 inches in length or greater may be retained.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Leland Lake (Jefferson County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lemma Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 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).

PROPOSED

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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 around)) Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open ((year around)) year-round. May 1 through July 31 daily limit one fish. August 1 through April 30 daily limit of 6 fish of which no more than 2 may be adult salmon, except ((October)) September 1 through December 31 ((the)) daily limit ((may contain up to four adult salmon)) 6 fish. ((August 1 through April 30)) Release chum and wild coho. ((August 1 through January 31 release chinook.))

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: ((Year around)) Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through ((October 15)) July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 upstream from Johnson Creek ((to Colvin Creek)). Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open ((year around)) year-round. May 1 through July 31 daily limit one fish. August 1 through April 30 daily limit ((ef)) 6 fish of which no more than 2 may be adult salmon, except ((May 1 through July 31 daily limit one salmon and October)) September 1 through December 31 ((the)) daily limit ((may contain up to four adult salmon)) 6 fish. ((August 1 through April 30)) Release chum and wild coho. ((August 1 through January 31 release chinook.))

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through ((September 30)) October 31. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through September 30 daily limit 6 fish of which no more than two may be chinook. Release chum and wild coho. ((August 1 through September 30 and January 1 through 31 release chinook.))

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2

powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release cutthroat.

Mouth to top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish except hatchery steelhead.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

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 Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Upstream from bridge at Fridgeer Road: Closed waters; From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon, except September 1 through December daily limit six fish of which not more than two may be chinook. Release wild coho at all times.

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 (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Juveniles only.

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.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

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.

Mason Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Salmon: Landlocked salmon rules apply.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 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. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

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): Closed waters.

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): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam 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. Trout: Minimum length fourteen inches. Salmon: Additional November 1 through December 31 season from mouth to 100 feet downstream of the hatchery rack. Daily limit 4 chum.
All species: Release all fish except chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooeses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 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.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Nahwatzel Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 September 1 through January 31, waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery.

Mainstem: Single point barbless hooks required ((July 1)) August 16 through January 31 upstream from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only ((July 1)) August 16 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 ((2)) 3 may be adult salmon and of these 3 fish no more than

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1 may be a wild adult coho and not more than 2 may be adult chinook or chum. ((Release wild adult coho.))

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish. Additional November 1 through last day in February season.

North Fork: Selective gear rules. All species: Release all fish.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road ((October 1)) August 16 through ((January 31)) November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road ((July 1)) August 16 through ((January 31)) November 30, and on South Nemah upstream to confluence with Middle Nemah ((July 1)) August 16 through ((January 31)) November 30. Selective gear rules on Middle Nemah above DNR Bridge ((and on South Nemah above confluence with Middle Nemah)). Nonbuoyant lure restriction and night closure August 16 through November 30 on North and Middle Nemah and on South Nemah from mouth to confluence with Middle Nemah. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only July 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. ((Release wild adult coho.)) North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook or adult chum.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. ((Single point barbless hooks required October 16 through November 15.)) Night closure and nonbuoyant lure restriction and single point barbless hooks required August 16 through November 30 upstream from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through ((November 15)) February 28 from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 16 through November 30 the daily limit may contain no more than one wild adult coho ((and one adult chinook)). Release chum and adult chinook. Release wild adult coho December 1 through February 28.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Newman Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only ((October 16)) 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 ((wild adult coho and)) adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. ((Trout: Minimum length fourteen inches.)) Release pink.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through March 15 season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. 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 ((+6)) 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October ((+)) 15 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook ((~~on the North Fork~~) and wild coho).

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through March 15 season. Selective gear rules. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October ((+)) 15 through ((November 30)) December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only ((October 16)) 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 wild adult coho and adult chinook.

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 October 31 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 Limerrick): Closed waters.

Offut Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Opal Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. Single point barbless hooks, nonbuoyant lure restriction and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. All game fish: Release all fish. Salmon: Open only ((October 16)) 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 wild adult coho and wild chinook.

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Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Burbot: Set line gear allowed.

Pampa Pond (Whitman County): Last Saturday in April 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): March 1 through July 31 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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 around 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.

Phantom Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

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. Wild steelhead may be retained.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

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.

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): March 1 through March 31 and September 1 through September 30 seasons.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December ((+5)) 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon. Release pink.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to ((Rogers)) Rodgers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from ((Rogers)) Rodgers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from ((Rogers)) Rodgers Street to the Highway 101 Bridge. Daily limit ((2)) 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary:

June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules 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.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, 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 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length. Salmon: Landlocked salmon rules apply.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Roses Lake (Chelan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Saint Clair Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October ((46)) 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Nonbuoyant lure restriction and night closure (~~(September 1)~~) August 16 through November 30. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Single point barbless hooks required (~~(September 1)~~) August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except that the daily limit may contain no more than one adult chinook and ~~((October 1 through November 15 the daily limit may contain no more than))~~ one wild adult coho. ~~((November 16 through January 31))~~ Release ~~((wild adult coho))~~ chum.

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. Wild steelhead may be retained December 1 through last day in February.

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.

Scabrock Lake (Grant County): March 1 through July 31 season.

Schafer Lake (Chelan County): Trout: Daily limit sixteen.

Scooteney Reservoir (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 June 30 and September 1 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): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoecraft Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

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.

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Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

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-around)) Year-round 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. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only ((November 1)) August 15 through December 31. Daily limit ((2 chum)) 4 salmon of which no more than two may be coho or two may be chum. Release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to pipeline crossing at Sedro Woolley: 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. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only ((November 1)) August 15 through December 31. Daily limit ((2 chum)) 4 salmon of which no more than two may be coho or two may be chum. Release chinook.

From pipeline crossing at Sedro Woolley 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 upstream from Gilligan Creek. 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. Wild steelhead may be retained December 1 through last day in February. Salmon: ((Open only November 1 through December 31 from pipeline crossing to mouth of Cascade River. Daily limit 2 chum salmon.)) Open only July 1 through July 31 from Dalles Bridge to the Baker River. Daily limit 2 sockeye. Open only August 15 through December 31 from the pipeline crossing to Gilligan Creek. Daily limit 4 salmon of which not more than two may be coho or two may be chum, except Dalles Bridge to Cascade River October 1 through October 31 daily limit two coho. Release chinook at all times.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit ((6 fish of which no more than 2 may be adult salmon, except the daily limit may contain not more than 1 adult chinook)) 2 salmon August 1 through September 30 and 6 salmon October 1 through December 15, except October 1 through December 15 the daily limit may contain no more than 4 adult fish and of these adults not more than two may be adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks (~~((required October 16 through November 15)), night closure and nonbuoyant lure restriction August 16 through November 30.~~) Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November ((+5)) 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho (~~(and one adult chinook)). Release chum and adult chinook.~~

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure ((November)) August 1 through ((last day in February)) November 30. Fishing from any floating device prohibited November 1 through ((last day in February)) April 30 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. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective gear rules. Nonbuoyant lure restriction and night closure March 1 through April 30. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish. Salmon: Open only ((November)) September 1 through December 31. Daily limit 2 ((ehum)) salmon. Release chinook.

From the mouth of the Sultan River to the forks: June 1 through March 31 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. 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. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum 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. Wild steelhead may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks, nonbuoyant lure restriction and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only ((October 16)) September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release ((wild adult coho and)) adult chinook.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead.

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.

PROPOSED

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only ((November)) September 1 through December 31. Daily limit 2 ((ehum)) salmon. Release chinook.

Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 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 March 31 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. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season. September 1 through October 31 - night closure. Trout: Minimum length fourteen inches. Salmon: Open only ((September 30))

October 13 through October ((15)) 28 to fishing by juveniles only. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spencer Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 around season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no more than one over twenty inches in length. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply.

From Monroe Street Dam upstream to Upriver Dam: Year around 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. Trout: Daily limit one, minimum length 12 inches. Salmon: Landlocked salmon rules apply.

Sportsman's Lake (San Juan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sprague Lake (Adams/Lincoln counties):

Waters northeast of the lakeside edge of the reeds: Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. 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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: An additional ten kokanee may be retained above the five fish daily limit.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: ((Year-around)) Year-round season.

Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only ((November)) September 1 through December 31. Daily limit 2 ((ehum)) salmon. Release chinook and coho.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed September 1 through November 30. Trout: June 1 through November 30 release all fish except hatchery steelhead. Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained. Salmon: Open only ((November)) September 1 through December 31. Daily limit 2 ((ehum)) salmon. Release chinook and chum. Minimum size 14 inches.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: ((Year-around)) Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained.

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. Wild steelhead may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through last day in February.

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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tahuya River (Mason County): ((All species: Release all fish. From marker one mile above North Shore Bridge upstream: Selective gear rules.)

~~From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season.) Mouth to Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Game fish: Selective gear rules and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.~~

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. 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 Lake (Jefferson County): Last Saturday in April to October 31 season.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tee Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

PROPOSED

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish, except October 1 through December 31 the daily limit may contain up to 4 adult salmon. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through last day in February.

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. Trout: Minimum length ten inches.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Totem Lakes 1 and 2 (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout. From confluence of north and south forks upstream, including Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

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 ((34)) 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except ((October)) September 1 through November 30 ((the)) daily limit ((may contain up to 4 adult salmon)) 6 fish. Release chum and chinook. Release wild coho ((downstream of the forks)).

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 steelhead with a missing adipose fin and a healed scar at the fin site.

Tradition Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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 Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From a sign referencing Deer Lake to the Panjab Creek Bridge: Selective gear rules.

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish. From lower bridge on the Old Belfair Highway upstream: Selective gear rules.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanies 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: June 1 through January 31 season. Game fish: Daily limit 2, minimum

length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish and of the adult fish not more than one may be a wild adult coho. Release chum and adult chinook.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Game fish: Closed September 2 through October 31. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device

equipped with an internal combustion engine permitted.
Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

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 around. 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 ((July 31 and October 15 through)) March 15 seasons. Non-buoyant lure restriction and night closure October 15 through October 31. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open only ((October 15)) August 1

through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon except October 1 through December 31 daily limit 6 fish of which no more than 4 may be adult salmon and release chinook upstream of the Little Washougal River October 1 through December 31. Release chum((, chinook)) and wild coho.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except hatchery steelhead.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit five. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. All other areas and times: Closed waters. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the

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Electric Avenue Bridge and the outlet dam are closed waters:
Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: ((Year-around)) Year-round season. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Salmon and steelhead: April 1 through June 30 daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open year around. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. 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 June 15 season. Trout: Minimum length fourteen inches. Salmon: Open only November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. November 16 through December 31 release chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Whitestone Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Whitman Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

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. Nonbuoyant lure restriction ((and))~~, night closure and single point barbless hooks required~~ August 16 through November 30. ((Single point barbless hooks required July 1 through January 31.)) ~~Fishers may not allow their line, lures or bait to remain stationary in the water August 16 through November 30.~~ November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only ((July)) 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 ((2)) 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. ((Release wild adult eoho.))

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: Additional November 1 through last day of February season. Selective gear rules.

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.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: ((June)) May 1 through March 15 season. Mouth to High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure((, mouth to Burlington Northern Railroad Bridge August 1 through October 31: Nonbuoyant lure restriction)). Salmon and steelhead: May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through October 31 from mouth to railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

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: ((Closed waters.)) 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. 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.

Wiser Lake (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required ((September 1)) August 16 through November ((45)) 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November ((45)) 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook. Release chum.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in

length. Only one fish over 17 inches in length may be retained.

Wynoochee River (Grays Harbor County): Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required September 1 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except ((September 1 through November 15)) the daily limit may contain no more than 1 wild adult coho and 1 adult chinook((, and November 16 through January 31, the daily limit may contain not more than one adult chinook and release wild adult coho)). Release chum.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted.

From mouth to thirty-five hundred feet below Roza Dam: Year around season. Closed waters: 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. Terminal gear restricted to bait and one single point barbless hook. Release all fish except whitefish.

From Roza Dam to four hundred feet below Easton Dam: Year around 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). Trout: Selective gear rules, and release all trout. Whitefish: Bait and one single-pointed, barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective gear rules.

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 00-134, filed 7/31/00, effective 8/31/00)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180:

(1) Catch Record Card Area 1 - Daily limit of two salmon not more than one of which may be a chinook salmon, except release wild coho salmon - Sundays through Thursdays only, July ((40)) 1 through September ((30)) 2, except closed in the Columbia River Mouth Control Zone 1, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line - Daily limit of two salmon only one of which may be a chinook salmon, except release wild coho salmon - Sundays through Thursdays only, July ((3)) 1 through September 30, except closed July 3 through August 10 inside a line from the Westport Light (46° 53.30N, 124° 07.01W) to Grays Harbor Buoy 2 to Grays Harbor Buoy 3 to the Grays Harbor North Jetty and Catch Record Card Area 2-2 west of the Buoy 13 line closed during this period.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) July 1 through August 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling;

(b) September 1 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon except no more than one of which may be a wild adult coho - ((September 1 through October 31)) Single point barbless hooks required.

Westport Boat Basin and Ocean Shores Boat Basin: Daily limit of six salmon not more than four of which may be adult salmon - August 16 through January 31. Night closure and nonbuoyant lure restriction.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) July 1 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

(b) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon and release wild coho salmon - ((August 16 through January 31)) Single point barbless hooks required.

(5) Catch Record Card Area 3 - Daily limit of two salmon except no more than one of which may be a chinook and release wild coho salmon - July ((3)) 1 through September ((30)) 20.

(6) Catch Record Card Area 4 - Daily limit of two salmon except no more than one of which may be a chinook salmon and release wild coho salmon - July ((3)) 1 through September ((30)) 20.

((7) Minimum size 24 inches for chinook salmon and 16 inches for coho salmon except minimum size 12 inches for chinook and coho salmon in Areas 2-1, 2-2 and the Westport Boat Basin and Ocean Shores Boat Basin. No minimum size for other salmon.

(8) For purposes of this section, adult chinook salmon are 24 inches or greater in length and adult coho salmon are 20 inches or greater in length.)

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190.

((1) Catch Record Card Areas 5 and 6-

(a) August 1 through September 30, daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

(b) Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp open only October 1 through October 31 - Daily limit of 2 coho salmon, release all salmon except coho salmon.

(c) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon and release all coho salmon.

(d) February 16 through April 10 - Daily limit of 1 salmon.

(2) Catch Record Card Area 7:-

(a) July 1 through September 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(b) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.

(c) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection during the period August 16 through October 31 the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon no more than 1 of which may be chinook.

(3) Catch Record Card Area 8-1:-

(a) September 1 through October 31 - Daily limit of 2 salmon except release chinook salmon.

(b) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - Daily limit of one salmon.

(4) Catch Record Card Area 8-2:-

(a) September 16 through October 31 - Daily limit of 2 salmon except release chinook salmon.

(b) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, July 14 through September 30. Daily limit of 2 salmon not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - Daily limit of one salmon.

(5) Catch Record Card Area 9:-

(a) September 1 through September 15 - Daily limit of 2 salmon except release chinook and chum salmon.

(b) October 1 through October 31 Daily limit of 2 salmon except release chinook.

(c) November 1 through November 30 Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Edmonds Fishing Pier Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(e) Notwithstanding the provisions of this section, salmon fishing is permitted September 1 through June 30 from the Hood Canal Bridge Fishing pontoon Daily limit of 2 salmon not more than one of which may be a chinook salmon, and release chum salmon September 1 through September 30.

(f) February 16 through April 10 Daily limit of one salmon.

(6) Catch Record Card Area 10:

(a) July 1 through September 15 and October 1 through October 31 Daily limit of 2 salmon except release chinook salmon, and:

(i) During the period July 1 through August 15, Elliott Bay east of a line from West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open noon August 4 to noon August 7 and noon August 11 to noon August 14 Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(ii) During the period July 1 through October 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 16 through September 15, waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White Daily limit of 2 salmon.

(iv) During the period July 1 through August 31 waters east of a line from Point Wells to Meadow Point are closed.

(b) November 1 through November 30 Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(c) February 16 through April 10 Daily limit of one salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Elliott Bay public fishing pier at Terminal 86 and Seacrest Pier Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(7) Catch Record Card Area 11:

(a) June 1 through September 15 Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) September 16 through October 15 Daily limit of one salmon.

(c) October 16 through November 30 Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) February 16 through April 10 Daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round from the Dash Point Dock and the Point Defiance Boathouse Dock Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(8) Catch Record Card Area 12:

(a) July 1 through August 31 in waters south of Aycock Point Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release chum salmon.

(b) August 16 through October 15 in waters north of a true east-west line from Point Whitney to the Teanadis Peninsula only Daily limit of 4 salmon except release chinook and chum.

(c) September 1 through October 15 Daily limit of 2 salmon except release chinook and chum salmon.

(d) October 16 through December 31 Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) February 16 through April 10 Daily limit of 1 salmon.

(f) Waters of the Hoodsport Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(g) The Hood Canal Bridge fishing pier is managed under Area 9.

(9) Catch Record Card Area 13:

(a) May 1 through December 31 Daily limit of 2 salmon not more than one of which may be a chinook salmon May 1 through June 30 and November 1 through December 31 and release wild coho salmon July 1 through October 31.

(b) January 1 through February 15 Release all salmon.

(c) February 16 through April 10 Daily limit of one salmon.

(d) Notwithstanding the provisions of this section, salmon fishing is permitted year round from the Fox Island Public Fishing Pier Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.) (1) Catch Record Card Area 5:

(a) July 1 through August 31 - Daily limit of 2 salmon, except, release chum and wild coho salmon. Chinook retention will be prohibited when 2000 chinook quota is estimated to be reached.

(b) September 1 through September 30 - Daily limit of 2 salmon, except release chinook and chum.

(c) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of 1 salmon.

(2) Catch Record Card Area 6:

(a) August 1 through September 30 - Daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

(b) Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp open only October 1 through October 31 - Daily limit of 2 coho salmon, release all salmon except coho salmon.

(c) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

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(d) February 16 through April 10 - Daily limit of 1 salmon.

(3) Catch Record Card Area 7:

(a) July 1 through July 31 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(b) August 1 through September 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon, release chum and wild coho.

(c) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.

(d) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.

(e) February 16 through April 10 - Daily limit of one salmon.

(f) Notwithstanding the provisions of this subsection, during the period August 16 through October 31 the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon, no more than 1 of which may be chinook.

(4) Catch Record Card Area 8-1:

(a) August 1 through September 30 - Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.

(b) October 1 through October 31 - Daily limit 2 salmon, release chinook.

(c) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of one salmon.

(5) Catch Record Card Area 8-2:

(a) August 1 through September 30 - Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.

(b) October 1 through October 31 - Daily limit 2 salmon, release chinook.

(c) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, July 1 through September 30. Daily limit of 2 salmon not more than 1 of which may be a chinook salmon.

(d) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(e) February 16 through April 10 - Daily limit of one salmon.

(6) Catch Record Card Area 9:

(a) August 1 through September 30 - Daily limit of 2 salmon except release chinook and chum salmon.

(b) October 1 through October 31 - Daily limit of 2 salmon except release chinook.

(c) November 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds fishing pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum August 1 through September 30.

(e) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Hood Canal

Bridge Fishing pontoon - Daily limit of 2 salmon not more than one of which may be a chinook salmon, except release chinook July 1 through August 31 and release chum salmon September 1 through October 15.

(f) February 16 through April 10 - Daily limit of one salmon.

(7) Catch Record Card Area 10:

(a) July 1 through October 31 - Daily limit of 2 salmon except release chinook salmon, release chum July 1 through September 15, and:

(i) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open July 20 through July 22, July 27 through July 29, August 3 through August 5, and August 10 through August 12 - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum.

(ii) During the period July 1 through August 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 1 through September 15, waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White - Daily limit of 2 salmon, release chum July 1 through September 15.

(b) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(c) December 1 through December 15 - Release all salmon. Only one single pointed hook allowed.

(d) December 16 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) March 1 through April 10 - Daily limit of 1 salmon.

(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86, Seacrest pier, Waterman pier, Bremerton boardwalk, and the Illahee State Park pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum July 1 through September 15.

(8) Catch Record Card Area 11:

(a) June 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) July 1 through October 31 - Daily limit of 2 salmon, release pink.

(c) November 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) February 16 through April 10 - Daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point Dock and the Point Defiance Boathouse Dock - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) July 1 through September 30 in waters south of Ayock Point - Daily limit of 4 salmon, not more than two of which may be chinook salmon and release chum salmon.

(b) August 16 through October 15 in waters north of a true east-west line from Point Whitney to the Toandos Peninsula only - Daily limit of 4 coho salmon only.

(c) September 1 through September 30 in the waters north of Ayock Point - Daily limit of 4 coho salmon only.

(d) October 1 through October 15 - Daily limit of 4 coho only.

(e) October 16 through November 30 - Daily limit of 2 salmon, release chinook salmon.

(f) March 1 through March 31 - Daily limit of 1 salmon.

(g) Waters of the Hoodspur Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(h) The Hood Canal Bridge fishing pier is managed under Area 9.

(10) Catch Record Card Area 13:

(a) May 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon May 1 through June 30 and November 1 through December 31 and release wild coho salmon July 1 through October 31.

(b) January 1 through February 15 - Release all salmon. Only one single pointed hook allowed.

(c) February 16 through April 10 - Daily limit of one salmon.

(d) April 11 through April 30 - Release all salmon. Only one single pointed hook allowed.

(e) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island public fishing pier - Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

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.

Statute Being Implemented: WAC 391-25-030, 391-25-050, 391-25-070 and 391-25-090 is RCW 28B.52.030, 34.05.413, 41.56.050, 41.56.060, 41.56.070, 41.59.070 and 41.59.080; WAC 391-25-110, 391-25-130, 391-25-210, 391-25-450 and 391-25-650 is RCW 41.56.070 and 41.59.070; WAC 391-25-140 is RCW 41.56.050; WAC 391-25-190 is RCW 28B.52.030, 41.56.070 and 41.59.070; WAC 391-25-220 is RCW 34.05.431; WAC 391-25-230, 391-25-250 and 391-25-270 is RCW 28B.52.030, 41.56.060, 41.56.070, 41.56.080, 41.59.070, 41.59.080 and 41.59.090; WAC 391-25-350 is RCW 28B.52.030, 34.05.437, 41.56.060, 41.56.070, 41.59.070 and 41.59.080; WAC 391-25-390 is RCW 41.56.060, 41.56.070, 41.56.080, 41.59.070, 41.59.080 and 41.59.090; WAC 391-25-410 and 391-25-420 is RCW 41.56.060; WAC 391-25-430 is RCW 28B.52.030, 41.56.060, 41.56.070 and 41.59.070; WAC 391-25-470, 391-25-490 and 391-25-510 is RCW 28B.52.030, 41.56.060 and 41.59.070; WAC 391-25-610 is RCW 41.56.080 and 41.59.090; WAC 391-35-020, 391-35-030 and 391-35-050 is RCW 34.05.413, 41.56.060 and 41.59.080; WAC 391-35-090 is RCW 34.05.434; WAC 391-35-110 is RCW 34.05.070; WAC 391-35-170 is RCW 34.05.437, 41.56.060 and 41.59.080; WAC 391-35-190, 391-35-330, 391-35-340 and 391-35-350 is RCW 41.56.060 and 41.59.080; WAC 391-35-320 is RCW 41.56.030(2) and 41.59.020 (4)(c)(i) and (ii); WAC 391-35-342 is RCW 41.59.080; and WAC 391-35-343 is RCW 28B.52.020(3).

Summary: Rule changes are proposed concerning confidential employees, supervisors, one-employee units, regular part-time employees, unit determination elections, and interim certifications.

Reasons Supporting Proposal: To conform to Executive Order 97-02, including prohibiting parties from seeking two or more overlapping/conflicting bargaining units at the same time.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark S. Downing, Rules Coordinator, 603 Evergreen Plaza, (360) 753-2955.

Name of Proponent: Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency is proposing that these rule changes be adopted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Under proposed changes, filing of representation petition with agency made mandatory where employer disputes status of incumbent exclusive bargaining representative, and ninety-day time limit on authorization cards is eliminated for "showing of interest" purposes only. Rule changes codify case precedents on "contract bar" and "certification bar" policies, employer neutrality where two or more unions are competing for a bargaining unit, shutdown of bargaining concerning petitioned-for employees while representation case is pending, decertification petitions take unit as it exists, "notify union" practice where employee withdraws authorization, procedure for merger of separate bargaining units, and prohibition on observers from carrying away list of employees who vote.

**WSR 01-10-112
PROPOSED RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION**

[Filed May 2, 2001, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-04-073.

Title of Rule: Amendments to chapters 391-08, 391-25, 391-35, 391-45, 391-55, 391-65, and 391-95 WAC.

Purpose: To streamline procedures and codify well-established case precedents concerning petitions for investigation of question concerning representation, and petitions for clarification of bargaining unit.

Statutory Authority for Adoption: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050.

PROPOSED

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Proposal Changes the Following Existing Rules: Examples of changes in the representation rules include clarifying that petitioner is not to serve "showing of interest" on other parties, intervenor can only argue for different unit than petitioner if intervenor has sufficient showing of interest to petition for unit it seeks, approval authority of executive director regarding stipulated bargaining units, use of expedited cross-check in lieu of voluntary recognition, and cross-check procedure to preserve ninety-day life of authorization cards. Proposed changes in unit clarification rules include clearer explanation of general principles and time limitations for filing of petitions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Agency rules only obligate public employees and unions representing public employees, and do not impose costs on profit-making businesses.

RCW 34.05.328 does not apply to this rule adoption. Agency rules are excepted by RCW 34.05.328 (5)(a)(i) from the provisions of RCW 34.05.328.

Hearing Location: Sixth Floor Conference Room, 603 Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on June 12, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact James E. Lohr by June 5, 2001, (360) 586-7862.

Submit Written Comments to: Mark S. Downing, Rules Coordinator, P.O. Box 40919, Olympia, WA 98504-0919, fax (360) 586-7091, by June 5, 2001.

Date of Intended Adoption: June 12, 2001.

May 2, 2001
Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-08-001 Application and scope of chapter 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); and sections 7, 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 41.58.050, 28B.52.080 and 41.56.090, respectively), to promulgate comprehensive and uniform rules for practice and procedure before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95 WAC, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

- (c) WAC 10-08-083, which is replaced by detailed requirements in WAC 391-08-010;
 - (d) WAC 10-08-110, which is replaced by detailed requirements in WAC 391-08-120;
 - (e) WAC 10-08-120, which is replaced by detailed requirements in WAC 391-08-040, 391-08-300 and 391-08-310;
 - (f) WAC 10-08-140, which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;
 - (g) WAC 10-08-150, which is limited by WAC 391-08-315;
 - (h) WAC 10-08-211, which is replaced by WAC 391-08-640 and detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-670, 391-35-210, 391-35-250, 391-45-350, 391-45-390, 391-95-270, and 391-95-290;
 - (i) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-45-090, 391-45-260, and 391-95-170; and
 - (j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed requirements in WAC 391-08-520.
- (2) Chapter 391-25 WAC, which regulates representation proceedings.
- (3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.
- (4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.
- (5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.
- (6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.
- (7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.
- In the event of a conflict between a general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees. The provisions of this chapter should be read in conjunction with ((the provisions of):

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge ((governing the conduct of)) to regulate adjudicative proceedings under chapter ((391-25 WAC)) 34.05 RCW, except:

(a) WAC 10-08-035, which is ((supplemented)) replaced by detailed requirements in WAC 391-25-070 and 391-25-090;

(b) WAC 10-08-050, which relates to ((procedures of the)) office of administrative hearings((, and so is)) procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is ((supplanted)) replaced by detailed requirements in WAC 391-25-390 ((and)), 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, and 391-25-670; and

(d) WAC 10-08-230, which is ((supplanted)) replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, and 391-25-250((, and 391-25-270)).

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-35 WAC, which ((contains rules relating to)) regulates unit clarification proceedings ((on petitions for clarification of an existing bargaining unit)) and contains some well-established unit determination standards in a sub-chapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which ((contains rules relating to)) regulates unfair labor practice proceedings ((on complaints charging unfair labor practices)).

(5) Chapter 391-55 WAC, which ((contains rules relating to)) regulates the resolution of impasses ((occurring)) in collective bargaining.

(6) Chapter 391-65 WAC, which ((contains rules relating to)) regulates grievance arbitration ((of grievance disputes arising out of the interpretation or application of a collective bargaining agreement)) and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which ((contains rules relating to determination of)) regulates union security ((disputes arising between employees and employee organizations certified or recognized as their bargaining representative)) non-association proceedings.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-010 Petition for investigation of a question concerning representation of employees—Who may file. A petition for investigation of a question concerning representation of employees ((, hereinafter referred to as a "petition,")) may be filed by any employee, group of employees, employee organization, employer, or their agents.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-030 Petition—Time for filing. ((In order to be timely filed:))

(1) ((Where there is)) A "contract bar" exists while a valid ((written and signed)) collective bargaining agreement is in effect ((covering an appropriate bargaining unit which includes)), so that a petition involving any or all of the employees ((to be affected by the petition, a petition must be)) covered by the agreement will be timely only if it is filed during the "window" period not more than ninety nor less than sixty days prior to the stated expiration date of the collective bargaining agreement ((, or after the expiration thereof)).

(a) To constitute a valid collective bargaining agreement for purposes of this subsection:

(i) The agreement must cover a bargaining unit that is appropriate under the terms of the applicable statute;

(ii) The agreement must be in writing, and signed by the parties' representatives;

(iii) The agreement must contain a fixed expiration date not less than ninety days after it was signed; and

(iv) The agreement will only operate as a bar for the first three years after its effective date.

(b) An agreement to extend or replace a collective bargaining agreement shall not bar a petition filed in the "window" period of the previous agreement.

(c) A "protected" period is in effect during the sixty days following a "window" period in which no petition is filed, and a successor agreement negotiated by the employer and incumbent exclusive bargaining representative during that period will bar a petition under this chapter. If the filing and withdrawal or dismissal of a petition under this chapter intrudes upon the protected period, the employer and incumbent exclusive bargaining representative shall be given a sixty-day protected period commencing on the date the withdrawal or dismissal is final.

(2) A "certification bar" exists where a certification has been issued by the agency ((covering an appropriate)), so that a petition involving the same bargaining unit ((which includes any or all of the employees to be affected by the petition, a petition must be)) or any subdivision of that bargaining unit will only be timely if it is filed:

(a) ((~~Not less~~) More) than twelve months following the date of the certification of an exclusive bargaining representative; or

(b) ((~~Not less~~) More) than twelve months following the date of the latest election or cross-check in which the employees failed to select an exclusive bargaining representative.

(3) Where neither ((~~subsections (1) nor (2) of~~) a contract bar" nor a "certification bar" is in effect under this section ((~~are applicable~~)), a petition may be filed at any time.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-050 Petition ((form)) in writing—Number of copies—Filing—Service. Each petition for investigation of a question concerning representation shall be ((prepared on a form furnished by the commission or on a facsimile thereof)) in writing, and shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The party filing the petition shall serve a copy of the petition (excluding any showing of interest) on the employer and on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-070 Contents of petition. Each petition for investigation of a question concerning representation shall contain in separate numbered paragraphs:

(1) The name ((and)), address, and telephone number of the employer, and((, if known,)) the name, address ((and)), telephone number, fax number, and e-mail address of ((the employer's)) its principal representative ((~~in matters concerning relationships between the employer and its employees~~)).

(2) The name ((and)), address, telephone number, fax number, and e-mail address of the petitioner, and the name, address ((and)), telephone number, fax number, and e-mail address of its principal representative.

(3) The name, address, and telephone number of any organization which currently represents the employees involved and((, if known,)) the name, address ((and)), telephone number, fax number, and e-mail address of ((the)) its principal representative((s of that organization)).

(4) An indication that:

(a) There has never been a collective bargaining agreement covering the employees involved; or

(b) A copy of the current (or most recent ((~~applicable~~))) collective bargaining agreement is attached.

(5) ((A statement that the original petition is accompanied by a showing of interest required by WAC 391-25-110.)) Identification of:

(a) The employer's principal business;

(b) The employer department or division involved;

(c) A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions; and

(d) The ((~~approximate~~)) number of employees in ((that)) the bargaining unit.

((7)) (6) A statement that:

(a) The petitioner claims ((it)) to represent(s) a majority of the employees involved, and requests certification as ((the)) exclusive bargaining representative of the (employees in the) bargaining unit ((which the petitioner claims to be appropriate)); or

(b) The employees in the bargaining unit ((which the petitioner claims to be appropriate)) desire to change their exclusive bargaining representative, and to designate the petitioner as their exclusive bargaining representative; or

(c) The employees in the bargaining unit ((do not)) no longer desire to be represented by any employee organization; or

(d) The employer has been presented with one or more demands for recognition, and requests a determination by the commission; or

(e) The employer has a good faith belief that a majority of employees no longer desire representation by the incumbent exclusive bargaining representative.

((8)) (7) Any other relevant facts.

((9)) (8) The name, signature and, if any, ((the)) title of the petitioner or its representative, and the date of the signature.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-090 ((Contents of)) Petition filed by employer. (1) Where an employer has been presented with one or more demands for recognition of an exclusive bargaining representative of previously unrepresented employees, it may obtain a determination of the question concerning representation by filing a petition under WAC 391-25-070. ((A petition under this subsection shall contain all of the information required by WAC 391-25-070, except as follows:))

(a) The petition shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive bargaining representative of the employees in the bargaining unit described in the petition.

(b) Instead of a showing of interest under WAC 391-25-110 ((shall not be applicable to petitions filed under this subsection)).

(e), the employer shall attach copies of any written demand(s) for recognition or other correspondence pertaining to the claimed question concerning representation.

(2) Where an employer ((has a good faith belief that a majority of its employees in an existing bargaining unit no longer desire to be represented by their)) disputes the majority status of the incumbent exclusive bargaining representative of its employees, it ((may)) shall obtain a determination of the question concerning representation by filing a petition under WAC 391-25-070. ((A petition under this subsection shall contain all of the information required by WAC 391-25-070 except as follows:))

(a) Instead of a showing of interest under WAC 391-25-110, the employer shall attach affidavits and other documentation as may be available to it to demonstrate the existence of a good faith ((doubt concerning the representation of its employees)) belief that a majority of its employees in an

existing bargaining unit no longer desire to be represented by their incumbent exclusive bargaining representative.

(b) ((To constitute a basis for a good faith doubt under this paragraph,)) Unsolicited signature documents provided to the employer by employees and filed by the employer in support of a petition under this subsection must be in a form which would qualify ((as supporting evidence)) under WAC 391-25-110 if filed by the employees directly with the commission, and shall be treated as confidential under WAC 391-25-110.

(3) A petition under this section shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The employer shall serve a copy of the petition (excluding any showing of interest) on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-110 Supporting evidence—Showing of interest confidential. ((The original)) (1) A petition filed by employees or an employee organization shall be accompanied by a showing of interest indicating that the petitioner has the support of thirty percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest shall be furnished under the same timeliness standards applicable to the petition, and shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. ((Authorization documents shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the furnishing of such evidence to the agency, whichever is later.))

(2) The agency shall not disclose the identities of employees whose authorization cards or letters are furnished to the agency in proceedings under this chapter.

(a) A petitioner or intervenor shall not serve its showing of interest on any other party to the proceeding.

(b) The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the agency and may not be litigated at any hearing.

(c) In order to preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the agency shall not honor any attempt to withdraw any authorization submitted for purposes of this section.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-130 List of employees. Within ten days following a request by the agency, the employer shall submit to the ((commission)) agency a list containing the names and last known addresses of all of the employees in the bargaining unit described in the petition. Following administrative determination that the petition is supported by a sufficient showing of interest, the ((employer)) agency shall((, upon request, provide)) furnish a copy of the list of names and

addresses to the petitioner. Following granting of a motion for intervention, the ((employer)) agency shall((, upon request, provide)) furnish a copy of the list of names and addresses to the intervenor.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-140 Notice to employees—Limitations on employer actions. (1) The employer shall post a copy of the petition and a notice ((to employees)), in the form specified by the commission, ((advising)) to inform employees of the existence of proceedings under this chapter. The agency shall furnish the employer with copies of the petition and notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted. The petition and notice shall remain posted until a certification or interim certification is issued in the proceeding.

((2) Changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission under this chapter.))

((3) The employer shall not express or otherwise indicate any preference between competing organizations, where two or more employee organizations are seeking to represent its employees.))

((4) Where a petition filed under this chapter involves employees who are represented for the purposes of collective bargaining, the employer shall suspend negotiations with the incumbent exclusive bargaining representative on a successor collective bargaining agreement involving employees affected by the petition. The employer and incumbent union may proceed with negotiations covering employees not affected by the petition, and shall resume negotiations on a successor agreement covering the affected employees after the question concerning representation is resolved, if the incumbent exclusive bargaining representative retains its status.))

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-190 Intervention—By organization other than incumbent. (1) An organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of ten percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate ((or of thirty percent or more of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest shall consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the motion for intervention or

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~~the furnishing of such evidence to the agency, whenever is later. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made. Provided, however, That)). A showing of interest filed in support of a motion for intervention shall be subject to the requirements and confidentiality protections of WAC 391-25-110.~~ A motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings.

(2) No motion for intervention shall be considered if made:

- (a) After the close of the hearing on the petition;
- (b) More than seven days after the filing and posting of an election agreement or cross-check agreement; or
- (c) More than seven days after the posting of an investigation statement.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

**WAC 391-25-210 Bargaining unit configurations—
Positions limited by showing of interest ((confidential)).** ((The question of whether)) (1) In proceedings on a petition for "decertification" under WAC 391-25-070 (6)(c) or 391-25-090(2), the parties shall not be permitted to remove positions from or add positions to the existing bargaining unit;

((An organization which files a motion for intervention under WAC 391-25-190 shall only be permitted to seek a bargaining unit configuration different than proposed by the original petitioner if the intervenor furnishes a showing of interest ((requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the agency and may not be litigated at any hearing. The agency shall not disclose the identities of employees whose authorization cards or letters are furnished to the agency in support of a petition or motion for intervention. In order to preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the agency shall not honor any attempt to withdraw or diminish a showing of interest)) demonstrating that it has the support of thirty percent or more of the employees in the bargaining unit which the intervenor claims to be appropriate.))

((3) A party to proceedings under this chapter shall not be permitted to propose more than one bargaining unit configuration for the same employee or employees, except where a merger of bargaining units is proposed under WAC 391-25-420.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-220 Investigation conferences. (1) The agency routinely conducts conferences with the parties, to investigate a representation petition according to a checklist provided to the parties.

(a) The issues which may properly arise in representation cases include:

- (i) The identification of the parties;

- (ii) The jurisdiction of the commission;
- (iii) The qualification of the petitioner and any intervenor(s) for certification as exclusive bargaining representative;
- (iv) The existence of a question concerning representation;
- (v) The timeliness of the petition;
- (vi) The existence of blocking charges under WAC 391-25-370;
- (vii) The propriety of the petitioned-for bargaining unit;
- (viii) The list of employees eligible to vote or be considered in determining a question concerning representation, and cut-off date for eligibility; and

(ix) The method and arrangements for determining a question concerning representation.

(b) The investigation conference may be conducted by telephone conference call, or in-person by agency staff;

(c) The parties are encouraged to reach binding stipulations on all issues during the course of the investigation conference.

(2) The stipulations made by the parties during an investigation conference may be set forth in an investigation statement issued in lieu of an election agreement or cross-check agreement.

(a) Immediately upon receipt of an investigation statement, the employer shall post it in conspicuous places on its premises where notices to affected employees are usually posted, and it shall remain posted for at least seven days ((thereafter)).

(b) An investigation statement shall be binding on the parties unless written objections are filed and served as required by WAC 391-08-120 within ten days following issuance of the statement.

(3) When it appears that all conditions precedent to an election or cross-check ((in an appropriate bargaining unit have been)) are met, the executive director or designee shall determine whether the proposed bargaining unit is, on its face, an appropriate bargaining unit under the applicable statute. The agency shall proceed with the determination of the question concerning representation. Objections by parties named in the investigation statement shall be limited to matters relating to specific conduct affecting the results of an election.

(4) The parties may set forth stipulations in election agreements((,)) or cross-check agreements((, and/or supplemental agreements provided for in)) under this chapter.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-230 Election agreements. Where an employer and all other parties agree on a representation election, they may enter into an election agreement.

(1) An election agreement shall ((contain)) include:

(a) The name ((and)), address, and telephone number of the employer and the name, address ((and)), telephone number, fax number, and e-mail address of its principal representative;

(b) The names ((and)), addresses, and telephone numbers of all other parties participating in the election agree-

ment and the names, addresses ((and)), telephone numbers, fax numbers, and e-mail addresses of their principal representatives;

(c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in ((that)) the unit;

(d) A statement by the parties that no organization is known which is or may be entitled to intervene as an incumbent representative, or the incumbent representative is a party to the election agreement, or the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement;

(e) A statement ((by the parties)) that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to proceed to conduct an election and certify the results;

(f) A list((, attached to the election agreement as an appendix,)) containing the names of the employees eligible to vote in the election and the eligibility cut-off date for the election. If the election is to be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut-off date is specified by the parties, the eligibility cut-off date shall be the date on which the election agreement is filed;

(g) The suggestions of the parties as to the arrangements for conducting the election; and

(h) The names, signatures and, if any, ((the)) titles of all parties or their representatives, and the date of the signatures.

(2) An election agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of an election agreement ((conforming to the foregoing requirements and seeking an election in)), the executive director or designee shall determine whether the proposed bargaining unit is, on its face, an appropriate bargaining unit((,)) under the applicable statute, and whether other conditions precedent to an election are met. The ((executive director)) agency shall proceed to conduct an election, if appropriate, or shall notify the parties of the reasons for rejection of the election agreement.

(4) Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-250 Cross-check agreements. Where only one organization is seeking certification as the representative of unrepresented employees, and the employer and ((the)) organization desire an expedited certification in lieu of a voluntary recognition, they may enter into a cross-check agreement.

(1) A cross-check agreement shall ((contain)) include:

(a) The name ((and)), address, and telephone number of the employer and the name, address ((and)), telephone number, fax number, and e-mail address of its principal representative;

(b) The name ((and)), address, and telephone number of the organization and the name, address ((and)), telephone number, fax number, and e-mail address of its principal representative;

(c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in ((that)) the unit;

(d) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or ((membership records)) letters submitted by the organization against the employment records of the employer;

(e) A list((, attached to the cross-check agreement as an appendix,)) containing the names of the employees in the bargaining unit;

(f) The suggestions of the parties as to the arrangements for conducting the cross-check;

(g) The agreement of the parties to be bound by the results of the cross-check; and

(h) The names, signatures and, if any, ((the)) titles of ((the)) all parties or their representatives ((of the parties)), and the date of the signatures.

(2) A cross-check agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of a cross-check agreement ((conforming to the foregoing requirements and seeking a cross-check in)), the executive director or designee shall determine whether the proposed bargaining unit is, on its face, an appropriate bargaining unit((, the executive director)) under the applicable statute, and whether other conditions precedent to a cross-check are met. The agency shall proceed with the cross-check of records, if appropriate, or shall notify the parties of the reasons for rejection of the cross-check agreement. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-270 Interim certification—Supplemental ((agreements)) proceedings. Where the ((parties are able to agree generally on the matters to be set forth in an election agreement under WAC 391-25-230 or a cross-check agree-

~~ment under WAC 391-25-250, but are unable to agree on)) matters at issue in a proceeding under this chapter are limited ((issues concerning the definition of the bargaining unit or employee)) to the eligibility of particular individuals or classifications for inclusion in the bargaining unit, ((they)) the executive director or designee may expedite the determination of the question concerning representation while reserving ((their disagreement)) the eligibility issues for subsequent determination ((by entering into a supplemental agreement under this rule together with an agreement under WAC 391-25-230 or 391-25-250)).~~

(1) ((A supplemental agreement shall contain:

(a) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings;

(b) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute;

(c) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross-check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome; and

(d) The signatures and, if any, the titles, of the representatives of the parties.

(2) A supplemental agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), together with the agreement filed under WAC 391-25-230 or 391-25-250, and copies shall be posted with such agreement.

(3) Upon the filing of a supplemental agreement, the executive director)) The agency shall ((proceed with the determination of the question concerning representation)) conduct an election or cross-check, as may be appropriate.

(a) The individuals whose eligibility is disputed shall be permitted to vote by challenged ballot in an election.

(b) The individuals whose eligibility is disputed shall be listed as challenged in a cross-check, and any authorizations signed by those individuals shall not be tallied.

(2) After a tally is issued under WAC 391-25-550:

(a) If the challenges are sufficient in number to affect the outcome, they shall be determined under subsection (3) of this section, prior to the issuance of a certification. ((Otherwise, an interim certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.))

(b) If an organization is entitled to certification regardless of the reserved eligibility issues, a certification shall be issued, but the case shall remain open for supplemental proceedings under subsection (3) of this section. The employer and the exclusive bargaining representative shall have the duty to bargain, under the applicable statute, after a certification is issued under (b) of this subsection.

(c) If a certification of "no representation" is appropriate regardless of the reserved eligibility issues, a certification shall be issued and no supplemental proceedings shall be conducted.

(3) All eligibility issues reserved for subsequent determination under this section shall be resolved under WAC 391-25-290, 391-25-310, 391-25-350 and 391-25-390, without regard to whether the individuals cast challenged ballots.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-290 Notice of hearing. ((After a petition has been filed,)) If it appears to the executive director or designee that ((there is reasonable cause to believe that)) a question concerning representation may exist((s)), ((there shall be issued)) a hearing officer shall issue a notice of hearing and have it served on the ((employer and on all organizations listed in the petition and on any organization having theretofore intervened, a notice of hearing before a hearing officer at a time and place fixed therein. Any such))parties. Attached to the notice of hearing shall be a copy of the investigation statement issued under WAC 391-25-220. A notice of hearing may be amended or withdrawn before the close of the hearing.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-299 Special provision—Private sector and other employees. The commission lacks authority to proceed in representation disputes under chapter 49.08 RCW absent the agreement of all parties. ((The executive director shall not proceed in such matters unless an agreement is filed under WAC 391-25-230 or 391-25-250.)) WAC 391-25-290 through 391-25-390 shall not be applicable to proceedings under chapter 49.08 RCW, except for hearings and issues submitted ((under WAC 391-25-270)) by stipulation of all parties to the proceeding.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-350 Hearings—(Nature and scope)
Reopening of hearing—Briefs. (1) Hearings shall be public, except where a protective order is issued under WAC 10-08-200(7), and shall be limited to matters concerning the determination ((of the existence)) of a question concerning representation((, the appropriate bargaining unit and questions of eligibility. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules)).

(a) The parties shall be responsible for the presentation of their cases.

(b) The hearing officer shall ascertain the respective positions of the parties, to obtain a full and complete factual record upon which the agency may discharge its responsibilities under the applicable statute. The hearing officer has authority, under WAC 10-08-200 (8) and (9), to ask ques-

tions, call witnesses, and explore matters not raised or only partially raised by the parties.

(2) Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. ((Any party shall be entitled, upon request made before the close of the hearing, to file a brief.))

(3) The hearing officer may allow or direct the filing of briefs as to any or all of the issues in a case. Arrangements and due dates for briefs shall be established by the hearing officer. Any brief shall be filed with the hearing officer as required by WAC 391-08-120(1), and copies shall be served on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-370 Blocking charges—Suspension of proceedings—Request to proceed. (1) The executive director may suspend the processing of a representation petition under this chapter pending the outcome of related unfair labor practice proceedings, where:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election.

(2) The complainant(s) in the unfair labor practice case may file and serve, as required by WAC 391-08-120, a written request to proceed with the executive director. The request to proceed shall specify the case number of the representation proceeding, shall request that the representation petition be processed notwithstanding the pending unfair labor practice case, and shall waive the right to file objections under WAC 391-25-590 (1)(a) based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed under this subsection, the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

(3) Where a complaint charging unfair labor practices is filed after the issuance of a notice of election, the executive director shall proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 391-25-590.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-390 Proceedings before the executive director. (1) The executive director may proceed ((forth-with)) upon the record, after submission of briefs or after hearing, as may be appropriate.

(a) The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter.

(b) Unless otherwise provided in a direction of election, the cut-off date for eligibility to vote in an election shall be the date of issuance of the direction of election.

(2) Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues.

(3) A direction of election and other rulings in the proceedings up to the issuance of a tally are interim orders, and may only be appealed to the commission by objections under WAC 391-25-590 after the election. An exception is made for rulings on whether the employer or employees are subject to the jurisdiction of the commission, which may be appealed under WAC 391-25-660.

(4) Unless appealed to the commission under WAC 391-25-660, ((an order)) a decision issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-410 Cross-check of records. (1) Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall furnish to the agency original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit ((within)) no more than ninety days prior to the filing of the petition ((and indicating)). Authorization documents shall indicate that the employees authorize the named organization to represent them for the purposes of collective bargaining((, or shall furnish to the agency membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing)).

(2) The agency shall honor a valid revocation of authorization contained in an individual card or letter signed by the employee and furnished to the agency by the employee. The agency shall notify the petitioner of the existence and number of any such revocation(s) prior to the commencement of the cross-check, but shall not disclose the identities of the employees involved.

(3) The employer shall make available to the agency original or legible copies of employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit.

(4) Prior to the commencement of the cross-check, the organization may file and serve, as required by WAC 391-08-120, a request that the question concerning representation be determined by a representation election. Any such requests shall be honored.

(5) Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year ((thereafter)).

(6) All cross-checks shall be by actual comparison of records furnished by the parties. The agency shall not disclose the names of employees giving representation authori-

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zation in favor of ((or appearing on the membership rolls of)) the organization. Upon the conclusion of the comparison of records, the agency ((officer conducting the cross check)) shall ((prepare and)) furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

NEW SECTION

WAC 391-25-420 Unit determination elections. Employees shall not be subjected to examination or cross-examination concerning their views on the configuration of bargaining units. A unit determination election shall be the exclusive method to determine the "desire" of the employees involved.

(1) Where the executive director determines that either of two or more bargaining unit configurations proposed by petitioning or intervening organizations could be appropriate under other criteria, a unit determination election shall be conducted.

(2) Where an organization desires to merge two or more historically separate bargaining units, it may request a unit determination election under this section.

(a) The organization shall file a petition under WAC 391-25-070, indicating under "other relevant facts" that it is seeking a merger of two or more existing bargaining units.

(b) The showing of interest shall indicate support for the merger of units, and shall be evaluated separately in each of the historical bargaining units.

(c) The proposed merged unit must be an appropriate unit under the applicable statute.

(i) If the propriety of the merged bargaining unit is disputed, the executive director shall make a determination following a hearing.

(ii) If the propriety of the merged bargaining unit is stipulated, the executive director or designee shall determine whether the proposed unit is, on its face, an appropriate bargaining unit under the applicable statute.

(d) If the merged unit is found to be appropriate, the agency shall conduct a unit determination election in each of the bargaining units proposed for merger.

(i) If the merger is rejected in any of the historical units, the petition shall be dismissed.

(ii) If the merger is approved in all of the historical units and no motion for intervention has been granted, the executive director shall issue a certification designating the petitioning organization as exclusive bargaining representative of the merged bargaining unit.

(iii) If a motion for intervention has been granted under WAC 391-25-170 or 391-25-190, the agency shall conduct a representation election prior to the issuance of a certification.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-430 Notice of election. When an election is to be conducted, the agency shall furnish the employer with appropriate notices, and the employer shall post them in con-

spicuous places on its premises where notices to affected employees are usually posted. The notice shall contain:

(1) The description of the bargaining unit or voting group(s) in which the election is to be conducted.

(2) The deadline for return of mail ballots or the date(s), hours and polling place(s) for an on-site election.

(3) The cut-off date, if any, or other criteria to be applied in establishing eligibility to vote in the election, including that the eligible employees are limited to those who continue to be employed within the bargaining unit on the day of the tally.

(4) A statement of the purpose of the election and the question to be voted upon or a sample ballot.

Notices of the election shall be posted for at least seven days, and shall remain posted until a tally of ballots has been issued. ((In computing such period,)) The day of posting shall be counted, but the day on which the polls are opened for an on-site election shall not be counted.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-450 Disclaimers. An organization may disclaim a bargaining unit and have its name removed from the ballot by written notice filed and served as required by WAC 391-08-120. If a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer shall not seek to be certified in ((that)) the bargaining unit for a period of at least one year ((thereafter)).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

**WAC 391-25-470 Mail ballot election procedures—
Electroneering—Objectionable conduct.** The executive director shall have discretion to conduct elections by mail ballot procedures designed to preserve the secrecy of employee voting. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. A notice and ballot materials shall be mailed by the agency to each eligible voter, and no less than fourteen days shall be provided between the date on which ballot materials are mailed to eligible employees and the deadline for return of the ballots.

(1) The following prohibitions apply to assure appropriate conditions for employees to cast their ballots:

(a) The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice in an election is prohibited.

(b) The use of deceptive campaign practices improperly involving the commission and its processes is prohibited.

(c) The use of forged documents is prohibited.

(d) Coercion or intimidation of eligible voters, or any threat of reprisal or force or promise of benefit to eligible voters, is prohibited.

(e) ((Changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission under this chapter.)) Conduct in violation of WAC 391-25-140 is prohibited.

(f) Misrepresentations of fact or law are prohibited. To set aside an election, a misrepresentation must:

(i) Be a substantial misrepresentation of fact or law regarding a salient issue;

(ii) Be made by a person having intimate knowledge of the subject matter, so that employees may be expected to attach added significance to the assertion;

(iii) Occurring at a time which prevents others from effectively responding; and

(iv) Reasonably viewed as having had a significant impact on the election, whether a deliberate misrepresentation or not.

(g) Election speeches on the employer's time to massed assemblies of employees are prohibited during the period beginning ((twenty four hours before)) on the scheduled date for the issuance of ballots to employees and continuing through the tally of ballots. Other electioneering allowed under (a) through (f) of this subsection is permitted during that period.

(2) Each party may be represented by observers of its own choosing at the tally of ballots. Any lists of those who have voted or who have abstained from voting shall be surrendered to the agency at the conclusion of the tally.

(3) Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-490 On-site election procedures—Electioneering—Objectionable conduct. The executive director shall have discretion to conduct an election by on-site balloting procedures designed to preserve the secrecy of employee voting, if the circumstances of a particular case indicate that an on-site election would be more efficient or appropriate than a mail ballot election. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. Absentee balloting shall not be allowed.

(1) The following prohibitions apply to assure appropriate conditions for employees to cast their ballots.

(a) The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice in an election is prohibited.

(b) The use of deceptive campaign practices improperly involving the commission and its processes is prohibited.

(c) The use of forged documents is prohibited.

(d) Coercion or intimidation of eligible voters, or any threat of reprisal or force or promise of benefit to eligible voters, is prohibited.

(e) ((Changes of the status quo concerning wages, hours or other terms and conditions of employment of employees in the bargaining unit are prohibited during the period that a petition is pending before the commission under this chapter.)) Conduct in violation of WAC 391-25-140 is prohibited.

(f) Misrepresentations of fact or law are prohibited. To set aside an election, a misrepresentation must:

(i) Be a substantial misrepresentation of fact or law regarding a salient issue;

(ii) Be made by a person having intimate knowledge of the subject matter, so that employees may be expected to attach added significance to the assertion;

(iii) Occurring at a time which prevents others from effectively responding; and

(iv) Reasonably viewed as having had a significant impact on the election, whether a deliberate misrepresentation or not.

(g) Election speeches on the employer's time to massed assemblies of employees are prohibited during the period beginning twenty-four hours before the scheduled time for the opening of the polls and continuing through the tally of ballots. Other electioneering allowed under (a) through (f) of this subsection is permitted during that period.

(h) There shall be no electioneering at or about the polling place during the hours of voting.

(2) Each party may be represented by observers of its own choosing, subject to such limitations as the executive director may prescribe((~~Provided, however, That~~)). During the hours of voting, no management official having authority over bargaining unit employees nor any officer or paid employee of an organization shall serve as observer. Any lists of those who have voted or who have abstained from voting shall be surrendered to the agency at the conclusion of the tally.

(3) Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-510 Challenged ballots. Any observer or the election officer may challenge, for good cause, the eligibility of any person seeking to cast a ballot in the election. No person shall be denied the right to cast a challenged ballot. The election officer shall not have authority to resolve challenges, and the ballot of the challenged voter shall be placed in a sealed envelope identifying the voter and the observer or election officer challenging the eligibility of the voter. The ballot shall not be opened until the challenge is resolved. Any party may withdraw a challenge previously made and, unless the eligibility of the voter is challenged by another party or by the election officer, the challenge shall ((thereby)) be resolved. If the challenged ballots are insufficient in number to affect the results of the election, they shall be impounded and no ruling shall be made ((thereon)). If the challenged ballots are sufficient in number to affect the results of the election, the election officer shall ascertain the position of each party as to each challenged ballot and shall include the information in his or her report. If challenges raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer. The rules relating to the conduct of hearings on petitions shall govern hearings on challenges, except that the scope of the hearing shall be limited to matters relevant to the disposition of the challenged ballots. The executive director shall have authority to rule on all challenges except those made by a party to preserve an objection to a ruling previously made by the executive director as to the eligibility of the challenged voter. If challenges

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of a type excepted from the authority of the executive director are sufficient in number to affect the results of the election, the matter shall be transferred to the commission for its determination under the provisions of WAC 391-25-670.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-610 Procedure where no objections are filed. If no objections are filed within the time set forth above, and if any challenged ballots are insufficient in number to affect the determination of the question concerning representation, and if no run-off election is to be held, the executive director shall ((forthwith certify the results of the proceedings, with)) issue a certification having the same force and effect as if issued by the commission. ((The proceedings will thereupon be closed.))

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-25-650 Briefs and written arguments on objections. (1) The due date for any appeal brief which the party filing an objection desires to have considered by the commission ((is)) shall be fourteen days following the later of:

- (a) The issuance of a transcript of a hearing held under WAC 391-25-630(2); or
- (b) The filing of objections under WAC 391-25-590 (1)(b).

Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(2) The due date for any responsive brief which other parties desire to have considered by the commission ((is)) shall be fourteen days following the date on which that party is served with an appeal brief. Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(3) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-35-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on petitions for clarification of existing bargaining units and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300. The provisions of this chapter should be read in conjunction with ((the provisions of)): (1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge ((governing the conduct of)) to regulate adjudicative

proceedings under chapter ((391-35 WAC)) 34.05 RCW, except:

(a) WAC 10-08-035, which is ((supplanted)) replaced by detailed requirements in WAC 391-35-050;

(b) WAC 10-08-050, which relates to ((procedures of the)) office of administrative hearings((, and so is)) procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is ((supplanted)) replaced by detailed requirements in WAC 391-35-210 and ((391-35-230)) 391-35-250; and

(d) WAC 10-08-230, which is ((supplanted)) replaced by detailed requirements in WAC 391-35-070 ((and 391-35-080)).

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission; and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which ((contains rules relating to)) regulates representation proceedings ((on petitions for investigation of questions concerning representation of employees)).

(4) Chapter 391-45 WAC, which ((contains rules relating to)) regulates unfair labor practice proceedings ((on complaints charging unfair labor practices)).

(5) Chapter 391-55 WAC, which ((contains rules relating to)) regulates the resolution of impasses ((occurring)) in collective bargaining.

(6) Chapter 391-65 WAC, which ((contains rules relating to)) regulates grievance arbitration ((of grievance disputes arising out of the interpretation or application of a collective bargaining agreement)) and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which ((contains rules relating to determination of)) regulates union security ((disputes arising between employees and employee organizations certified or recognized as their bargaining representative)) non-association proceedings.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

PROPOSED

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-35-020 Petition—Time for filing. (1) A unit clarification petition may be filed at any time, with regard to disputes concerning:

(a) Status as a ((“))confidential employee((“may be filed at any time)) under WAC 391-35-320.

(b) Allocation of employees or positions claimed by two or more bargaining units.

(c) Positions which have been newly created by a public employer.

(d) Collective bargaining rights of employees performing school district jobs not requiring a professional education certificate under WAC 391-35-300.

(e) Status as an employee occupying a position eligible for interest arbitration under WAC 391-35-310.

(f) One-person bargaining units under WAC 391-35-330.

(2) ((Where there is)) A unit clarification petition concerning status as a supervisor under WAC 391-35-340, or status as a regular part-time or casual employee under WAC 391-35-350, is subject to the following conditions:

(a) A petition filed while a valid written and signed collective bargaining agreement is in effect((, a petition for clarification of the covered bargaining unit filed by a party to the collective bargaining agreement will be considered timely only if:

((a))) will be processed if the petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class((; or)).

((b) ((The petitioner can demonstrate that, although it signed the current)) A petition filed prior to the signing of a collective bargaining agreement ((covering the position or class at issue in the unit clarification proceedings:

((i))) will be processed if the petitioner can demonstrate that it put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class ((via)) through the unit clarification procedure((; and

((ii))) It filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement)).

(3) ((Disputes concerning the allocation of employees or positions between two or more bargaining units may be filed at any time.)) If a unit clarification petition is filed within a reasonable time period after a change of circumstances altering the community of interest of employees or positions, the petition will be processed to allow the employees or positions

to be removed from a bargaining unit or allocated to another unit.

(4) A unit clarification petition will not be processed under chapter 391-35 WAC, and procedures under chapter 391-25 WAC will be required with respect to at least:

(a) New positions where a unit clarification petition is not filed within a reasonable time period after creation of the positions, unless an existing bargaining unit is the only appropriate unit for the positions.

(b) Employees or positions excluded from a bargaining unit by agreement of the parties or certification by the commission, or excluded from a unit over a substantial period of time, unless a unit clarification petition is filed within a reasonable time period after a change of circumstances and an existing bargaining unit is the only appropriate unit.

(c) Addition of disputed employees or positions to a bargaining unit which creates doubt as to the majority status of the exclusive bargaining representative.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-35-030 Petition ((form)) in writing—Number of copies—Filing—Service. Each petition for clarification of an existing bargaining unit shall be ((prepared on a form furnished by the commission or shall be prepared in conformance with WAC 391-35-050)) in writing, and shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-35-050 Contents of petition. Each petition for clarification of an existing bargaining unit shall contain, in separate numbered paragraphs:

(1) Information identifying the parties and their relationships, including:

(a) The name ((and)), address, and telephone number of the employer, and the name, address ((and)), telephone number, fax number, and e-mail address of ((the employer's)) its principal representative ((for the purposes of collective bargaining));

(b) The name, address, telephone number, fax number, and ((affiliation, if any,)) e-mail address of the exclusive representative, and the name, address ((and)), telephone number, fax number, and e-mail address of its principal representative;

(c) The employer's principal business;

(d) The parties' contractual relationship, indicating that:

(i) The parties^{((?))} have never had a contract; or
(ii) A copy of the current (or most recent ((applicable)) collective bargaining agreement is attached;

(e) The status of negotiations between the parties, indicating that:

(i) The parties' contract is closed; or

- (ii) The parties are currently in contract negotiations;
- (f) The description of the existing bargaining unit, specifying inclusions and exclusions;
- (g) The number of employees in the bargaining unit; and
- (h) The history of the bargaining unit, including at least the approximate date of its creation.

(2) Identification of the ((issues of the proposed clarification, including listing the)) position(s), classification(s) or group(s) at issue, the number of employees in each ((such)) position, classification or group, the present bargaining unit inclusion or exclusion status of each ((such)) position, classification or group, ((and)) identification of the party proposing that the present status be changed, and the reason for the proposed change.

(3) Identification of other interested organizations, including names and addresses of any other employee organizations claiming to represent any employees affected by the proposed clarification(s), and brief description(s) of the contracts, if any, covering such employees.

(4) Any other relevant facts.

(5) The name, signature(s) and, if any, ((the)) title(s) of the representative(s) of the petitioner(s), and the date of the signature.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-090 Notice of hearing. ((After a petition for clarification of an existing bargaining unit has been filed.)) If it appears to the executive director or designee that a disagreement exists which ((might appropriately be the subject of)) could be the basis for issuing an order clarifying ((an existing)) the bargaining unit or units, ((there shall be issued)) a hearing officer shall issue a notice of hearing and have it served on the ((employer and on the exclusive representative a notice of hearing before a hearing officer at a time and place fixed therin. Any such)) parties. A notice of hearing may be amended or withdrawn ((prior to)) before the close of the hearing.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-099 Special provision—Private sector and other employees. The commission lacks authority to proceed in unit clarification proceedings under chapter 49.08 RCW absent the agreement of all parties. The executive director shall not proceed in such matters unless a written agreement is filed by the parties to submit their dispute for arbitration by the commission under chapter 49.08 RCW and these rules.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-35-110 Coordination of proceedings. (1) ((A unit clarification petition cannot be processed if a question concerning representation exists.)) If a petition for clarification under this chapter is pending at the same time as a petition under chapter 391-25 WAC involving all or any part

of the same bargaining unit, the proceedings under this chapter shall be suspended, and all issues concerning the description of the bargaining unit shall be resolved in the proceedings under chapter 391-25 WAC.

(2) A unit clarification proceeding may control or be controlled by an unfair labor practice proceeding. If a petition for clarification under this chapter is pending at the same time as a complaint under chapter 391-45 WAC involving all or any part of the same bargaining unit, the executive director or designee shall have discretion to withhold processing of one of the related proceedings pending the outcome of the other related proceeding.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-35-170 Hearings—((Nature and scope)) Reopening of hearing—Briefs. (1) Hearings shall be public, except where a protective order is issued under WAC 10-08-200(7), and shall be limited to matters concerning the ((determination of the petition for)) clarification of ((an)) the existing bargaining unit. ((During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules.))

(a) The parties shall be responsible for the presentation of their cases.

(b) The hearing officer shall ascertain the respective positions of the parties, to obtain a full and complete factual record upon which the agency may discharge its responsibilities under the applicable statute. The hearing officer has authority, under WAC 10-08-200 (8) and (9), to ask questions, call witnesses, and explore matters not raised or only partially raised by the parties.

(2) Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. ((Any party shall be entitled, upon request made before the close of the hearing, to file a brief.))

(3) The hearing officer may allow or direct the filing of briefs as to any or all of the issues in a case. Arrangements and due dates for briefs shall be established by the hearing officer. Any brief shall be filed with the hearing officer as required by WAC 391-08-120(1), and copies shall be served on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-35-190 Proceedings before the executive director. (1) The executive director may proceed ((forth-with)) upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine the status of each position, classification or group of employees over which there is a disagreement and issue an

order clarifying bargaining unit, dismiss the petition or make other disposition of the matter.

(2) Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues.

(3) Unless appealed to the commission under WAC 391-35-210, ((an order)) a decision issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

NEW SECTION

WAC 391-35-320 Exclusion of confidential employees. Confidential employees excluded from all collective bargaining rights shall be limited to:

(1) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(2) Any person who assists and acts in a confidential capacity to such person.

NEW SECTION

WAC 391-35-330 One-person bargaining unit inappropriate. A bargaining unit cannot be considered appropriate if it includes only one employee.

NEW SECTION

WAC 391-35-340 Unit placement of supervisors—Bargaining rights of supervisors. (1) It shall be presumptively appropriate to exclude persons who exercise authority on behalf of the employer over subordinate employees (usually termed "supervisors") from bargaining units containing their rank-and-file subordinates, in order to avoid a potential for conflicts of interest which would otherwise exist in a combined bargaining unit.

(2) It shall be presumptively appropriate to include persons who exercise authority on behalf of the employer over subordinate employees (usually termed "supervisors") in separate bargaining units for the purposes of collective bargaining.

(3) The presumptions set forth in this section shall be subject to modification by adjudication.

NEW SECTION

WAC 391-35-342 Special provision—Educational employees. Supervisors, principals and assistant principals acquire collective bargaining rights under chapter 41.59 RCW only by means of an election conducted under RCW 41.59.080.

NEW SECTION

WAC 391-35-343 Special provision—Academic employees. Administrators acquire collective bargaining rights under chapter 28B.52 RCW only by means of an election conducted under RCW 28B.52.020(3).

NEW SECTION

WAC 391-35-350 Unit placement of regular part-time employees—Exclusion of casual and temporary employees. (1) It shall be presumptively appropriate to include regular part-time employees in the same bargaining unit with full-time employees performing similar work, in order to avoid a potential for conflicting work jurisdiction claims which would otherwise exist in separate units. Employees who, during the previous twelve months, have worked more than one-sixth of the hours normally worked by full-time employees, and who remain available for work on the same basis, shall be presumed to be regular part-time employees. For employees of school districts and educational institutions, the term "hours normally worked by full-time employees" shall be based on the normal academic year.

(2) It shall be presumptively appropriate to exclude casual and temporary employees from bargaining units.

(a) Casual employees who have not worked a sufficient amount of time to qualify as regular part-time employees are presumed to have had a series of separate and terminated employment relationships, so that they lack an expectation of continued employment and a community of interest with full-time and regular part-time employees.

(b) Temporary employees who have not worked a sufficient amount of time to qualify as regular part-time employees are presumed to lack an expectation of continued employment and a community of interest with full-time and regular part-time employees.

(3) The presumptions set forth in this section shall be subject to modification by adjudication.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-35-080

Prehearing conferences.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-45-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-45-350 and 391-45-390; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-45-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 49.08 RCW (Private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-55-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission relating to the resolution of impasses occurring in collective bargaining. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-65 WAC, which regulates grievance arbitration proceedings.

(6) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-65-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 00-14-048, filed 6/30/00, effective 8/1/00)

WAC 391-95-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on disputes concerning the right of nonassociation under the union security provisions of certain statutes. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-95-110;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-95-270 and 391-95-290; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-95-170.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(6) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(7) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

**WSR 01-10-113
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed May 2, 2001, 9:43 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under 70.94.141(1).

Title of Rule: Amend Regulation I, Sections 3.02, 5.07, and 7.07.

Purpose: To delete the reference to the board meeting time; and to increase fees for the Registration and Operating Permit programs.

Other Identifying Information: Section 3.02 pertains to Meetings of the Board of Directors; Section 5.07 pertains to Registration Fees; and Section 7.07 pertains to Operating Permit Fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Summary: This proposal will remove the reference to the start time of the monthly meeting held by the agency's board of directors; and increase the Registration and Operating Permit fees.

Reasons Supporting Proposal: For flexibility in the future, the agency would be able to change the start time of the monthly board meetings without the necessary of a rule change. The Registration and Operating Permit fees need to be increased to cover the cost of these two programs.

Name of Agency Personnel Responsible for Drafting: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

cal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would allow the agency to change the start time of the monthly board meetings without the necessity of a rule change; and it will adjust the Registration and Operating Permit fees to cover program costs.

Proposal Changes the Following Existing Rules: The reference to the start time of the monthly board of directors meeting would be removed; the fees for the Registration and Operating Permit programs will increase.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: PSCAA Offices, 110 Union Street, #500, Seattle, WA 98101, on June 14, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by June 7, 2001, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, PSCAA, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by June 4, 2001.

Date of Intended Adoption: June 14, 2001.

April 30, 2001

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.02 MEETINGS OF THE BOARD OF DIRECTORS

(a) Regular Meetings. The Agency Board of Directors shall meet at least ten (10) times per year. All Board of Director meetings are open to the public. Regular meetings of the Board shall be held on the second Thursday of each month ((at 9:00 a.m.)) at the Agency's offices. The Agency's offices are located at 110 Union Street, Suite 500, Seattle, WA 98101-2038. The Agency may be reached by telephone at (206) 343-8800 or 1-800-552-3565, or by facsimile at (206) 343-7522.

Notice of the meetings shall be published in the State Register, as well as in the local newspapers of general circulation of the largest city within each member county. The notices shall state the time, date, and place of each meeting. Notice shall be provided at least ten (10) days prior to each meeting. The agenda for any meeting may be obtained by contacting the Agency directly.

During any meeting, the Board may retire to Executive Session, at which time all members of the public shall be excluded from the meeting.

Written communications to the Board or individual Board members may be made by contacting the Agency at the above address and facsimile number.

(b) Special Meetings. The Chair or majority of the members of the Board may call a special meeting at any time. Notice of such meetings shall be provided as required by the Open Public Meetings Act, chapter 42.30 RCW.

(c) Public Records. All minutes and records of all regular and special Board meetings, including written communications provided to the Board, shall be available for public inspection and copying as provided in the Public Disclosure Law, chapter 42.17 RCW. Any person wishing to review or copy such records should contact the Agency's records administrator.

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION FEES

(a) The Agency shall levy annual fees as set forth in Section 5.07(c) below for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program. Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, registration fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(c) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary Standard Industrial Classification (SIC) of the source:

(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in this paragraph shall be charged an annual registration fee of $(\$1,000)$ \$1,200 plus an additional emission rate fee of:

$(\$15)$ \$20 for each ton of CO when the CO emissions are equal to or exceed 100 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of NOx when the NOx emissions are equal to or exceed 25 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of PM10 when the PM10 emissions are equal to or exceed 25 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of SOx when the SOx emissions are equal to or exceed 25 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of HAP when the facility total HAP emissions are equal to or exceed 6 tons in the previous calendar year or when any single individual HAP emissions are equal to or exceed 2 tons in the previous calendar year.

(2) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in this paragraph shall be charged the annual registration fee of $(\$2,000)$ \$2,500 plus an additional emission rate fee of:

$(\$15)$ \$20 for each ton of CO when the CO emissions are equal to or exceed 200 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of NOx when the NOx emissions are equal to or exceed 50 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of PM10 when the PM10 emissions are equal to or exceed 50 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of SOx when the SOx emissions are equal to or exceed 50 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of VOC when the VOC emissions are equal to or exceed 50 tons in the previous calendar year, and

$(\$35)$ \$40 for each ton of HAP when the facility total HAP emissions are equal to or exceed 12 tons in the previous calendar year or when any single individual HAP emissions are equal to or exceed 4 tons in the previous calendar year.

(3) Automobile body repair and painting (SIC = 7532, NAICS = 811121)

without EnviroStar rating of 4 or 5 stars \$250
with EnviroStar rating of 4 or 5 stars \$50

(4) Perchloroethylene ((D)) dry-cleaning plants, except rug cleaning (SIC = 7216, NAICS = 812322)

$(without refrigerated condenser)$ vented \$500
 $(with refrigerated condenser)$ unvented $(\$150)$ \$50

(5) Gasoline service stations with gasoline annual throughput during the last calendar year (as certified at the time of annual fee payment) of:

(i) more than 1,200,000 gallons \$400
(ii) 840,001 to 1,200,000 gallons in Kitsap County \$250
(iii) 600,001 to 1,200,000 gallons in King, Pierce, or Snohomish County \$250
(iv) 600,001 to 840,000 gallons in Kitsap County . \$150
(v) 200,000 to 600,000 gallons \$150
(vi) less than 200,000 gallons \$100

(6) Sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997) or Standard Industrial Classification (SIC) codes (*Standard Industrial Classification Manual*, Executive Office of the President, Office of Management and Budget, 1987) shall be charged an annual registration fee of $(\$1,000)$ \$1,200:

NAICS	SIC	NAICS Description
212312	1422	Crushed and Broken Limestone Mining and Quarrying
212319	1429	Other Crushed and Broken Stone Mining and Quarrying
212321	1442	Construction Sand and Gravel Mining
212322	1446	Industrial Sand Mining
221122	4911	Electric Power Distribution
22132	4952	Sewage Treatment Facilities
23411	1611	Highway and Street Construction

311421	2035	Fruit and Vegetable Canning	332812	3479	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
311613	2077	Rendering and Meat Byproduct Processing			Electroplating, Plating, Polishing, Anodizing, and Coloring
311999	2099	All Other Miscellaneous Food Manufacturing	332813	3471	Heating Equipment (except Warm Air Furnaces) Manufacturing
321114	2491	Wood Preservation	333414	3433	All Other Miscellaneous General Purpose Machinery Manufacturing
324121	2951	Asphalt Paving Mixture and Block Manufacturing	333999	3599	Semiconductor and Related Device Manufacturing
324122	2952	Asphalt Shingle and Coating Materials Manufacturing	334413	3674	Printed Circuit Assembly (Electronic Assembly) Manufacturing
325311	2873	Nitrogenous Fertilizer Manufacturing	334418	3679	Motor and Generator Manufacturing
325314	2875	Fertilizer (Mixing Only) Manufacturing	335312	7694	Ship Building and Repairing
325412	2834	Pharmaceutical Preparation Manufacturing	336611	3731	Grain and Field Bean Wholesalers
325612	2842	Polish and Other Sanitation Good Manufacturing	42251	5153	Other Chemical and Allied Products Wholesalers
32591	2893	Printing Ink Manufacturing	42269	5169	Pipeline Transportation of Refined Petroleum Products
326291	3061	Rubber Product Manufacturing for Mechanical Use	48691	4613	Support Activities for Rail Transportation
327211	3211	Flat Glass Manufacturing	48821	4013	Solid Waste Collection
32731	3241	Cement Manufacturing	562111	4953	Psychiatric and Substance Abuse Hospitals
32732	3273	Ready-Mix Concrete Manufacturing	62221	8063	Specialty (except Psychiatric and Substance Abuse) Hospitals
32739	3272	Other Concrete Product Manufacturing	62231	8069	Business Associations
32742	3275	Gypsum Product Manufacturing	81391	8611	(7) Other sources having 10 or more full-time employees at the facility site (as certified at the time of annual fee payment) and requiring registration under Section 5.03 in the following North American Industry Classification System (NAICS) codes or Standard Industrial Classification (SIC) codes shall be charged an annual registration fee of <u>(((\$500)) \$600:</u>
32791	3291	Abrasives Product Manufacturing	NAICS	SIC	NAICS Description
327992	3295	Ground or Treated Mineral and Earth Manufacturing	115112	0711	Soil Preparation, Planting, and Cultivating
327999	3292, 3299	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	212325	1459	Clay and Ceramic and Refractory Minerals Mining
331111	3312	Iron and Steel Mills	22132	4952	Sewage Treatment Facilities
331222	3315	Steel Wire Drawing	22133	4961	Steam and Air-Conditioning Supply
331312	3334	Primary Aluminum Production	23321	1521	Single-Family Housing Construction
331492	3341	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)	23499	1629	All Other Heavy Construction
331511	3321	Iron Foundries	23531	1731	Electrical Contractors
331512	3324	Steel Investment Foundries	311111	2047	Dog and Cat Food Manufacturing
331513	3325	Steel Foundries (except Investment)	311119	2048	Other Animal Food Manufacturing
331524	3365	Aluminum Foundries (except Die-Casting)	311211	2041	Flour Milling
331525	3366	Copper Foundries (except Die-Casting)	311422	2032	Specialty Canning
331528	3369	Other Nonferrous Foundries (except Die-Casting)	311612	2013	Meat Processed from Carcasses
332811	3398	Metal Heat Treating			

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311711	2091	Seafood Canning	332322	3444	Sheet Metal Work Manufacturing
311821	2052	Cookie and Cracker Manufacturing	332323	3446	Ornamental and Architectural Metal Work Manufacturing
311822	2045	Flour Mixes and Dough Manufacturing from Purchased Flour	33242	3443	Metal Tank (Heavy Gauge) Manufacturing
311823	2098	Dry Pasta Manufacturing	332618	3496	Other Fabricated Wire Product Manufacturing
311919	2096	Other Snack Food Manufacturing	332993	3483	Ammunition (except Small Arms) Manufacturing
31192	2095	Coffee and Tea Manufacturing	332996	3498	Fabricated Pipe and Pipe Fitting Manufacturing
312111	2086	Soft Drink Manufacturing	332999	3499	All Other Miscellaneous Fabricated Metal Product Manufacturing
31212	2082	Breweries	333294	3556	Food Product Machinery Manufacturing
321113	2421, 2429	Sawmills	333515	3545	Cutting Tool and Machine Tool Accessory Manufacturing
321213	2439	Engineered Wood Member (except Truss) Manufacturing	333994	3567	Industrial Process Furnace and Oven Manufacturing
321219	2493	Reconstituted Wood Product Manufacturing	334111	3571	Electronic Computer Manufacturing
32191	2431	Millwork	33422	3663	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
321912	2426	Cut Stock, Resawing Lumber, and Planing	334412	3672	Bare Printed Circuit Board Manufacturing
32192	2441, 2448	Wood Container and Pallet Manufacturing	334513	3823	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables
321992	2452	Prefabricated Wood Building Manufacturing	334518	3873	Watch, Clock, and Part Manufacturing
32213	2631	Paperboard Mills	335129	3648	Other Lighting Equipment Manufacturing
322211	2653	Corrugated and Solid Fiber Box Manufacturing	335228	3639	Other Major Household Appliance Manufacturing
322212	2657	Folding Paperboard Box Manufacturing	335911	3691	Storage Battery Manufacturing
322213	2652	Setup Paperboard Box Manufacturing	335999	3629	All Other Miscellaneous Electrical Equipment and Component Manufacturing
322231	2675	Die-Cut Paper and Paperboard Office Supplies Manufacturing	336211	3713	Motor Vehicle Body Manufacturing
32311	2759	Printing	336411	3721	Aircraft Manufacturing
323110	2752	Commercial Lithographic Printing	336413	3728	Other Aircraft Parts and Auxiliary Equipment Manufacturing
325188	2819	All Other Basic Inorganic Chemical Manufacturing	33651	3743	Railroad Rolling Stock Manufacturing
325199	2869	All Other Basic Organic Chemical Manufacturing	33711	2434	Wood Kitchen Cabinet and Countertop Manufacturing
325211	2821	Plastics Material and Resin Manufacturing	337122	5712	Nonupholstered Wood Household Furniture Manufacturing
32551	2851	Paint and Coating Manufacturing	42132	5032	Brick, Stone, and Related Construction Material Wholesalers
326112	2671	Unsupported Plastics Packaging Film and Sheet Manufacturing	42151	5051	Metal Service Centers and Offices
326199	3089	All Other Plastics Product Manufacturing			
326212	7534	Tire Retreading			
327331	3271	Concrete Block and Brick Manufacturing			
332112	3463	Nonferrous Forging			
332116	3469	Metal Stamping			
332312	3441, 3449	Fabricated Structural Metal Manufacturing			

42169	5065	Other Electronic Parts and Equipment Wholesalers
42193	5093	Recyclable Material Wholesalers
42261	5162	Plastics Materials and Basic Forms and Shapes Wholesalers
42271	5171	Petroleum Bulk Stations and Terminals
422720	5172	Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)
42299	5199	Other Miscellaneous Nondurable Goods Wholesalers
44419	5039	Other Building Material Dealers
454312	5984	Liquefied Petroleum Gas (Bottled Gas) Dealers
481111	4512	Scheduled Passenger Air Transportation
48411	4212	General Freight Trucking, Local
48819	4581	Other Support Activities for Air Transportation
48832	4491	Marine Cargo Handling
48833	4492	Navigational Services to Shipping
48849	4173	Other Support Activities for Road Transportation
49312	4222	Refrigerated Warehousing and Storage
51111	2711	Newspaper Publishers
51112	2721	Periodical Publishers
51113	2731	Book Publishers
51421	7374	Data Processing Services
53111	6513	Lessors of Residential Buildings and Dwellings
54171	8731	Research and Development in the Physical, Engineering, and Life Sciences
56121	8744	Facilities Support Services
61131	8221	Colleges, Universities, and Professional Schools
62211	8062	General Medical and Surgical Hospitals
62431	8331	Vocational Rehabilitation Services
712190	8422	Nature Parks and Other Similar Institutions
81221	7261	Funeral Homes and Funeral Services
81222	7261	Cemeteries and Crematories
812331	7219	Linen Supply
812332	7218	Industrial Launderers
922120	9221	Police Protection
92214	9223	Correctional Institutions
92811	9711	National Security

(8) All other sources, not listed above in Sections (1) through (7), requiring registration under Section 5.03, shall be charged an annual registration fee of ~~(\$250)~~ \$300.

AMENDATORY SECTION

REGULATION I SECTION 7.07 OPERATING PERMIT FEES

(a) The Agency shall levy annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

(1) Facility Fees:

(i) Operating permit sources with the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997) or Standard Industrial Classification (SIC) codes:

NAICS	SIC	NAICS Description
32411	2911	Petroleum Refineries
32731	3241	Cement Manufacturing
331111	3312	Iron and Steel Mills
336411	3721	Aircraft Manufacturing
336413	3728	Other Aircraft Parts and Auxiliary Equipment Manufacturing
92811	9711	National Security

..... ~~((21,000)) \$25,000~~
(ii) Operating permit sources with the following NAICS/SIC codes:

NAICS	SIC	NAICS Description
23521	1721	Painting and Wall Covering Contractors
311812	2051	Commercial Bakeries
321114	2491	Wood Preservation
32191	2431	Millwork
321999	2499	All Other Miscellaneous Wood Product Manufacturing
322222	2672	Coated and Laminated Paper Manufacturing
32614	3086	Polystyrene Foam Product Manufacturing
32615	3086	Urethane and Other Foam Product (except Polystyrene) Manufacturing
327121	3251	Brick and Structural Clay Tile Manufacturing
332313	3443	Plate Work Manufacturing
332996	3498	Fabricated Pipe and Pipe Fitting Manufacturing

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333415	3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
33711	2434	Wood Kitchen Cabinet and Counter-top Manufacturing
81142	7641	Reupholstery and Furniture Repair
.....(((\$3,500)) <u>\$5,000</u>)		

(iii) Operating permit sources with NAICS/SIC codes other than listed above(((\$7,000)) \$10,000)

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

\$15 for each ton of CO when the CO emissions are equal to or exceed 100 tons in the previous calendar year, and

\$35 for each ton of NOx when the NOx emissions are equal to or exceed 25 tons in the previous calendar year, and

\$35 for each ton of PM10 when the PM10 emissions are equal to or exceed 25 tons in the previous calendar year, and

\$35 for each ton of SOx when the SOx emissions are equal to or exceed 25 tons in the previous calendar year, and

\$35 for each ton of VOC when the VOC emissions are equal to or exceed 25 tons in the previous calendar year, and

\$35 for each ton of HAP when the facility total HAP emissions are equal to or exceed 6 tons in the previous calendar year or when any single individual HAP emissions are equal to or exceed 2 tons in the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, levy the following fees:

(1) \$500 for administrative permit amendments, and
((1))) (2) for the issuance, ((reissuance)) modification,
 or renewal of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed (((\$5,000.00))
\$10,000, and

((2))) (3) to cover the cost of public involvement under WAC 173-401-800, and

((3))) (4) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

Preproposal statement of inquiry was filed as WSR 01-05-001.

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal bottomfish rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sets 2001 coastal bottomfish limits.

Reasons Supporting Proposal: Provides opportunity to harvest bottomfish.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Coastal bottomfish limits are set upon recommendations of the Pacific Fisheries Management Council. These limits will allow harvest of available surplus.

Proposal Changes the Following Existing Rules: New limits.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Sets yearly bottomfish catch limits. No new reporting requirements.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No new compliance requirements.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: None.

a. Cost per employee.

b. Cost per hour of labor.

c. Cost per one hundred dollars of sales.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: None taken, none needed.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The draft rules were developed after public meetings through the Pacific Fisheries Management Council.

8. A List of Industries That Will Be Required to Comply with the Rule: Coastal bottomfish fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North,

WSR 01-10-115
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 2, 2001, 10:04 a.m.]

Original Notice.

Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 175A, Olympia, WA, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jackie Hursey by June 1, 2001, TDD (360) 902-2207, or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2155, by June 4, 2001.

Date of Intended Adoption: June 5, 2001.

May 2, 2001
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 00-124, filed 7/24/00, effective 8/24/00)

WAC 220-44-050 Coastal bottomfish catch limits. (1) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear handling or landing requirement, established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume ((65)) 66, No. ((2)) 8, ((beginning on page 221,)) published January ((4, 2000)) 11, 2001. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate

fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

WSR 01-10-116
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 2, 2001, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-002.

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal harbor salmon net rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sets coastal harbor salmon net seasons.

Reasons Supporting Proposal: Provides opportunity to harvest surplus salmon.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Coastal harbor salmon net seasons are set based on preseason forecasts, and are intended to allow harvest of available surplus salmon while protecting broodstock fish and species that are threatened or endangered. Insufficient opportunity exist for a summer fishery in either Grays Harbor or Willapa Bay. The November fishery in Willapa Bay will target sturgeon.

Proposal Changes the Following Existing Rules: New season settings.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Sets days, times and gear for commercial salmon fishing in Grays Harbor and Willapa Bay.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Commercial fishers must have valid gill net licenses. Nets must comply with current state regulations.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No, the rules open fishing opportunity that is otherwise closed.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: None.

- a. Cost per employee.
- b. Cost per hour of labor.
- c. Cost per one hundred dollars of sales.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: None taken, none needed.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The draft rules were developed after two public meetings (North of Falcon) and a final PFMC meeting. Meetings were announced through news releases and on the Washington Department of Fish and Wildlife website. Key industry members are involved in commenting on, and proposing changes to, rules and seasons. Once drafted, the rules go through the standard public process set up for promulgating and revising Washington Administrative Codes.

8. A List of Industries That Will Be Required to Comply with the Rule: Coastal harbor salmon gill net license holders.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 175A, Olympia, WA, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jackie Hursey by June 1, 2001, TDD (360) 902-2207, or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2155, by June 4, 2001.

Date of Intended Adoption: June 5, 2001.

May 2, 2001
Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. July 5 through August 15 ((of 1998,)) it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 99-206 [00-240], filed 11/30/99 [11/15/00], effective 12/31/99 [12/16/00])

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

Gill net gear may be used to fish for salmon:

Time	Areas
6:00 p.m. September 4 through	2A and 2D
6:00 p.m. September 6, and	
6:00 p.m. October 4 through 6:00	
p.m. October 5, 2001	

Gear

Gill net gear shall be used as provided for in WAC 220-36-015, except no maximum mesh restriction September 4 through September 6, 2001.

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

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

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. July 5 through August 15 ((of 1998,)) it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 98-122 [00-240], filed 7/15/98 [11/15/00], effective 8/15/98 [12/16/00])

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	Area		Area 2K
6:00 p.m. August 27 through 6:00 p.m. August 28, 2001	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H west of Willapa Channel Marker 35, and 2J north of the North Entrance Marker to the Nahcotta Boat Basin (RF #2)	6:00 p.m. September 16 through 6:00 p.m. September 17 and 6:00 p.m. September 23 through 6:00 p.m. September 24, 2001	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H, 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 19 through 6:00 p.m. September 10, 2001	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line drawn true north-south from the most waterward exposed end of the rock jetty located near Washaway Beach and excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point.	7:30 a.m. October 3 through 6:30 p.m. October 3 and 7:30 a.m. October 11 through 6:30 p.m. October 11, 2001	Areas 2G east 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 westerly of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true east-west line through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. September 17 through 6:00 p.m. September 18 and 6:00 p.m. September 24 through 6:00 p.m. September 25, 2000	Area 2K	6:00 p.m. October 16 through 6:00 p.m. October 18 and 6:00 p.m. October 23 through 6:00 p.m. October 25, 2001	Areas 2G east 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 westerly of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true east-west line through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
7:30 a.m. October 5 through 6:30 p.m. October 5 and 7:30 a.m. October 12 through 6:30 p.m. October 12, 2000	Areas 2G east of a line drawn true north-south through Willapa Channel Marker 10 and east of a line drawn true north-south from the most waterward exposed end of the rock jetty located near Washaway Beach and excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point.	Noon, November 6 through noon, November 30, 2001	Areas 2G, 2H, 2J, and 2M
6:00 p.m. September 16 through 6:00 p.m. September 30, 2001	Areas 2G east of a line drawn true north-south through Willapa Channel entrance buoy 12, 2M, 2H west of Willapa Channel Marker 40 and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)		

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(2) During the fisheries provided for in this section, it is unlawful for fishers to fish west of Willapa Channel Marker 40 or in Area 2K unless the fisher has registered in writing on a department-approved form by September 8, 2001, and the fisher agrees to allow a department observer to be on board during the fishing trip to monitor the catch.

(3) 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

(4) Gill net gear restrictions - All areas:

(a) Prior to September 1, 2001 - No maximum mesh restriction.

(b) September 1 through October 14, 2001 - 6-inch maximum mesh, no more than 55 deep, net must be unstrung and unslackened.

(c) October 15 through October 31, 2001 - 6-1/2 inch maximum mesh.

(d) November 1 through November 30, 2001 - 9-inch minimum mesh.

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

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

WSR 01-10-118
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 2, 2001, 10:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-002.

Title of Rule: Commercial fishing rules.

Purpose: Amend rules for 2001 Puget Sound salmon net season.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sets Puget Sound salmon net seasons.

Reasons Supporting Proposal: Provides opportunity to harvest surplus salmon while protecting broodstock.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; **Implementation:** Lew Atkins, 1111 Washington Street, Olympia, 902-2325; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 220-47-311, 220-47-401 and 220-47-411 set purse seine, reef net and gill net seasons, respectively. These rules will be adopted at the recommendation of the Pacific Fisheries Management Council, and provide for harvest of available salmon. WAC 220-47-428 closes the Quilcene Bay beach seine fishery for 2001 pending the submission of the report to the legislature on this emerging commercial fishery. WAC 220-47-304 is repealed as the mesh sizes and species fisheries are incorporated into WAC 220-47-411.

Proposal Changes the Following Existing Rules: New seasons settings.

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

Small Business Economic Impact Statement

**WAC 220-47-311, 220-47-401, 220-47-411;
Gill net, reef net and purse seine open periods**

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Sets

days, times and gear for commercial salmon fishing in Puget Sound waters.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs: Commercial fishers must have valid permits for the gear and area being used. Nets must comply with current state regulations.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No, the rules open fishing opportunity that is otherwise closed.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: None.

a. Cost per employee.

b. Cost per hour of labor.

c. Cost per one hundred dollars of sales.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: None taken, none needed.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The draft rules were developed after two public meetings (North of Falcon) and a final PFMC meeting. Meetings were announced through news releases and on the Washington Department of Fish and Wildlife website. Key industry members are involved in commenting on, and proposing changes to, rules and seasons. Once drafted, the rules go through the standard public process set up for promulgating and revising Washington Administrative Codes.

8. A List of Industries That Will Be Required to Comply with the Rule: Puget Sound commercial salmon gill net, purse seine and reef net license holders.

WAC 220-47-428 Beach seine open periods

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Closes salmon beach seine fishing for 2001.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Business, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs: None.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Yes, five permit holders will not be able to fish in Quilcene Bay for coho salmon as they have for the past five years.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: None.

a. Cost per employee.

b. Cost per hour of labor.

c. Cost per one hundred dollars of sales.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: This rule change reflects a loss of opportunity to fish. The act of not fishing has no costs associated with it.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Rules allowing and defining emerging commercial fisheries are found in chapter 77.70 RCW. RCW 77.70.180 requires a report and recommendation to the legislature after a five-year period of operating the fishery. The 2000 season was the fifth year of the five year plan for assessing beach seines as a commercial salmon gear. The beach seine advisory committee and the Quilcene Bay experimental gear fishing permit holders were aware that the emerging commercial fishery had limitations.

8. A List of Industries That Will Be Required to Comply with the Rule: Holders of the Quilcene Bay experimental gear fishing permit.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 175A, Olympia, WA, on June 5, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jackie Hursey by June 1, 2001, TDD (360) 902-2207, or (360) 902-2861.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2155, by June 4, 2001.

Date of Intended Adoption: June 5, 2001.

May 1, 2001
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

((AREA	TIME	DATE	TIME	DATE
7, 7A:	7AM	-	5PM	10/30, 10/31, 11/1, 11/2, 11/6, 11/7, 11/8, 11/9
7B:	6AM	9/11	8PM	9/13
	6AM	9/18	7PM	9/20
	6AM	9/24	4PM	10/28
	6AM	10/30	4PM	11/3
	6AM	11/6	4PM	11/10
	6AM	11/13	4PM	11/17
	6AM	11/20	4PM	11/24
	6AM	11/27	4PM	12/4

((AREA	TIME	DATE	TIME	DATE
8:	6AM	12/4	4PM	12/8
8A:	7AM	-	5PM	10/30
	7AM	-	5PM	11/7
	7AM	-	5PM	11/13
	7AM	-	5PM	11/21
	7AM	-	5PM	11/21, 11/22, 11/27, 11/28, 11/29, 11/30
	7AM	-	4PM	12/4
8D:	7AM	-	7PM	9/28, 10/3, 10/4, 10/42
	7AM	-	4PM	10/43
	7AM	-	6PM	10/17, 10/18, 10/26
	7AM	-	4PM	10/27
	7AM	-	5PM	10/31, 11/1, 11/9
	7AM	-	4PM	11/10
	7AM	-	5PM	11/14, 11/15, 11/20, 11/21, 11/22
	7AM	-	6PM	10/24
	7AM	-	5PM	10/30, 10/31
	7AM	-	5PM	11/7
	7AM	-	5PM	11/13
	7AM	-	5PM	11/21
	7AM	-	6PM	10/16
	7AM	-	6PM	10/24
	7AM	-	5PM	10/30, 10/31
	7AM	-	5PM	11/8, 11/9
	7AM	-	5PM	11/13
12C:	7AM	-	5PM	11/13
	7AM	-	5PM	11/21))

AREA	TIME	DATE
7, 7A:	6AM - 5PM	10/30
	6AM - 5PM	11/5, 11/6, 11/7, 11/8
	7AM - 5PM	11/12, 11/13, 11/14, 11/15
7B:	6AM 9/10	8PM 9/12
	6AM 9/17	8PM 9/19
	6AM 9/23	8PM 10/27
	6AM 10/29	4PM 11/2
	6AM 11/5	4PM 11/9
	6AM 11/12	4PM 11/16
	6AM 11/19	4PM 11/23
	6AM 11/26	4PM 11/30
	6AM 12/3	4PM 12/7
8:	5AM - 9PM	8/27, 8/28
	6AM - 5PM	11/5
8A:	5AM - 9PM	8/21
	<u>Note: It is unlawful to fish for pink salmon on August 21, 2001, south of a line from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.</u>	
	5AM - 9PM	8/27
	7AM - 7PM	10/8
	7AM - 7PM	10/17
	7AM - 6PM	10/22, 10/23
	6AM - 5PM	10/31, 11/1

PROPOSED

	<u>6AM - 5PM</u>	<u>11/5, 11/6</u>
	<u>7AM - 5PM</u>	<u>11/14, 11/15</u>
	<u>7AM - 5PM</u>	<u>11/19, 11/20</u>
	<u>7AM - 5PM</u>	<u>11/26, 11/27, 11/28</u>
<u>8D:</u>	<u>7AM - 7PM</u>	<u>9/25, 9/26, 9/27</u>
	<u>7AM - 7PM</u>	<u>10/2, 10/3, 10/4</u>
	<u>7AM - 7PM</u>	<u>10/8, 10/9, 10/10, 10/11</u>
	<u>7AM - 7PM</u>	<u>10/17</u>
	<u>7AM - 6PM</u>	<u>10/22, 10/23</u>
	<u>6AM - 5PM</u>	<u>10/31, 11/1</u>
	<u>6AM - 5PM</u>	<u>11/5, 11/6</u>
	<u>7AM - 5PM</u>	<u>11/14, 11/15</u>
	<u>7AM - 5PM</u>	<u>11/19, 11/20</u>
	<u>7AM - 5PM</u>	<u>11/26, 11/27, 11/28</u>
<u>10, 11:</u>	<u>7AM - 7PM</u>	<u>10/16</u>
	<u>7AM - 6PM</u>	<u>10/22</u>
	<u>6AM - 5PM</u>	<u>10/30, 10/31</u>
	<u>6AM - 5PM</u>	<u>11/5</u>
	<u>7AM - 5PM</u>	<u>11/13</u>
<u>12:</u>	<u>7AM - 7PM</u>	<u>10/16</u>
<u>12, 12B:</u>	<u>7AM - 6PM</u>	<u>10/22</u>
	<u>6AM - 5PM</u>	<u>10/31</u>
	<u>6AM - 5PM</u>	<u>11/5, 11/6</u>
	<u>7AM - 5PM</u>	<u>11/13</u>
<u>12C:</u>	<u>7AM - 5PM</u>	<u>11/13</u>

It is unlawful to retain chinook salmon taken with purse seine gear in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B and 12C. ((It is unlawful to retain coho salmon taken with purse seine gear in Areas 7, 7A, 8, 8A, 10, 11, 12, 12B and 12C.)) It is unlawful to retain chum salmon taken with purse seine gear in Areas 7 and 7A prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-401 Reef net open periods. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	DATE(S)
7, 7A	7AM - 7PM Daily	((9/10 - 11/11)) 9/23 - 11/10

It is unlawful to retain chinook salmon taken with reef net gear in Areas 7 and 7A. It is unlawful to retain coho salmon taken with reef net gear in Areas 7 and 7A while the Fraser River Panel of the Pacific Salmon Commission maintains regulatory control of fisheries in Area 7. It is unlawful to retain chum salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear

for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

((AREA	TIME	-	DATE(S)
6D	7AM	-	7PM 9/21, 9/22, 9/25, 9/26, 9/27, 9/28, 9/29, 10/2, 10/3, 10/4, 10/5, 10/6, 10/9, 10/10, 10/11, 10/12, 10/13, 10/16, 10/17, 10/18, 10/19, 10/20, 10/23, 10/24, 10/25, 10/26, 10/27

Note: In Area 6D it is unlawful to use other than 5 inch minimum and 5 1/2 inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	-	8PM 10/30, 10/31, 11/1, 11/2, 11/6, 11/7, 11/8, 11/9
7B:	7PM - 9AM	NIGHTLY	8/16, 8/21, 8/22, 8/28, 9/4 6AM 9/11 - 8PM 9/13 6AM 9/18 - 7PM 9/20 6AM 9/24 - 4PM 10/28 6AM 10/30 - 4PM 11/3 6AM 11/6 - 4PM 11/10 6AM 11/13 - 4PM 11/17 6AM 11/20 - 4PM 11/24 6AM 11/27 - 4PM 12/1 6AM 12/4 - 4PM 12/8
7C:	7PM - 9AM	NIGHTLY	8/16, 8/21, 8/22, 8/28, 9/4
8:	7AM	-	8PM 10/31, 11/6, 11/14, 11/20
8A:	7AM	-	8PM 11/2 7AM - 4PM 11/3 7AM - 8PM 11/7, 11/8, 11/16 7AM - 4PM 11/17 7AM - 8PM 11/20, 11/21, 11/22
8B:	7AM - 8PM	DAILY	11/27, 11/28, 11/29, 11/30 7AM - 4PM 12/4
	6PM 10/4 -	8AM	10/6
	6PM 10/10 -	8AM	10/12
	6PM 10/18 -	8AM	10/20
	6PM 10/24 -	8AM	10/26
	7AM -	8PM	11/2
	7AM -	4PM	11/3
	7AM -	8PM	11/7, 11/8, 11/16
	7AM -	4PM	11/17
	7AM -	8PM	11/20, 11/21, 11/22
	7AM -	8PM	11/27, 11/28, 11/29, 11/30
	7AM -	4PM	12/4
9A:	7AM 9/17 through 8PM		10/28
	It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish.		
10, 11:	5PM - 8AM	NIGHTLY	10/23
	4PM - 8AM	NIGHTLY	10/30, 10/31, 11/6, 11/13, 11/20
12, 12B:	7AM	-	8PM 10/17, 10/23, 11/1, 11/2, 11/6, 11/7, 11/14
12C:	7AM	-	8PM 11/14, 11/20

((AREA)) ((TIME)) - ((DATE(S)))

~~All other saltwater and freshwater areas - closed.~~

~~Nightly openings refer to the start date.)~~

AREA TIME = DATE(S) SPECIES MINIMUM MESH
6D: 7AM = 7PM 9/21, 9/24, 9/25, 9/26, 9/27, 9/28, 10/1, Coho 5"
10/2, 10/3, 10/4, 10/5, 10/8, 10/9, 10/10,
10/11, 10/12, 10/15, 10/16, 10/17,
10/18, 10/19, 10/22, 10/23, 10/24,
10/25, 10/26

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or pink salmon captured at any time, or any chum salmon captured prior to October 16, must be removed from the net by cutting the meshes ensnaring fish.

<u>7A:</u>	<u>7AM</u>	=	<u>8PM</u>	<u>10/29, 11/5, 11/6, 11/7, 11/8, 11/12,</u> <u>11/13, 11/14, 11/15</u>	<u>Chum</u>	<u>6 1/4"</u>
<u>7B:</u>	<u>7PM</u>	=	<u>9AM</u>	<u>NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4</u>	<u>Chinook</u>	<u>7"</u>
	<u>6AM 9/10</u>	=	<u>8PM 9/12</u>		<u>Coho</u>	<u>5"</u>
	<u>6AM 9/17</u>	=	<u>8PM 9/19</u>			
	<u>6AM 9/23</u>	=	<u>8PM 10/27</u>			
	<u>6AM 10/29</u>	=	<u>4PM 11/2</u>		<u>Chum</u>	<u>6 1/4"</u>
	<u>6AM 11/5</u>	=	<u>4PM 11/9</u>			
	<u>6AM 11/12</u>	=	<u>4PM 11/16</u>			
	<u>6AM 11/19</u>	=	<u>4PM 11/23</u>			
	<u>6AM 11/26</u>	=	<u>4PM 11/30</u>			
	<u>6AM 12/3</u>	-	<u>4PM 12/7</u>			

7C: **7PM** : **9AM** **NIGHTLY 8/22, 8/27, 8/28, 9/3, 9/4** **Chinook** 7"
8: **6AM** : **11PM** **8/29, 8/30** **Pink** 5"

Note: In Area 8 pink directed fisheries, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh, no greater than 60 meshes in

<u>7AM</u>	-	<u>8PM</u>	<u>11/6</u>	<u>Chum</u>	<u>6 1/4"</u>	
8A:	-	<u>6AM</u>	<u>11PM</u>	<u>8/20 8/28</u>	<u>Pink</u>	<u>5"</u>

Note: In Area 8A, on August 20, 2001, it is unlawful to fish for pink salmon south of a line drawn from the Mukilteo ferry dock to the Clinton ferry dock on Whidbey Island.

<u>7AM</u>	-	<u>8PM</u>	<u>10/9, 10/16</u>	<u>Coho</u>	<u>5"</u>
<u>7AM</u>	-	<u>8PM</u>	<u>10/24, 10/25</u>	<u>Chum</u>	<u>6 1/4"</u>
<u>7AM</u>	-	<u>8PM</u>	<u>10/29, 10/30</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/7, 11/8</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/12, 11/13</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/19, 11/20</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/26, 11/27, 11/28</u>		
<u>8D:</u>					
<u>6PM</u>	-	<u>8AM</u>	<u>9/25, 9/26, 9/27</u>	<u>Coho</u>	<u>5"</u>
<u>6PM</u>	-	<u>8AM</u>	<u>10/1, 10/2, 10/3</u>		
<u>6PM</u>	-	<u>8AM</u>	<u>10/8, 10/9, 10/10, 10/11</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>10/16</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>10/24, 10/25</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>10/29, 10/30</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/7, 11/8</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/12, 11/13</u>	<u>Chum</u>	<u>6 1/4"</u>
<u>7AM</u>	-	<u>8PM</u>	<u>11/19, 11/20</u>		
<u>7AM</u>	-	<u>8PM</u>	<u>11/26, 11/27, 11/28</u>		
<u>6AM-8PM</u>	-	<u>8PM</u>		<u>Coho</u>	<u>5"</u>

9A: 6AM 9/16 through 8PM Cont. 2
10/27

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the boat.

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1. Any chum salmon netted prior to October 1 must be released from the net by cutting the meshes ensnaring the fish.

10.11: 6PM - 8AM 10/15 Chum 6 1/4"
 5PM - 8AM 10/22
 4PM - 8AM 10/29, 10/30
 4PM - 8AM 11/5

<u>AREA</u>	<u>TIME</u>	:	<u>DATE(S)</u>	<u>SPECIES</u>	<u>MINIMUM MESH</u>
	<u>4PM</u>	:	<u>8AM</u>	<u>11/12</u>	
<u>Note: Area 10, 11 openings are contingent upon all participating fishers allowing WDFW observers aboard during fishing operations. Failure to allow observer coverage will result in a closure of the Area 10, 11 openings.</u>					
<u>12, 12B:</u>	<u>7AM</u>	:	<u>8PM</u>	<u>10/15</u>	
	<u>7AM</u>	:	<u>8PM</u>	<u>10/22</u>	
	<u>7AM</u>	:	<u>8PM</u>	<u>10/29</u>	
	<u>7AM</u>	:	<u>8PM</u>	<u>11/7, 11/8</u>	
	<u>7AM</u>	:	<u>8PM</u>	<u>11/12</u>	
<u>12C:</u>	<u>7AM</u>	:	<u>8PM</u>	<u>11/12</u>	
<u>All other saltwater and freshwater areas - closed.</u>					

Nightly openings refer to the start date.

Mesh size restrictions remain in effect from the opening date of a species management period until the opening date of a subsequent species management period.

PROPOSED

AMENDATORY SECTION (Amending Order 00-172, filed 8/28/00, effective 9/28/00)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

<u>((AREA</u>	<u>TIME</u>	<u>DATE(S)</u>
<u>42A:</u>	<u>7AM-7PM Daily</u>	<u>8/28, 8/29, 8/30, 8/31, 9/1, 9/4, 9/5, 9/6, 9/7, 9/8, 9/11, 9/12, 9/13, 9/14, 9/15, 9/18, 9/19, 9/20, 9/21, 9/22, 9/25, 9/26, 9/27, 9/28, 9/29, 10/2, 10/3, 10/4, 10/5, 10/6, 10/9, 10/10, 10/11, 10/12, 10/13))</u>

Beach seine closed in 2001.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-304

Puget Sound—All citizen salmon species seasons and gill net mesh sizes.

WSR 01-10-120 PROPOSED RULES GAMBLING COMMISSION

[Filed May 2, 2001, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-23-124 with a published date of December 6, 2000, and WSR 00-03-080 [01-03-080] with a published date of February 7, 2001.

Title of Rule: Amendatory sections WAC 230-20-125 Discounts and promotional gifts—Authorized—Limits and

230-30-106 Punch board and pull-tab flare restrictions—Standards—Substitute flares.

Purpose: These proposed rule changes were at the request of the net return task force and were discussed during the nonprofit study sessions in November 2000, and January, February, and March 2001. Currently bingo operators can offer a total of twelve promotional activities each year. These activities include player discounts, gifts and coupons. This amendment would increase the number of promotional activities from twelve to eighteen. The proposed amendment would also allow bingo operators to offer an unlimited number of discount coupons for their games. Furthermore, only commercial pull-tab operators are allowed to offer happy hour pull-tab games, where pull-tab prize amounts are double. The proposed amendment would allow charitable/non-profit organizations to offer these games too.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; **Implementation:** Ben Bishop, Lacey, (360) 438-7640; and **Enforcement:** Bob Berg, Lacey, (360) 438-7654 ext. 348.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Meeting at Maple Hall, 108 Commercial Street, LaConner, WA 98257, phone (360) 466-3101, on June 15, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by June 1, 2001, at TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by June 1, 2001.

Date of Intended Adoption: June 15, 2001.

May 2, 2001
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 371, filed 5/18/99, effective 7/1/99)

WAC 230-20-125 Discounts and promotional gifts—

Authorized—Limits. To increase profits from bingo games and enhance the entertainment aspect of such, licensees may conduct limited promotional activities. The following restrictions and procedures apply to promotional activities conducted as a part of bingo games:

Discounts and gifts.

(1) Licensees may promote bingo games by providing players discounts or gifts of nominal value on up to ((twelve)) eighteen occasions annually ((under the following conditions)): Provided, That coupons authorized under this subsection may be distributed and/or redeemed during an unlimited number of occasions. All promotions authorized under this section are subject to the following conditions:

Discount coupons.

(a) Licensees may offer players discounts or reductions in the price to play bingo for purposes of evaluating the effectiveness of advertising of bingo games if:

(i) Discounts are only awarded to players that present a coupon that was issued by the licensee for a specific date and session;

(ii) Coupons shall not be available on the licensed premises: Provided, That this section does not prevent the ((sale)) distribution of newspapers in which such coupons are printed on the licensed premises;

(iii) Coupons are printed in newspapers or similar media that are normally sold or delivered to an individual's residence;

(iv) The discount does not exceed fifty percent of the minimum cost to play or five dollars, whichever is less;

(v) Any conditions or restrictions of the discount are disclosed in all advertisements offering the discount; and

(vi) Records required by subsection (2) of this section are maintained.

Gifts.

(b) Licensees may award promotional gifts to players if:

(i) Only merchandise gifts with a cost to the licensee of no more than five dollars per gift are awarded;

(ii) The gifts are treated as prizes; and

(iii) A record is completed for each session setting out the criterion for selecting the recipients, the number of gifts, and total cost of the gifts.

Receipting.

(2) Licensees shall use the combination receipting method set forth in WAC 230-20-108 to record discounts awarded by this section. All discounts shall be recorded on the cash register receipt during the sales transaction;

Records.

(3) Records must be maintained as a part of the daily bingo records that provide full details of each discount or gift awarded. All discounts must be reconciled to sales and cash on the "Bingo daily record-Cash control" record. Such records must include at least the following details:

- (a) Time and date of the activity;
- (b) Full description of the activity, including any conditions or restrictions;
- (c) A copy of all advertisements for such promotions; and
- (d) All coupons or "frequent player" cards redeemed which shall include the name, address, and birth date of customers redeeming such.

Birthday gifts.

(4) Licensees may provide special recognition gifts to players during the calendar week of their birthday. These gifts are excluded from the ((twelve)) eighteen occasion limitation if the following requirements are met:

- (a) Such gifts shall not exceed a value of five dollars;
- (b) The recipient's name and date of birth are recorded; and
- (c) These gifts are treated as prizes and applicable records are maintained.

Incentives.

(5) Licensees may promote bingo games by offering incentives to players which are based on the customer participating in games for a specific number of sessions, playing during a session when promotional gifts are awarded to players, as authorized by subsection (1)(b) of this section, or for spending a specific dollar amount to play bingo over a period of time if:

(a) These "frequent player" incentives are redeemed only for promotional marketing gifts; or merchandise with a cost of twenty dollars or less;

(b) These incentives are accumulated in the form of "credits" or "points" that equate to a specified number of dollars spent by the player;

(c) The redemption value of points or credits awarded under this section does not exceed:

(i) Two percent of the total dollar amount spent by a player and recorded through the cash register method of recording bingo sales; or

(ii) Five dollars for each occasion that points or credits are awarded as promotional gifts under authority of subsection (1)(b) of this section;

(d) Such credits or points shall have no cash or partial redemption value;

(e) Players shall be informed of any expiration date of points or credits earned;

PROPOSED

(f) The licensee shall develop a control system to account for points or credits issued, redeemed, or expired. Credits or points shall be controlled by issuing points at the time of cash register receipting method sale and recorded either with a computer-based tracking system or approved manual system. The following conditions apply to accumulation records:

(i) If cards are used, cards shall meet all of the requirements set forth for tickets used for receipting for bingo income in WAC 230-20-104 and the recording of credits on such cards shall be accomplished by means under control of the licensee, such as stamps, punches, employee initials, etc.; and

(ii) Computer-based records used to record points shall be approved by the commission staff.

AMENDATORY SECTION (Amending Order 359, filed 7/15/98, effective 1/1/99)

WAC 230-30-106 Punch board and pull-tab flares restrictions—Standards—Substitute flares. The following restrictions, standards, and procedures apply to the use of flares and substitute flares:

Only manufacturers to produce flares - exception.

(1) Except as set forth in subsection (6) of this section, the flare advertising prizes available from the operation of any punch board, or any series of pull-tabs, shall be made by the manufacturer only and shall not be altered by any operator or distributor;

One flare per game.

(2) No person shall place or have out in public view more than one flare advertising the prizes available from the operation of any punch board, or from any series of pull-tabs;

Displaying flares.

(3) Flares shall be placed as follows:

(a) Only upon the upper face, or on the top of any punch board; or

(b) In plain view and in the vicinity of any pull-tab dispensing device or container. If the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series.

Standards for flares.

(4) ((Standards for flares:)) Flares shall meet the following standards:

(a) Flares must clearly set out each of the prizes available and the numbers or symbols which win each prize. For progressive jackpot series, the progressive jackpot meter board shall be considered a supplement to the flare. Reference to such shall be made on the flare;

(b) Flares must set out the winning numbers or symbols for prizes of over twenty dollars in cash, or merchandise worth more than twenty dollars at retail, in such a manner that each may be easily and clearly deleted or marked off as each

prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus fifty percent of that actual cost;

(c) The cost to the player for each punch or pull-tab shall be clearly posted on the flare;

(d) The manufacturer shall clearly set out on the flare the series number assigned to that punch board or pull-tab series by the manufacturer. For pull-tab series, this number shall be clearly displayed on the face of the flare. This series number shall not be altered by the distributor or operator;

(e) The flare shall contain the Washington state identification and inspection services stamp number assigned to the board or series, as required by WAC 230-08-017;

(f) For pull-tab series, the total number of pull-tabs originally in the series shall be clearly disclosed on the face of the flare. Effective July 1, 1997, the following flares shall prominently display the ticket count in one-half inch size lettering on the flare;

(i) Any newly designed flare;

(ii) Any previously designed flare for pull-tab series with a ticket count over six thousand, which has not yet been packaged;

(g) Flares must contain the manufacturer of the board or series. A stamp, seal, or label which identifies the manufacturer may be substituted if the commission has been informed of such prior to its use.

Bonus pull-tab flares.

(5) Additional standards for bonus pull-tab flares:

(a) The manufacturer shall develop and use at least twenty-five different versions of flares (face sheets) for each form number of a bonus series. Flares which contain prizes that are determined after the player receives the corresponding winning chance shall be constructed so that it is impossible to determine the prizes prior to removing the prize covering, in any manner or by any device. Face sheets shall be utilized in such a manner so as to ensure random distribution during the manufacturing and packing process;

(b) The middle or advance level shall be labeled with the term "ADVANCE SECTION" with a minimum one-quarter inch size lettering;

(c) The top tier level shall be labeled with the term "BONUS SECTION" with a minimum one-quarter inch size lettering;

(d) The number of winners which could be awarded in the top tier level shall be clearly noted on the flare with a minimum three-eighths inch size lettering. In addition, the number of winners and the number of advances in each advance level shall be clearly displayed;

(e) All prizes for each advance and bonus level shall be clearly displayed so that only the winners within the possible combinations are shown. Where applicable, the word "OR" shall be used to illustrate the possible combinations in which the bonus prizes can be won. Duplicate references to prizes shall not be shown on the flare.

((6))) Substitute flares((?:))

((a)) (6) A substitute flare may be utilized on punch boards or pull-tabs, unless otherwise restricted by commission rules, provided all the requirements of this subsection are met(());

((+)) (a) Distributors may apply manufacturer-produced substitute flares to punch boards and pull-tab series;

((+)) (b) Licensed operators or distributors may make and use substitute flares on punch boards and pull-tab series which offer merchandise or combination merchandise-cash prizes.

((++)) (c) The responsibility for ensuring the substitute flare meets the requirements set forth in this section shall rest with the manufacturer, distributor, or operator who changes the original flare and attaches the substitute flare.

((+)) Substitute flare requirements:

(+) (d) All substitute flares must comply with the requirements of subsections (4) and (5) of this section;

((+)) (e) All substitute flares shall have the Washington state identification and inspection services stamp number and series number assigned to the punch board or pull-tab series permanently recorded in ink on the face of the substitute flare;

((+)) (f) The original manufacturer's flare shall be permanently defaced so it is unusable and the substitute flare shall be attached to the original manufacturer's flare so that the original Washington state identification and inspection services stamp and series number can be accessed for inspection;

((+)) (g) For flares converted from cash prizes to combination merchandise-cash prizes, at least fifty percent of the total value of prizes offered shall be merchandise; and

((+)) (h) Substitute flares which offer merchandise, or combination merchandise-cash, must utilize numbers, not symbols, to denote winners. The winning numbers on the substitute flare shall be selected from the winning numbers on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Prizes must be assigned to the winning numbers consecutively, starting with the highest value prize being assigned the lowest available winning number.

Happy hour pull-tab games.

(7) In addition to prizes established by manufacturers, ((commercial stimulant)) pull-tab licensees may increase prizes or add additional prizes to punch boards or pull-tab series ((if)) under the following conditions:

(a) Such prizes ((are)) shall be cash or merchandise;

(b) The manufacturer's flare shall not be changed;

(c) Full details of the prizes, including requirements to qualify, shall be disclosed to players by means of an additional sign or notice that is permanently attached to the manufacturer's flare;

(d) The increase or additional prizes must be added to every prize that is within a tier or section of the flare; ((and))

(e) Documentation regarding all additional prizes shall be stapled or otherwise permanently attached to the winning punch or pull-tab for which such a prize is awarded. Minimum documentation shall include a description of the prize awarded and the name of the winner; and

(f) Bona fide charitable or nonprofit organizations shall limit games authorized in subsection (7) of this section to only one game in play at any point in time.

WSR 01-10-122

PROPOSED RULES

GAMBLING COMMISSION

[Filed May 2, 2001, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-046 with a published date of March 7, 2001.

Title of Rule: Card room rules. WAC 230-08-027 House-banked card games—General accounting records to be maintained, amended and recodified as WAC WAC 230-40-821 General accounting records—House-banking.

WAC 230-08-090 Daily records—Card games, amended and recodified as WAC 230-40-052 Daily records—Card games.

WAC 230-12-072 Player-supported jackpot funds—Deposit requirements, amended and recodified as WAC 230-40-608 Deposit requirements—Player-supported jackpot funds.

WAC 230-12-073 House-banked card games—Prizes—Deposit requirements, amended and recodified as WAC 230-40-808 Deposit requirements for prizes—House-banking.

Amendatory section WAC 230-40-050 Fees for non-house-banked card playing—Method of assessment and collection—Maximum fees.

Amendatory section WAC 230-40-120 Limits on wagers in card games.

Amendatory section WAC 230-40-500 House rules to be developed and posted.

New section WAC 230-40-630 Count procedures—Class F card rooms.

Amendatory section WAC 230-40-833 Cashier's bank and minimum bankroll.

Amendatory section WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements.

Amendatory section WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval, labeled as Alternative #1. In fact, there is only one version and this is it.

Amendatory section WAC 230-40-803 Phase II wager limits—Restrictions—Procedures, original version and two alternatives.

Amendatory section WAC 230-40-805 House-banked progressive jackpot prizes—Procedures—Restrictions, original version and one alternative.

Amendatory section WAC 230-40-815 House-banked card games—Administrative and accounting control structure—Organization.

Repealed section WAC 230-40-820 House-banked card games—Internal control system evaluation—Required procedures.

Amendatory section WAC 230-40-825 Closed circuit television system requirements and procedures.

PROPOSED

New section WAC 230-40-625 Closed circuit television system requirements—Procedures—Class F card room.

Amendatory section WAC 230-40-830 Cashier's cage—Requirements.

Amendatory section WAC 230-40-840 Drop boxes—Requirements.

Amendatory section WAC 230-40-865 Procedure for distributing gaming chips and coins to house-banked gaming tables—Requests and fills.

Amendatory section WAC 230-40-870 Procedure for removing gaming chips and coins to house-banked gaming tables—Requests and credits.

Amendatory section WAC 230-40-875 Procedures for closing house-banked gaming tables.

Amendatory section WAC 230-40-885 Counting and recording contents of drop boxes—Procedures.

Amendatory section WAC 230-40-895 Key control requirements and procedures.

Repealed section WAC 230-40-897 Card game promotions—Procedures—Restrictions.

New section WAC 230-40-455 Promotions for card games—Procedures—Restrictions.

New section WAC 230-40-505 Rules of play for social card games—Display—Availability for review.

PURPOSE: In May 2000, the commission adopted the largest rules package in the history of the Gambling Commission - the card room rules package. Since that time, staff and licensees have been operating under these rules. For the past several months, staff has been working on changes to some of these rules to incorporate comments and concerns brought forward by both staff and licensees. Changes have been made to surveillance requirements. It is also proposed that the rule requiring independent internal control evaluations of card rooms be repealed. Four rules have been amended and recodified under different sections so they will be easier to locate. One amended rule has three versions that are currently under discussion and another rule has two versions that are under discussion.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Bob Berg, Lacey, (360) 438-7654 ext. 348.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

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Date of Intended Adoption: June 15, 2001.

May 2, 2001

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending and Recodifying Order 396, filed 12/6/00, effective 1/6/01)

WAC 230-08-027 ((House-banked-card-games-))
General accounting records ((to be maintained))—House-banking. Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff. Such records shall include all details of activities related to the conduct of the licensed activity. The following requirements shall apply:

Revenue and expenses.

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

General accounting records.

(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on an accrual basis, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

Recordkeeping.

(3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:

(a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";

(b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;

(c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;

(d) Records of amounts payable by the gaming operation;

(e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and

(f) Records of services provided for the operation of gaming ((activity)) activities.

Copies.

(4) Whenever duplicate or triplicate copies are required of a form, record or document:

(a) The original, duplicate, and triplicate copies shall be color-coded;

(b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and

(c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

Storing documents.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

(a) Have the title of the form, record, document, or stored data (such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc.), imprinted or pre-printed thereon or therein; and

(b) Be located at the licensed premises for three years: Provided, That the director or the director's designee may waive parts of this section if requested by the licensee.

Employee records.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall be maintained on the premises and include the following:

(a) Employee names(());

(b) License numbers ((and));

(c) Expiration dates((. In addition,)); and

(d) Photocopies of all current employees' licenses ((must be maintained on the premises)).

Record of employees who have not yet received a license.

(7) If an employee license has not yet been issued, the licensee shall maintain a copy of the following:

(a) Temporary employment authorization(());

(b) Documentation that the required payment (license or transfer fee) has been made(()); and ((whether))

(c) Proof that the employee has adhered to the ten-day waiting period, if applicable.

Notification—New license not received.

(8) The ((licensee)) licensed card room operator shall ensure ((the)) commission staff is notified if an employee license has not been received within sixty days of employment.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number

230-08-027

New WAC Number

230-40-821

AMENDATORY SECTION (Amending and Recodifying Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-08-090 Daily records—Card games. In addition to any other requirements set forth in these rules, persons licensed to operate card rooms at which a fee is charged to play or which operates a player-supported jackpot (PSJ) or house-banked card games shall be required to prepare a detailed record covering each day of operation. Each separate record shall be maintained continuously during hours of operation and entries made as required by this section.

Format.

(1) The format for such records shall be as prescribed by the commission. The records shall include information to be placed in a form, record ((or)), document, or in stored data which shall be annotated in ink or other permanent form. Data maintained in computer data bases must be printed on a periodic basis. Daily card room records shall be maintained as follows:

Minimum daily records.

((1))) (2) Separate records shall be prepared for each day social card games are played and fees collected or house-banked card games are operated. Such records shall be completed for each table and each PSJ for which fees are collected from players. The minimum daily records shall include the following information:

(a) The date and time period during which fees were collected or house-banked card games were operated.

(b) The assessment method and the fee charged per assessment method for each table.

(c) The names and time of play for each nonpaying house player (which may only include licensed card room employees and the ((licensee)) licensed card room operator);

(d) The amount of fees collected at each table at each collection interval;

(e) The gross amount received from fees collected on each operating day by table and by assessment method.

(f) The number of players at the time of fee collection when fees are assessed based on a period of time;

(g) A record of card room employees and hours worked; and

(h) The total drop which includes all cash placed in drop boxes and the net win or loss by the table and game type from house-banked card games.

Tournament fees.

((2))) (3) Fees for tournaments shall be recorded as set forth in WAC 230-40-055.

PROPOSED

Player-supported jackpots.

((3)) (4) PSJ records shall include the following information in addition to the information required by subsection (1) of this section:

- (a) A separate entry for each type of PSJ for which fees were collected to include:
 - (i) Table number;
 - (ii) Prize fund number; and
 - (iii) Assessment rate.
- (b) PSJ fund accrual record.

Daily summary.

((4)) (5) A daily summary record that includes a reconciliation of all fees collected during an operating day shall be prepared for each day card games are operated and fees collected. This record shall include at least the following:

- (a) The name of the ((licensee)) licensed card room;
- (b) The date of the activity. If the activity spans two days, the day that the activity begins shall be recorded;
- (c) Card room hours of operation;
- (d) The beginning and ending balances of all chips and cash in the cage;
- (e) The printed name and signature of person(s) preparing the record; and
- (f) Such other daily records as required for specific card room activities.

Availability and length of storage.

((5)) (6) All detailed records prepared shall be maintained for a period of not less than three years. At least the past six months of records must be available for inspection on premises. All other records shall be available within forty-eight hours upon request by commission staff, local law enforcement or taxing authorities.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-08-090	230-40-052

AMENDATORY SECTION (Amending and Recodifying Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-12-072 Deposit requirements—Player-supported jackpot funds((—Deposit requirements)). Each licensee authorized to conduct player-supported jackpots (PSJs) shall protect and ensure proper accountability of all funds collected from players. Funds shall be controlled as follows:

(1) Each licensee shall maintain a bank account for holding PSJ funds. The account shall be kept separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing PSJ funds.

(2) Only receipts from PSJs shall be deposited into the account.

(3) No expenditures shall be made from the receipts of any PSJ until such receipts have first been deposited in the PSJ: Provided, That licensees may pay out prizes won during the operating day and deduct administrative expenses prior to deposit.

(4) Receipts from the operation of PSJs, which are being held pending disbursement, shall be deposited in the licensee's PSJ account within two banking days of the date of collection: Provided, That funds deposited within two days to an armored car service shall meet this requirement.

(5) All deposits of PSJ funds shall be specifically identified by type of fund and dates of collection. The validated deposit receipt shall be kept as a part of the records required by WAC ((230-08-090)) 230-40-052.

(6) At the end of each month, the account balance per the bank statement shall be reconciled to the PSJ fund balances. The reconciliation shall be kept as a part of the records required by WAC ((230-08-090)) 230-40-052.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-12-072	230-40-608

AMENDATORY SECTION (Amending and Recodifying Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-12-073 ((House-banked-card-games—Prizes—)) Deposit requirements for prizes—House-banking. Each organization licensed to conduct house-banked card games shall ensure sufficient funds are available to pay prizes offered. Funds shall be controlled as follows:

Bank account.

(1) Each licensee shall maintain a bank account for holding jackpot prizes accrued at house-banked card games. The account shall be separate from all other accounts of the entity and be maintained in a recognized Washington state depository for purposes of depositing prize funds.

Deposit requirements.

(2) Amounts accrued for any house-banked game which offers a progressive jackpot shall be deposited into the jackpot prize account at least weekly for all disclosed and reserve jackpot funds.

(3) In addition to any progressive jackpot prize funds required to be maintained in the bank account, licensees shall also deposit and maintain in the account an amount equal to the total of all individual prizes offered which exceed twenty-five thousand dollars. For games in which the prize is based on the amount wagered, the highest wager allowed by the licensee shall be used in computing the individual prize amount for purposes of determining the deposit requirement.

Failure to maintain sufficient bank funds.

(4) No game shall be offered for play until the above conditions have been met. At anytime that the prize account is reduced below the level required, the licensee shall immediately cease operating games until they are in compliance. At no time shall the account go below the total amount of progressive jackpots and individual prizes offered over twenty-five thousand dollars. Failure to maintain funds as required ((above)) in this rule shall be prima facie evidence of defrauding the public in violation of RCW 9.46.190.

Recording deposits.

(5) A record of all deposits shall specifically identify by game name and number, and dates of collection for progressive prizes. The validated deposit slip shall be kept as part of the records required by WAC ((230-08-090)) 230-40-052.

Monthly reconciliation.

(6) At the end of each month, the account balance per the bank statement shall be reconciled to the jackpot prize balances. The reconciliation shall be kept as part of the records required by WAC ((230-08-090)) 230-40-052.

NEW SECTION

The following section is amended and recodified as follows:

Old WAC Number	New WAC Number
230-12-073	230-40-808

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-050 Fees for nonhouse-banked card ((playing—Method of) games—Assessment and collection—Maximum fees. No person shall be charged a fee, directly or indirectly, to play in a nonhouse-banked card game in excess of those fees set forth in this section. Each type of fee shall be maintained and recorded separately from all other fees and be available for audit by commission staff, local law enforcement, and taxing authorities.

Assessing fees.

(1) The following are authorized methods of assessing fees for playing social card games. Only one method of assessing fees may be used at a table at any given time:

(a) **Fees based on a period of time** - A specific fee of not more than ten dollars per hour, per player, may be charged to play social card games: Provided, That a licensee may collect the hourly fee in thirty-minute increments;

(b) **Fees for each hand played** - A specific fee of not more than one dollar per hand, per player, may be charged to play social card games;

(c) **Fees based on the amounts wagered during a hand (rake)** - A portion of the total amount wagered by a player, not to exceed five dollars per hand or ten percent of total

wagers for a hand, whichever is less, may be collected for playing social card games; or

(d) **Fees to enter tournaments** shall be as set forth in WAC 230-40-055.

Collecting fees.

(2) Fees shall be collected by a licensed card room employee in the following manner:

(a) **Period of time.** Fees assessed on a period of time shall be collected directly from each player by the dealer or floor supervisor responsible for that particular section of the card room. The "direct collection," "chip rack," or "drop box" methods set forth in this section may be used for collection of fees assessed on a period of time;

(b) **Per-hand fee.** Fees assessed on a per-hand basis shall be placed in a designated area of the table by the player and collected by the dealer before the first round of cards has been dealt. After collection, the dealer shall deposit all chips or coins in the chip rack or drop box, as applicable;

(c) **Rake.** Fees assessed on the amounts wagered during a game shall be collected by the dealer during play of the hand and placed in a designated area of the table. Once the maximum fee for a hand is accumulated, the dealer shall spread the chips or coins to allow players and the surveillance system the ability to verify the amount collected. After verification, chips shall be deposited in the dealer's chip rack or drop box, as applicable;

(d) **Tournaments.** All fees to enter tournaments shall be collected in advance of the start of play in accordance with WAC 230-40-055; or

(e) **Alternative collection of fees.** Licensees may apply to the director for approval of alternate fee collection methods. If approved, the method of collection shall be set forth in the letter granting approval.

Methods of collection.

(3) All fees collected from players shall be maintained and recorded as set forth in WAC ((230-08-090)) 230-40-052. All collections shall be kept separate from all other chips and cash in the card room until recorded in the daily card room records and deposited in the cashier's cage. All chips and cash in the cashier's cage shall be kept separate from all other chips and cash located on the licensed premises at all times card games are conducted. The following methods may be used for control of fees collected for card games:

(a) **Direct collection method** - This collection method may only be used when assessing fees based on a period of time. Fees are collected directly from each player by a licensed card room employee responsible for that particular section of the card room and deposited in the card room cage serving the area of the card room from which collections are made. Collections shall be made at least once per hour, at times designated by the licensee. All fees shall be recorded immediately upon collection, per WAC ((230-08-090)) 230-40-052. ((This collection method may only be used when assessing fees based on a period of time.))

(b) **Chip rack method** - This method is allowed for licensees that are licensed with three or fewer tables. It requires

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a licensed center dealer, a game lay-out with a designated area for player fees, and a chip rack separated into sections for each type of fee collected. Fees are temporarily stored in the chip rack and controlled by a licensed dealer until collected by the floor supervisor. All chips collected as fees shall be removed from the dealer's chip rack at least every four hours by the licensed card room employee responsible for that particular section of the card room. The removal process shall include the counting of chips and coins in the presence of players and immediately recording the totals on the record prescribed by the commission. The dealer and the supervisor making the removal shall each initial the prescribed record verifying its accuracy.

(c) Drop box method - Fees are temporarily stored in a numbered, locked drop box. The drop box method requires a center dealer, a table with a designated area for each type of player fee and/or fees removed from the pot, and a separate drop box for each type of fee. Drop box movement, storage, and counting shall be conducted as prescribed in WAC 230-40-840. The drop box shall be located in a position that is isolated from the pot area and in plain view of all players and the surveillance system.

No extra fees to play cards - exceptions.

(4) No player shall be required to pay for or purchase any other goods or services as a condition of playing cards: Provided, That:

(a) A bona fide nonprofit or charitable organization may charge its usual membership fee to belong to the organization; and

(b) Licensees may collect an admission fee when providing entertainment, as long as the fee is charged to all patrons;

Fee schedule.

(5) A schedule setting forth all fees to participate in card games shall be posted in plain view where it can be seen by the players in the card games;

New decks of cards - fees.

(6) A person requesting a new deck of cards beyond those regularly furnished by the licensee may be charged a fee not to exceed the actual cost to the licensee for the deck. Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game;

Same fee for all players - exception.

(7) The licensee shall collect the same fee from all players at a table. If the licensee elects to allow free play, then all players at a table must be allowed to play for free: Provided, That a licensee may allow licensed card room employees and owners to play without a fee if fees are based on time, as authorized by subsection (1)(a) of this section.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-120 Limits on wagers in card games. Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

((+)))

Nonhouse-banked card games((:)).

((a)) (1) Poker:

((+))) (a) There shall be no more than five betting rounds in any one game;

((+))) (b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

((+))) (c) The maximum amount of a single wager shall not exceed twenty-five dollars.

((b)) (2) Games based on achieving a specific number of points - each point shall not exceed five cents in value.

((e)) (3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager.

((d)) (4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player.

((2)))

House-banked card games(:).

((a)) (5) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed twenty-five dollars;

((b)) (6) Licensees authorized to conduct Phase II house-banked card games shall not allow a single wager to exceed one hundred dollars;

((e)) (7) A single wager may be made on each separate element of chance. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

((d)) (8) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsections ((1)(a)(i) and (ii))) (5) and (6) of this section.

((3) House rules establishing wagering limits for each type of game played shall be posted in plain view where it can be seen by the players in the card game.)

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-40-500 Unlicensed charitable and non-profit card games—Authority—House rules to be developed and posted. ((Each)) Bona fide charitable or nonprofit organizations ((which is)) licensed ((pursuant)) to provide liquor to their members under RCW 66.24.400 ((who allows the use of the premises, furnishings, and other facilities to be used by its)) shall allow only members to use its premises, furnishings and other facilities to participate in unlicensed social card games and social dice games, as authorized by RCW ((9.46.030(7) without a license by the commission shall)) 9.46.0351. Such organizations shall develop, adopt and post rules of conduct for ((the)) members participating in the activities((, including but not limited to)). At a minimum, these house rules shall include:

- (a) General rules of play((,));
- (b) Which portions of premises ((to)) will be used((,)) for card games;
- (c) Hours of play allowed((,)); and
- (d) The organization's restriction ((on)) that only members are authorized to participate in card games.

NEW SECTION

WAC 230-40-630 Count procedures—Class F card rooms. Class F card rooms must follow certain procedures when conducting a count of fees. The following requirements shall be met:

(1) The count shall occur at a specific time that has been reported to commission staff;

(2) All fees shall be counted at least once each operating day;

(3) The count shall be made by a least two licensed employees of the card room who shall record the amount on the count slip for each drop box;

(4) The surveillance requirements of WAC 230-40-625 shall be met; and

(5) An entry shall be made in the daily card room record for each table and each type of fee collected at a table. Count slips for each table shall be retained with the daily records.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-833 Cashier's bank and minimum bankroll—House-banking. All card room licensees with house-banked card games or player-supported jackpots shall maintain sufficient funds to meet all cash out and prize payout requirements.

(1) All assets for which the cashiers are responsible shall be maintained on an imprest basis. This requires funds to be replenished on a regular basis by exactly the amount of expenditures from the cage less the amount of funds added. Expenditures shall be reviewed by a supervisor of the accounting department before replenishment: Provided, That licensees demonstrating the ability to control cage activity can request commission staff approval to operate on a float basis as an alternative procedure.

(2) The licensee shall have sufficient cash on hand to redeem all chips and payout all prizes: Provided, That payments of prizes may be paid by check as long as sufficient funds are available on deposit in accordance with WAC ((230-12-072 and 230-12-073)) 230-40-608 and 230-40-808.

(3) Failure to maintain funds to cash in chips, pay prizes, or redeem gaming related checks shall be *prima facie* evidence of fraud.

AMENDATORY SECTION (Amending Order 384, filed 5/12/00, effective 6/12/00)

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. ((+)) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission.

License not required.

((1)) Card room licensees with a Class A, B, E, F or house-banked license may conduct a card tournament for a fee without obtaining a card tournament license: Provided, That licensees are limited to only those card games authorized under their license class.

Class D licensees.

((2)) Card room licensees with a Class D ((or R)) license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter.

Notification.

((3)) The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars.

Length of tournament.

((4)) A card tournament shall not exceed ten consecutive calendar days.

Entry fees.

((2)) ((5)) The fee for a player to enter a card tournament for prizes shall not exceed fifty dollars((, including)). The fifty-dollar fee shall include all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material: Provided, That licensees collecting fees using the rake method (WAC 230-40-050) cannot require pretournament play to exceed ten hours.

Posting entry fee requirements.

((6)) The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete. ((This same information must be included in all advertisements for said tournament.))

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Free roll/customer appreciation.

((7)) Operators may offer "free roll" or customer appreciation tournaments: Provided, That the pretournament play requirements do not exceed the ((fifty dollar entry fee limitation)) limits set forth in subsection (5) of this section. Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for re-buys. All prizes awarded for free roll or customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts ((for compliance with WAC 230-12-075)).

Fees are gross gambling receipts - exception for food and gifts.

((7)) (8) All fees paid to enter a tournament shall be reported as gross gambling receipts: Provided, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and drink for on premises consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: Provided further, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts ((for compliance with WAC 230-12-075)).

Buy-in.

((4)) (9) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed two hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

Prizes.

((5)) (10) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection ((2)) (5) of this section. The licensee's actual cost for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

Posting and approval of rules.

((6)) (11) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: Provided, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to ((the))

commission staff for approval. All tournament rules must be conspicuously posted where all tournament participants can see and read the rules.

Recording fees and players.

((7)) (12) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

Prize records.

((7)) (13) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: Provided, That the name and address of each participant receiving promotional items as set forth in subsection ((7)) (8) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

ALTERNATIVE #1**AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)**

WAC 230-40-610 Player-supported jackpots—Restrictions—Manner of conducting—Approval. A player-supported jackpot (PSJ) is a separate contest of chance directly related to the play and/or outcome of authorized non-house-banked card games but which is not the card game itself. Card rooms with a Class F or house-banked license may establish a prize fund for the purpose of operating a PSJ for nonhouse-banked card games. Any PSJ must be approved in writing by the director or the director's designee prior to play. A PSJ must meet the following requirements:

Funding a PSJ.

(1) ((Funding of a PSJ:)) A licensee may provide house funds to establish a PSJ. The licensee shall issue a check from the general business account into the PSJ account to start the prize fund. Recouping of start-up funds shall be done by issuing a check from the PSJ account to the business general account. Electronic bank transfers shall satisfy this requirement. Start-up funds shall not exceed five thousand dollars per PSJ.

Using a rake to fund a PSJ.

(2) A licensee may assess a portion of ((player's)) players' wagers for a jackpot prize. Such amount shall not exceed one dollar per hand or game for each PSJ. This assessment shall be separately collected using the rake method.

PSJ funds are player funds - exception from administrative fee.

(3) The licensee acts only as the custodian of the PSJ funds, including any interest earned on this money, and maintains no legal right to the funds. All PSJ funds shall be awarded as prizes ((PSJ funds shall only be used for awarding cash prizes)), based upon a format approved by commission staff. An administrative fee not to exceed ten percent of the amount collected for a PSJ may be imposed by the licensee. This administrative fee includes all expenses incurred by the licensee, including banking fees. No other expenses beyond the ten percent administrative fee shall be deducted from the PSJ account.

Prize fund custodian.

(4) Each licensee shall designate at least one "prize fund custodian" who shall be responsible for safeguarding and disbursing funds to winners. A prize fund custodian may be an owner, partner, officer, or licensed individual designated by a card room owner, partner, or officer. The custodian shall have signature authority for prize fund bank accounts and ensure accountability of all funds collected for use in a PSJ. The licensee shall meet the deposit requirements of WAC ((230-12-072)) 230-40-608.

Payout of prizes.

(5) Prize amounts paid in cash shall not exceed five hundred dollars. Prize amounts not awarded in cash shall be paid within twenty-four hours, by check, the type which provides a duplicate copy, which shall not be cashed on the licensee's premises. A record of all prizes paid shall be maintained in the format prescribed by commission staff and shall include:

(a) For prizes less than one hundred dollars, a system of accounting denoting each individual prize may be utilized.

(b) For prizes one hundred dollars and above, the following information shall be recorded on a prize record:

- (i) Full printed name;
- (ii) Date of birth;
- (iii) Street address;
- (iv) Type of identification reviewed;
- (v) Amount of the prize awarded;
- (vi) Description of the winning hand;
- (vii) Time and date awarded; and
- (viii) The supervisor's((;) and dealer's ((and winner's)) initials.

(c) Upon awarding a prize of five hundred dollars or more, the dealer shall fan the winning hand in view of the surveillance camera. The hand shall be collected and sealed with the prize record. The winning hand and remaining deck shall be maintained on the premises as part of daily card room records for a period of seven days, unless released by a commission agent.

Owners and employees competing for a PSJ.

(6) Owners, custodians and on-duty card room employees may participate in card games that offer a PSJ, but may not share in the winnings of any prize awarded. If playing in a game with a PSJ in which the prize is not based upon a pre-

determined hand, owners and card room employees must turn their cards face up at the end of each game so that the cards may be observed by other players at the table and surveillance. Any prize winnings an owner or on-duty employee may be entitled to under game rules, must be divided equally among the other players at the table: Provided, That off-duty employees may participate in card games that offer a PSJ and share in the prize winnings.

House dealer required.

(7) All card games offering a PSJ must utilize a house dealer.

Security requirements.

(8) ((Security requirements:)) Each gaming table offering a PSJ shall be required to install a closed circuit television system as outlined in WAC ((230-40-825)) 230-40-625: Provided, That licensees operating any house-banked card games shall follow the security requirements set forth in WAC 230-40-825 for all tables in the card room, including those offering a PSJ.

Removing a PSJ from play.

(9) ((In the event that a licensee ceases to operate a card room, fails to maintain a valid card room license, or discontinues a PSJ, the balance (less any nonrecouped seed money) of all PSJ accounts will be forwarded to the Washington State Council on Problem Gambling: Provided, That a licensee may seek approval from the director or the director's designee to revise their prize contests in order to distribute all accumulated prize funds.)) The following procedures shall be followed for all discontinued player-supported jackpots:

Discontinued.

(a) In the event a licensee elects to discontinue a PSJ, the balance, less any nonrecouped seed money, shall be distributed to players within sixty days of discontinuance by offering an approved promotion or card tournament of the same game under which the PSJ was originally accrued.

Closure of business.

(b) In the event a licensee sells the business, ceases to operate a card room, or fails to maintain a valid card room license, all funds associated with the PSJ shall be distributed to the Washington state council on problem gambling.

Posting rules.

(c) The licensee shall conspicuously post a sign stating how PSJ money will be distributed in the event the PSJ is discontinued or the business closes.

House rules.

(10) House rules, to include administrative fees shall be posted in a location readily visible by all players and disclose the conditions under which prizes may be won, the prize amount, cost to participate, and any other conditions which may affect the outcome of the game.

Dispute resolution.

(11) If a dispute arises involving the outcome of a PSJ, the licensee shall preserve the video recording, the winning hand and remaining deck, and all records for the game where the dispute occurred and shall notify commission staff within twenty-four hours. The licensee shall document all information pertaining to the dispute including:

- (a) The names, addresses, and phone numbers of all players, card room staff, and any witnesses involved;
- (b) Amount of the advertised PSJ; and
- (c) A full description of the circumstances surrounding the dispute.

(12) All disputes involving a PSJ will be investigated by commission staff, with a report submitted to the director. A written decision will be issued by the director, or the director's designee, and such decision shall be final.

(13) During the course of dispute resolution, the commission may become the temporary custodian of any and all prize funds. The PSJ will be suspended until the dispute is resolved.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-803 Phase II wager limits—Restrictions—Procedures. A house-banked card room licensee shall not increase wager limits to Phase II levels prior to demonstrating that it is capable of operating at higher wager limits and receiving commission approval. The following procedures and restrictions apply to the Phase II approval process:

Restrictions.

(1) Prior to requesting approval for Phase II limits a licensee shall:

(a) Operate for a minimum of six months; Provided, That for purposes of this subsection, six months shall mean six calendar months or six regularly scheduled commission meetings from the date of approval for operation as a house-banked card room, whichever is less;

(b) Have demonstrated compliance with commission requirements. A licensee shall be deemed to have demonstrated compliance when:

(i) Administrative actions are not pending;

(ii) Administrative actions have not occurred for at least the last six months; and

(iii) It is not currently under investigation by the commission or other law enforcement agency; and

(c) Have paid all gambling taxes due to counties, cities, or towns. For purposes of this section, gambling taxes include those taxes owed as of the most recent reporting period (month or quarter), as provided in the jurisdiction's ordinance, plus any interest and/or penalties that may be due.

Review procedures.

(2) Requests for an increase in wagering limits shall be processed in the following manner:

(a) The licensee shall submit a written request for review, including a deposit of five thousand dollars to pay for the review;

(b) Commission staff shall review the licensee's entire house-banked card game operation. Such review shall include an evaluation of:

(i) The licensee's written internal accounting and administrative controls to ensure they are not materially different from those submitted and approved and that the licensee is following such in every material aspect;

(ii) The licensee is operating house-banked card games in accordance with applicable WAC rules; and

(c) A summary of commission staff's findings and a recommendation shall be presented to the commission at a regular public meeting.

Approval process.

(3) Upon the completion of commission staff's review, the director may authorize a licensee to increase Phase II wagering limits for up to five tables pending commission approval at the next scheduled meeting;

(4) The director may decline to forward a licensee's request for Phase II wagering limits to the commission if:

(a) The licensee has failed to comply with any of the restrictions set forth in subsection (1) of this section; or

(b) The commission staff's review reveals the licensee has failed to follow its approved internal control procedures and such failures are material or, because of repetition, would be material; or

(c) Material violations of WAC rules are noted; and

(d) Actions to correct any deficiencies have not been completed and commission staff afforded adequate time to conduct a follow-up review.

(5) If the director fails to forward a licensee's request within sixty days following completion of commission staff's review and has not commenced administrative actions, a licensee shall be afforded an opportunity to a commission review of the request. The commission may:

(a) Grant the licensee Phase II wager limit approval;

(b) Grant the licensee conditional Phase II approval; or

(c) Refer the request back to commission staff for further investigation.

Sale of a business operating under Phase II.

(6) When a house-banked card room authorized to operate at Phase II levels is sold or otherwise transferred, the director may authorize the new licensee to remain at Phase II levels if the new licensee demonstrates that the gambling operation and internal controls will remain substantially unchanged. Staff may review the operation to determine compliance at the director's request. The licensee shall be responsible for all costs of the review.

Alternative #1**AMENDATORY SECTION** (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-803 Phase II wager limits—Restrictions—Procedures. A house-banked card room licensee shall not increase wager limits to Phase II levels prior to demonstrating that it is capable of operating at higher wager lim-

its and receiving commission approval. The following procedures and restrictions apply to the Phase II approval process:

Restrictions.

(1) Prior to ((requesting)) receiving approval for Phase II limits a licensee shall:

(a) Operate for a minimum of six months;

(b) Have demonstrated compliance with commission requirements. A licensee shall be deemed to have demonstrated compliance when:

(i) Administrative actions are not pending;

(ii) Administrative actions have not occurred for at least the last six months; and

(iii) It is not currently under investigation by the commission or other law enforcement agency; and

(c) Have paid all gambling taxes due to counties, cities, or towns. For purposes of this section, gambling taxes include those taxes owed as of the most recent reporting period (month or quarter), as provided in the jurisdiction's ordinance, plus any interest and/or penalties that may be due.

Review procedures.

(2) Requests for an increase in wagering limits shall be processed in the following manner:

(a) The licensee shall submit a written request for review, including a deposit of five thousand dollars to pay for the review;

(b) Commission staff shall review the licensee's entire house-banked card game operation. Such review shall include an evaluation of:

(i) The licensee's written internal accounting and administrative controls to ensure they are not materially different from those submitted and approved and that the licensee is following such in every material aspect;

(ii) The licensee is operating house-banked card games in accordance with applicable WAC rules; and

(c) A summary of commission staff's findings and a recommendation shall be presented to the commission at a regular public meeting.

Approval process.

(3) Upon the completion of commission staff's review, the director may authorize a licensee to increase Phase II wagering limits for up to five tables pending commission approval at the next scheduled meeting;

(4) The director may decline to forward a licensee's request for Phase II wagering limits to the commission if:

(a) The licensee has failed to comply with any of the restrictions set forth in subsection (1) of this section; or

(b) The commission staff's review reveals the licensee has failed to follow its approved internal control procedures and such failures are material or, because of repetition, would be material; or

(c) Material violations of WAC rules are noted; and

(d) Actions to correct any deficiencies have not been completed and commission staff afforded adequate time to conduct a follow-up review.

(5) If the director fails to forward a licensee's request within sixty days following completion of commission staff's

review and has not commenced administrative actions, a licensee shall be afforded an opportunity to a commission review of the request. The commission may:

(a) Grant the licensee Phase II wager limit approval;

(b) Grant the licensee conditional Phase II approval; or

(c) Refer the request back to commission staff for further investigation.

Sale of a business operating under Phase II.

(6) When a house-banked card room authorized to operate at Phase II levels is sold or otherwise transferred, the director may authorize the new licensee to remain at Phase II levels if the new licensee demonstrates that the gambling operation and internal controls will remain substantially unchanged. Staff may review the operation to determine compliance at the director's request. The licensee shall be responsible for all costs of the review.

Alternative #2

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-803 Phase II wager limits—Restrictions—Procedures. A house-banked card room licensee shall not increase wager limits to Phase II levels prior to demonstrating that it is capable of operating at higher wager limits and receiving ((commission)) approval from the director. A summary of commission staff's findings shall be presented to the commission at a regularly scheduled public meeting. The following procedures and restrictions apply to the Phase II approval process:

Restrictions.

(1) Prior to ((requesting)) receiving approval for Phase II limits a licensee shall:

(a) Operate for a minimum of six months;

(b) Have demonstrated compliance with commission requirements. A licensee shall be deemed to have demonstrated compliance when:

(i) Administrative actions are not pending;

(ii) Administrative actions have not occurred for at least the last six months; and

(iii) It is not currently under investigation by the commission or other law enforcement agency; and

(c) Have paid all gambling taxes due to counties, cities, or towns. For purposes of this section, gambling taxes include those taxes owed as of the most recent reporting period (month or quarter), as provided in the jurisdiction's ordinance, plus any interest and/or penalties that may be due.

Review procedures.

(2) Requests for an increase in wagering limits shall be processed in the following manner:

(a) The licensee shall submit a written request for review, including a deposit of five thousand dollars to pay for the review;

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(b) Commission staff shall review the licensee's entire house-banked card game operation. Such review shall include an evaluation of:

(i) The licensee's written internal accounting and administrative controls to ensure they are not materially different from those submitted and approved and that the licensee is following such in every material aspect; and

(ii) The licensee is operating house-banked card games in accordance with applicable WAC rules((; and

~~(e) A summary of commission staff's findings and a recommendation shall be presented to the commission at a regular public meeting).~~

Approval process.

(3) Upon the completion of commission staff's review, the director may authorize a licensee to increase to Phase II wagering limits ((~~for up to five tables pending commission approval at the next scheduled meeting~~));

(4) The director may ((~~decline to forward~~)) deny a licensee's request for Phase II wagering limits ((~~to the commission~~)) if:

(a) The licensee has failed to comply with any of the restrictions set forth in subsection (1) of this section; or

(b) The commission staff's review reveals the licensee has failed to follow its approved internal control procedures and such failures are material or, because of repetition, would be material; or

(c) Material violations of WAC rules are noted; and

(d) Actions to correct any deficiencies have not been completed and commission staff afforded adequate time to conduct a follow-up review.

~~((5) If the director fails to forward a licensee's request within sixty days following completion of commission staff's review and has not commenced administrative actions, a licensee shall be afforded an opportunity to a commission review of the request. The commission may:~~

~~(a) Grant the licensee Phase II wager limit approval;~~

~~(b) Grant the licensee conditional Phase II approval; or~~

~~(c) Refer the request back to commission staff for further investigation.))~~

Sale of a business operating under Phase II.

((6)) (5) When a house-banked card room authorized to operate at Phase II levels is sold or otherwise transferred, the director may authorize the new licensee to remain at Phase II levels if the new licensee demonstrates that the gambling operation and internal controls will remain substantially unchanged. Staff may review the operation to determine compliance at the director's request. The licensee shall be responsible for all costs of the review.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-805 ((House-banked)) Progressive jackpot prizes—Procedures—Restrictions—House-banking. Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a

separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize, or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

Restrictions.

(1) House-banked progressive jackpot restrictions:

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

(i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and

(ii) A notice of the limit must be conspicuously posted at or near the game;

Adjusting jackpot amounts and prize payouts.

(2) A licensee shall not reduce the amount of a progressive jackpot prize, ((~~as authorized by this section, including reserve or secondary jackpots,~~)) that ((~~have~~)) has been accrued and displayed to players except as authorized by this section. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) ((~~Prizes may be paid when a player wins the jackpot or a portion thereof. In such instances,~~)) Jackpot prizes of five thousand dollars or less shall be paid out immediately. For prizes over five thousand dollars, five thousand dollars must be paid immediately and the remaining balance paid, by check, within twenty-four hours. The jackpot and advertised amount shall be reduced only by the amount won;

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced ((~~to recover a seed amount~~)) as long as ((~~it is~~)) the funds removed are recorded as gross receipts and are properly documented in the records;

Removing all or portion of a jackpot from play.

(3) House-banked progressive jackpot prizes, ((~~including any reserve or secondary jackpots,~~)) which are advertised or displayed in any manner are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

Disbursement.

(a) The director or the director's designee provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan and shall be conspicuously posted at least ten days prior to distribution. Licensees shall disburse the funds utilizing one or more of the following methods:

(i) By offering the prize on a different house-banked game;

(ii) Offering the prize through means of an approved tournament. All funds must be distributed within sixty days from the date of approval by commission staff; or

(iii) Donating the money to the Washington state council on problem gambling; and

Discontinued jackpot play notification.

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

Awarding merchandise prizes with jackpot funds.

(c) Licensees may use a portion of these funds to purchase merchandise to be awarded as prizes under the following conditions:

(i) The licensee discloses to the public that a specific portion of these jackpot funds were used to purchase merchandise to be awarded as prizes, as well as the specific prize to be awarded;

(ii) The merchandise is awarded as a prize on the specific outcome of a game and is included in the game rules;

(iii) The merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the prize being awarded: Provided, That when the winner has an option to receive a cash prize in lieu of such merchandise, a licensee may enter into a contract to immediately purchase a merchandise prize after the winner chooses their option;

(iv) The licensee must disclose the value of the merchandise to be awarded. This value must be true and verifiable; and

(v) Detailed records, including purchase invoice, are maintained on premises and available for review by commission staff.

Temporarily removing a jackpot from play.

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

(a) The removal and reasons must be approved in writing by commission staff; and

(b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and

(c) Players are notified of the disruption and the estimated date of continuance.

ALTERNATIVE #1**AMENDATORY SECTION** [(Amending Order 383, filed 4/14/00)]

WAC 230-40-805 ((House-banked)) Progressive jackpot prizes—Procedures—Restrictions—House-banking. Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize, or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

Restrictions.**(1) House-banked progressive jackpot restrictions:**

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

(i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and

(ii) A notice of the limit must be conspicuously posted at or near the game;

Adjusting jackpot amounts and prize payouts.

(2) A licensee shall not reduce the amount of a progressive jackpot prize, ((except as authorized by this section, including reserve or secondary jackpots)), that ((have)) has been accrued and displayed to players except as authorized by this section. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) Prizes ((may)) must be paid immediately when a player wins the jackpot or a portion thereof. In such instances, jackpot and advertised amount shall be reduced only by the amount won.

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced ((to recover a seed amount)) as long as ((it is)) the funds removed are recorded as gross receipts and are properly documented in the records.

Removing all or portion of a jackpot from play.**PROPOSED**

(3) House-banked progressive jackpot prizes, ((including any reserve or secondary jackpots)), which are advertised or displayed in any manner, are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

Disbursement.

(a) The director or the director's designee provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan and shall be conspicuously posted at least ten days prior to distribution. Licensees shall disburse the funds utilizing one or more of the following methods:

- (i) By offering the prize on a different house-banked game;
- (ii) Offering the prize through means of an approved tournament. All funds must be distributed within sixty days from the date of approval by commission staff; or
- (iii) Donating the money to the Washington State Council on Problem Gambling.

Discontinued jackpot - player notification.

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

Awarding merchandise prizes with jackpot funds.

(c) Licensees may use a portion of these funds to purchase merchandise to be awarded as prizes under the following conditions:

- (i) The licensee discloses to the public that a specific portion of these jackpot funds were used to purchase merchandise to be awarded as prizes, as well as the specific prize to be awarded;
- (ii) The merchandise is awarded as a prize on the specific outcome of a game and is included in the game rules;
- (iii) The merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the prize being awarded; Provided, That when the winner has an option to receive a cash prize in lieu of such merchandise, a licensee may enter into a contract to immediately purchase a merchandise prize after the winner chooses their option;
- (iv) The licensee must disclose the value of the merchandise to be awarded. This value must be true and verifiable; and
- (v) Detailed records, including purchase invoice, are maintained on premises and available for review by commission staff.

Temporarily removing a jackpot from play.

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

- (a) The removal and reasons must be approved in writing by commission staff; and

(b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and

(c) Players are notified of the disruption and the estimated date of continuance.

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

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

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-815 ((House-banked card games))
Administrative and accounting control structure—Organization—House-banking. Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

Internal controls.

(1) The licensee shall have a system of internal controls that include at least the following:

(a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and

(b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:

(i) Transactions are executed in accordance with management's general and specific authorization;

(ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;

(iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

Administrative controls.

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all accounting and internal control practices and procedures relevant to each employee's individual function.

Separate departments and functions.

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

Surveillance.

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

(i) The clandestine surveillance of the operation and conduct of the table games;

(ii) The clandestine surveillance of the operation of the cashier's cage;

(iii) The video and audio taping of activities in the count rooms;

(iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;

(v) The video taping of unusual or suspected illegal activities;

(vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities; (~~and~~)

(vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed; and

(viii) Ensuring all surveillance employees have a demonstrated knowledge of the following:

(A) Operating surveillance systems;

(B) Rules of play and procedures for the games being played; and

(C) The overall procedures relating to the duties of all employees of the house-banked card room being monitored (dealers, shift managers, floor supervisors, cage cashier's and count team members).

Security.

(b) A security department, supervised by a security department manager, is responsible for at least the following:

(i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposition and/or destruction of same when removed from service; and

(ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

Gaming operations.

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

(i) Card games are operated by licensed dealers who are assigned to each gaming table;

(ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than five tables: Provided, That a single supervisor may supervise up to seven tables, if only

seven tables are in operation and the layout was preapproved by commission staff;

(iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.

Accounting.

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

(i) Implementing and monitoring of accounting controls;

(ii) The preparation, control, and storage of records and data required;

(iii) The control of unused forms inventory along with reconciliation of forms used; and

(iv) The control and supervision of the cashier's cage.

Modifications.

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

Employees shall be informed of internal controls.

(5) All licensed operators shall inform their card room employees of the internal controls related to their respective area of responsibility. Furthermore, both the operator and all card room employees shall follow these internal controls at all times.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-820

House-banked card games—Internal control system evaluation—Required procedures.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-825 Closed circuit television system ((requirements and procedures))—House banking. ((All activities related to the operation of card games shall be closely monitored. Critical activities related to house-banked card games, player-supported jackpots and assessment of fees based on amounts wagered (rake method) shall be mon-

~~itored by use of a closed circuit television system and a video recording. The following restrictions and operating procedures apply when a closed circuit television system is required.~~

(1) Each licensee shall install and maintain a closed circuit television system that meets at least the specifications set forth below:

(a) Light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities where necessary to effectively and clandestinely monitor in detail and from various vantage points, including the following:

(i) The gaming conducted at each gaming table in the facility;

(ii) The activities in the pits;

(iii) Each table game area, with sufficient clarity to identify patrons and dealers;

(iv) Each table game surface, with sufficient coverage and clarity to simultaneously view the table bank and determine the configuration of wagers, card values and game outcome: Provided, That a nonhouse banked card game not utilizing PSJs will not be required to have coverage of cards;

(v) The operations conducted at and in the cashier's cage: Provided, That for Class F licensees, camera coverage shall not be required of the cashier's cage unless the count is conducted at that location;

(vi) Entrance to the cashier's cage;

(vii) The count processes conducted in the count rooms, which processes shall be in conformity with commission rules;

(viii) The movement of cash, gaming chips, and drop boxes in the establishment;

(ix) The entrances and exits to the card room and the count rooms; and

(x) Such other areas as the commission designates.

(b) All video cameras must be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees.

(c) Where a PTZ camera is used to observe card tables and gambling related activities, the camera must be placed behind a smoked dome, one way mirror or similar materials that conceal the camera from view.

(d) Video recording units, with time and date insertion capabilities, for recording what is being viewed by any camera of the system. Recording and playback of video signals shall be at a rate of not less than twenty frames per second and shall not be recorded in a manner that will not allow playback on a standard consumer grade video cassette recorder. If multiple time and date generators are used, they shall be synchronized to the same time and date. The displayed date and time shall not significantly obstruct the recorded view. The following locations or activities shall be video taped:

(i) All gaming stations in operation or in which drop boxes are stored, to include video recording of all items noted in (a)(i) through (viii) of this subsection;

(ii) All entries to the count room;

(iii) The entire count process, including audio recording (audio recording only required for house banked card room licensees);

(iv) Any unusual or suspicious activities;

(v) Movement of drop boxes between tables and the count room; and

(vi) Any other activity or location designated by commission staff.

(2) Lighting to provide sufficient clarity shall be present in all areas, including gaming tables and pits, where closed circuit camera coverage is required.

(3) Each video camera required by these rules shall be capable of having its picture displayed on a video monitor and recorded.

(4) The surveillance system must include a sufficient number of monitors to simultaneously display multiple card tables, the cashier's cage, count room activities, and views of any dedicated cameras.

(5) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

(6) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access, and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel. Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(b) A house banked card game licensee shall ensure that a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, at all times the card room is open to conduct gaming and during the count process as stated in WAC 230-40-885(4): Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks. All surveillance employees shall have a demonstrated knowledge of the following:

(i) Operating surveillance systems;

(ii) Rules of play and procedures for the games being played; and

(iii) The overall procedures relating to the duties of all employees of a house banked card room being monitored (dealers, shift managers, floor supervisors, cage personnel, and count team).

(e) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

(f) The licensee shall maintain a record of all surveillance activities in the surveillance room. The surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(i) Date and time of surveillance;

(ii) Person initiating surveillance;

(iii) Reason for surveillance;

(iv) Time of termination of surveillance;

(v) Summary of the results of the surveillance; and

(vi) A record of any equipment or camera malfunctions.

(g) A surveillance room sign in log shall be maintained to document the time each surveillance employee monitors

the card room. A surveillance room sign-in log shall be available for inspection at any time by commission staff or local law enforcement.

(7) Video and audio tapes shall be identified to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven days. Provided, That the seven day retention period may be measured on a weekly and per shift basis as long as tapes are uniformly labeled by day of the week and shift;

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the times noted in this section by notifying the licensee.) Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system, including video recording. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be covered by the CCTV system:

(a) All gaming at each table including, but not limited to, the following:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings;
- (v) Card shoe;
- (vi) Shuffling devices; and
- (vii) Players and dealers.

(b) All activity in the pits.

(c) All activity in the cashier's cage including, but not limited to, the:

- (i) Outside entrance;
- (ii) Fill/credit dispenser;
- (iii) Customer transactions;
- (iv) Cash and chip drawers;
- (v) Vault/safe;
- (vi) Storage cabinets;
- (vii) Fill or credit transactions; and
- (viii) Floor.

(d) All activity in the count room including, but not limited to, the:

- (i) Count table;
 - (ii) Floor;
 - (iii) Counting devices;
 - (iv) Trolley;
 - (v) Drop boxes;
 - (vi) Storage shelves/cabinets; and
 - (vii) Entrance and exits.
- (e) The movement of cash, gaming chips, and drop boxes.
- (f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities that have the capability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its picture displayed on a video monitor. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players at each gaming table. The PTZ cameras must be capable of viewing each patron at each gaming position at least once every five minutes;

(c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment.

(3) Video recording equipment shall meet the following requirements:

(a) Record at a rate of not less than twenty pictures per second;

(b) Insert the time and date on the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; and

(c) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Activities to be videotaped.

(4) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Video monitors.

(5) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(6) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance room not required.

(7) Licensees that are licensed for five or fewer tables and not operating under Phase II limits, shall not be required to maintain a staffed surveillance room.

Surveillance activity log.

(8) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

- (a) Date and time of surveillance;
- (b) Person initiating surveillance;
- (c) Time of termination of surveillance;
- (d) Summary of the results of the surveillance; and
- (e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(9) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing tapes.

(10) Video and audio tapes shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven complete gaming days;

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

(11) In the event there is not sufficient clarity to fully resolve any dispute that arises, the dispute will be resolved in favor of the player.

NEW SECTION

WAC 230-40-625 Closed circuit television system requirements and procedures—Class F card rooms. Critical activities related to the operation of a player-supported jackpot (PSJ) and assessment of fees based on amounts wagered (rake method) shall be closely monitored by the use of a closed circuit television (CCTV) system, including video recording. If a licensee is conducting both Class F and house-banked activities, the licensee shall be required to meet the surveillance requirements set forth in WAC 230-40-825. Each Class F card room licensee shall install and maintain a CCTV system that meets the following requirements:

Camera coverage.

(1) The following areas are required to be covered by the CCTV system:

(a) All gaming at each table including, but not limited to, the:

- (i) Cards;
- (ii) Wagers;
- (iii) Chip tray;
- (iv) Drop box openings; and
- (v) Players and dealers.

(b) All activity in the count room or count area including, but not limited to, the:

- (i) Count table;
- (ii) Floor;
- (iii) Drop boxes; and
- (iv) Drop box storage shelves/cabinets.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras that have the ability to determine card and chip values at each gaming table. Each video camera shall be capable of having its picture displayed on a video monitor. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. Installed cameras shall cover the areas required by this rule and shall include, at a minimum, the following:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) At least one fixed camera focused over the dealer area covering the chip rack, all drop box openings, and the community card area;

(c) At least one fixed or pan, tilt, and zoom (PTZ) camera permanently programmed for the purposes of monitoring players at each gaming table. This camera must be capable of

viewing each patron at each gaming position at least once every five minutes;

(d) A sufficient number of fixed and/or PTZ cameras in the cage only if the count process is conducted there;

(e) A sufficient number of fixed and/or PTZ cameras in the count area; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment.

(3) Video recording equipment shall meet the following requirements:

(a) Record at a rate of not less than twenty pictures per second;

(b) Insert the time and date on the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; and

(c) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Activities to be videotaped.

(4) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Surveillance activity log.

(5) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Sign-in log.

(6) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Tape labeling and retention.

(7) Video and audio tapes shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to tapes:

(a) All tapes shall be retained for a minimum of seven complete gaming days.

(b) Tapes of evidentiary value shall be maintained as requested by commission staff;

(c) Tapes documenting jackpot payouts of five hundred dollars or more shall be retained for at least seven days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(9) In the event there is not sufficient clarity to fully resolve any dispute that arises, the dispute will be resolved in favor of the player.

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

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-830 Cashier's cage—Requirements—

House-banking. All cash, cash equivalents, and chips related to the operation of card games shall be closely controlled and records maintained documenting receipts and disbursements. Licensees shall maintain a cashier's function whose responsibility shall be to secure and account for all chips and monies in the card room portion of the premises. At a minimum, the following restrictions and procedures apply:

Location.

(1) There shall be on or immediately adjacent to the gaming floor a physical structure known as the cashier's cage (cage) to house the cashiers and to serve as the central location for, at a minimum, the following:

(a) The custody of the cage inventory comprising currency, coin, patron checks, gaming chips, forms, documents and records normally associated with the operation of a cage;

(b) The approval of patron checks for the purpose of gaming;

(c) The receipt and distribution of gaming chips from the gaming table and the redemption of gaming chips from patrons. The purchase of gaming chips by patrons shall only occur at the gaming table: Provided, That licensees operating both house-banked and nonhouse-banked games may sell chips for use in poker games through an imprest window bank located within the cashier's cage, or another location approved by commission staff; and

(d) Such other functions normally associated with the operation of a cage.

Design and structure.

(2) The cage shall be designed, constructed and operated to provide maximum security and accountability for funds including, at a minimum, the following:

(a) An enclosed structure except for openings through which items such as gaming chips, checks, cash, records, and documents can be passed to service the public and gaming tables;

(b) Manually triggered silent alarm systems connected directly to the surveillance rooms of the closed circuit television system or an alarm monitoring agency;

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(c) Access shall be through a locked door, which shall have closed circuit television coverage which is monitored by the surveillance department.

Entry into the cage.

(3) Entry to the cage shall be limited to authorized personnel. The gaming operation department shall place on file with the accounting department the names of all persons authorized to enter the cage, those who possess the combination or the keys or who control the mechanism to open the locks securing the entrance to the cage, and those who possess the ability to operate the alarm systems.

Entry/exit log.

(4) A log shall be maintained documenting all persons entering the cashier's cage. The log must contain the person's name, title, time entering and exiting, and date of entry.

Cage not required.

(5) Licensees not offering house-banked card games shall not be required to meet the above requirements: Provided, That licensees shall maintain a system for securing and properly accounting for all gaming chips and ((monies)) moneys.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-840 Drop boxes—((Requirements))
House-banking—Drop box collection method. ((Licensees required to utilize)) All card room licensees operating house-banked card games or collecting fees utilizing the drop box collection method (WAC 230-40-050) shall use a drop box. Drop boxes shall ((ensure they are)) be constructed and controlled in a manner to provide security of contents((. All card rooms operating house-banked card games or collecting fees utilizing the drop box as a collection method)) and shall meet the following requirements and procedures:

Drop box requirements.

(1) Each gaming table shall have attached to it a metal container known as a "drop box" into which all cash, duplicate fill slips and credit slips, request for fills, request for credits, and table inventory forms shall be deposited.

(2) Each drop box shall have the following:

Box lock.

(a) A lock securing the contents. The key to this lock shall be maintained and controlled by the accounting department;

Table lock.

(b) A separate lock securing the drop box to the gaming table. This lock shall be keyed differently from the lock securing the contents of the drop box. The key utilized to unlock this lock shall be maintained and controlled by the security department;

Opening on box.

(c) An opening through which currency, coins, chips, forms, records and documents can be inserted into the drop box;

Labeling drop boxes.

(d) Permanently imprinted or impressed thereon and clearly visible, a number corresponding to a permanent number on the gaming table to which it is attached and a marking to indicate the game. The shift shall also be included if drop boxes are removed from tables more than once during an operating day: Provided, That emergency drop boxes may be maintained without such number or marking, if the word "emergency" is permanently imprinted or impressed thereon, and when put into use, are temporarily marked with the number of the gaming table and identification of the game and shift.

Transportation to the count room.

(3) All drop boxes removed from the gaming tables shall be transported directly to the count room and secured by one security department member and one employee of the gaming operation department: Provided, That licensees not required to maintain a count room shall transport drop boxes directly to the count area using the supervisor or the supervisor's designee for the transport: Provided further, That a licensee may utilize the count team members to pull and transport the drop boxes to the count ((table)) room for the count process, if conducted under the supervision of security when the gaming operation is closed and the card room entrances/exits are locked.

Storing drop boxes in count room.

(4) All drop boxes not attached to a gaming table shall be stored in the count room in an enclosed storage cabinet or trolley and secured in such cabinet or trolley by two separately keyed locks. The key to one lock shall be maintained and controlled by the security department and the key to the other lock shall be maintained and controlled by the gaming operation department.

Storing drop boxes on gaming tables.

(5) Drop boxes, when not in use during a shift, may be stored on the gaming tables if ((licensed security personnel are present in the gaming area at all times drop boxes are stored on the gaming tables and)) the entire area is covered by taped surveillance. ((If adequate security is not provided during this time, the drop boxes shall be stored as required in subsection (4) of this section.))

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-865 ((Procedure for)) Distributing ((gaming)) chips and coins to ((house-banked-gaming)) tables—Requests and fills—House-banking. Gaming chips and coins shall only be distributed to gaming tables with adequate security and in a manner that ensures proper

control and accountability. The following restrictions and procedures apply:

Fill slip.

(1) Each "fill slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual system. Requests for fills shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

(a) Each series of fill slips received by a licensee shall be controlled and accounted for separately;

(b) Request for fills shall be secured in such a manner that only a gaming operations supervisor has access;

(c) Fill slips shall be secured by the cashier's cage;

(d) These forms shall be used in sequential order and all forms accounted for; and

(e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

Request for fill.

(2) A "request for fill" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a "fill slip" for the distribution of chips and coins to gaming tables. The original and duplicate of the request for fill shall include the following entries:

(a) The date, time, and shift of preparation;

(b) The denomination of gaming chips or coins to be distributed to the gaming tables;

(c) The total amount of each denomination of gaming chips or coins to be distributed to the gaming tables;

(d) The game and table number to which the gaming chips or coins are to be distributed;

(e) The signature of the gaming operation supervisor; and

(f) The signature of the security department employee that distributed the chips and coins.

Transporting requests.

(3) After preparation of the request for fill, the original of such request shall be transported directly to the cashier's cage by security.

Duplicate copies of the request.

(4) The duplicate copy of the request for fill shall be placed by the dealer or floor supervisor in public view on the gaming table to which the gaming chips or coins are to be received. Such duplicate copy shall not be removed until the chips and coins are received, at which time the request for fill and fill slip are deposited in the drop box.

Fill slip procedures.

(5) A fill slip shall be prepared by a cashier whenever gaming chips or coins are distributed to the gaming tables

from the cashier's cage. The following procedures and requirements shall be observed with regard to fill slips:

(a) Each series of fill slips shall be in triplicate form to be kept in a locked dispenser that will permit an individual fill slip in the series and its copies to be written upon simultaneously while still located in the dispenser, and that will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy of the form shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of fill slips, placing fill slips in the dispensers, and removing from the dispensers, each day, the triplicate copies remaining therein: Provided, That access will be permitted to an employee of the security department for the sole purpose of clearing any paper jams in the dispenser.

Information to be recorded on fill slip.

(6) On the original, duplicate, and triplicate copies of the fill slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins being distributed;

(b) The total amount of each denomination of gaming chips or coins being distributed;

(c) The total amount of all denominations of gaming chips or coins being distributed;

(d) The game and table number to which the gaming chips or coins are being distributed;

(e) The date and shift during which the distribution of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the fill slip shall be recorded, at a minimum, on the original and the duplicate.

Employee verification.

(8) All gaming chips or coins distributed to the gaming tables from the cashier's cage shall be transported directly by a security department employee. This employee shall verify the request for fill to the amount of the fill slip and sign the original of the request for fill, which is maintained at the cashier's cage, before transporting the gaming chips or coins and the original and duplicate of the fill slip for signature.

Signatures required on fill slips.

(9) Signatures attesting to the accuracy of the information contained on the original and duplicate of the fill slips shall, at a minimum, be those of the following personnel at the following times:

(a) The cashier upon preparation;

(b) The security department employee transporting the gaming chips or coins to the gaming table upon receipt from the cashier of gaming chips or coins;

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(c) The dealer assigned to the gaming table upon receipt; and

(d) The gaming operation supervisor assigned to the gaming table upon receipt of the gaming chips or coins at such table.

Transporting chips and coins.

(10) Upon meeting the signature requirements, the security department employee that transported the gaming chips or coins and the original and duplicate copies of the fill slip to the table, shall observe the following:

(a) The dealer shall immediately place the duplicate fill slip and duplicate request for fill in the drop box attached to the gaming table to which the gaming chips or coins were transported; and

(b) The security department employee shall then return the original fill slip to the cashier's cage where the original fill slip and request for fill shall be maintained together and controlled by cage employees.

VOID procedures.

(11) The original and duplicate "VOID" fill slips, the original request for fill, and the original fill slip shall be forwarded as follows:

(a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate copy of the fill slip and duplicate copy of the request for fill removed from the drop box after which the original and duplicate copy of the request for fill and the original and duplicate copy of the fill slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

(b) The accounting department for agreement, on a daily basis, with the duplicate fill slip and duplicate copy of the request for fill removed from the drop box and the triplicate.

Transferring chips.

(12) Transfers of gaming chips from one gaming table to another gaming table is prohibited. All transfers of gaming chips shall be to the cashier's cage.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-870 ((Procedure for)) Removing ((gaming)) chips and coins from ((house-banked gaming)) tables—Requests and credits—House-banking. All transfers of gaming chips and coins shall be closely controlled and documented in a manner that ensures accountability. Gaming chips and coins shall only be removed from gaming tables with adequate security. The following restrictions and procedures apply:

Credit slip.

(1) Each "credit slip" shall be serially prenumbered three-part forms, which provide an original and duplicate copies as necessary: Provided, That the director may authorize use of a computer based accounting system which includes a nonrepeating sequential numbering system that is consistent with the controls and safeguards of the manual

system. Requests for credits shall be a two-part form which provides an original and duplicate copy. These forms shall be controlled in the following manner:

(a) Each series of credit slips received by a licensee shall be controlled and accounted for separately;

(b) Request for credits shall be secured in such a manner that only a gaming operations supervisor has access;

(c) Credit slips shall be secured by the cashier's cage;

(d) These forms shall be used in sequential order and all forms accounted for; and

(e) The preparer shall void forms that have errors by marking "VOID" on both the original and duplicate copies and sign the form.

Request for credit.

(2) A "request for credit" shall be prepared by the gaming operation supervisor to authorize the cage to prepare a credit slip for the removal of gaming chips and coins to the cashier's cage. The original and duplicate of the request for credit shall include the following entries:

(a) The date, time and shift of preparation;

(b) The denomination of gaming chips or coins to be removed from the gaming table;

(c) The total amount of each denomination of gaming chips or coins to be removed from the gaming table;

(d) The game and table number from which the gaming chips or coins are to be removed; and

(e) The signature of the gaming operation supervisor and dealer assigned to the gaming table from which gaming chips or coins are to be removed.

Employee verification.

(3) Immediately upon preparation of a request for credit and transfer of gaming chips or coins to a security department employee, a gaming operation supervisor shall obtain on the duplicate copy of the request for credit the signature of the security department member to whom the gaming chips and coins were transferred. The dealer shall place the duplicate copy in public view on the gaming table from which the gaming chips or coins were removed. Such request for credit shall not be removed until a credit slip is received from the cashier's cage at which time the request for credit and credit slip are deposited in the drop box.

Transporting requests.

(4) The original of the request for credit and the gaming chips or coins removed from the gaming table shall be transported directly to the cashier's cage by the security department employee.

Credit slip procedures.

(5) A credit slip shall be prepared by the cashier whenever gaming chips or coins are removed from the gaming tables to the cashier's cage. The following procedures and requirements shall be observed with regard to credit slips:

(a) Each series of credit slips shall be a three-part form and shall be inserted in a locked dispenser that will permit an individual slip in the series and its copies to be written upon simultaneously while still locked in the dispenser, and that

will discharge the original and duplicate while the triplicate remains in a continuous, unbroken form in the dispenser: Provided, That if a computer system is used, which includes a nonrepeating sequential numbering system, the controls and safeguards of the manual system must be present; and

(b) Access to the triplicate copy shall be maintained and controlled at all times by an accounting department employee responsible for controlling and accounting for the unused supply of credit slips, placing credit slips in the dispensers, and removing from the dispensers, each day, the triplicates remaining therein: Provided, That access will be permitted to an employee of the security department for the sole purpose of clearing any paper jams in the dispenser.

Information to be recorded on credit slip.

(6) On the original, duplicate and triplicate copies of a credit slip, the preparer shall record, at a minimum, the following information:

(a) The denomination of the gaming chips or coins removed from the gaming table to the cashier's cage;

(b) The total amount of each denomination of gaming chips or coins removed from the gaming table to the cashier's cage;

(c) The total amount of all denominations of gaming chips or coins removed from the gaming table to the cashier's cage;

(d) The game and table number from which the gaming chips or coins were removed;

(e) The date and shift during which the removal of gaming chips or coins occurs; and

(f) The signature of the preparer.

(7) Upon preparation, the time of preparation of the credit slip shall be recorded, at a minimum, on the original and duplicate copy.

Signatures required on credit slips.

(8) Signatures attesting to the accuracy of the information contained on the original and the duplicate copy of a credit slip shall be, at a minimum, the following personnel at the following times:

(a) The cage cashier upon preparation;

(b) The security department employee transporting the gaming chips or coins to the cashier's cage upon presentation to the cashier;

(c) The dealer assigned to the gaming table upon receipt at such table from the security department employee; and

(d) The gaming operation supervisor assigned to the gaming table upon receipt at such table.

Transporting chips and coins.

(9) Upon meeting the signature requirements, the security department employee transporting the original and duplicate copies of the credit slip to the gaming table, shall observe the following:

(a) The dealer shall immediately place the duplicate copies of the credit slip and request for credit in the drop box attached to the gaming table from which the gaming chips or coins are removed; and

(b) The security department employee shall expeditiously return the original credit slip to the cashier's cage where the original of the credit slip and request for credit shall be maintained together and controlled by cage employees.

VOID procedures.

(10) The original and duplicate copies of "VOID" credit slips, and the original request for credit and credit slip shall be forwarded to:

(a) The count team, as described in WAC 230-40-885(2), for agreement with the duplicate credit slip and the duplicate request for credit removed from the drop box, after which the request for credit and the original and duplicate credit slip shall be forwarded to the accounting department for agreement, on a daily basis, with the triplicate; or

(b) The accounting department for agreement, on a daily basis, with the duplicate copies of the credit slip and request for credit removed from the drop box and the triplicate.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-875 ((Procedures for)) Closing ((house-banked)) gaming tables—House-banking. Procedures shall be followed for closing gaming tables that ensure proper accountability of gaming chips and coins. The following restrictions and procedures apply:

Counting chips and coins.

(1) Whenever the gaming activity at each gaming table is concluded for the day, the gaming chips and coins shall be counted by the dealer assigned to the gaming table and observed by a gaming operation supervisor. The entire count and closure process shall be monitored and taped by the surveillance department.

Recording the count.

(2) The gaming chips and coins counted shall be recorded on a table inventory slip by the gaming operation supervisor assigned to the gaming table.

Table inventory slips.

(3) Table inventory slips shall be three-part serially pre-numbered forms and on the original of the slip (closer), the duplicate of the slip (opener), and on the triplicate, which is maintained and controlled by security, the gaming operation supervisor shall record the following:

(a) The date and identification of the shift ended;

(b) The game and table number;

(c) The total value of each denomination of gaming chips and coins remaining at the tables; and

(d) The total value of all denominations of gaming chips and coins remaining at the gaming tables.

Verification signatures.

(4) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing the gaming tables shall be of the dealer and the gaming

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operation supervisor assigned to the gaming table who observed the dealer count the contents of the table inventory.

Distributing table inventory slips.

(5) Upon meeting the signature requirements:

(a) The closer shall be deposited in a drop box attached to the gaming table immediately prior to the closing of the table;

(b) The opener and the gaming chips and coins remaining at the table shall be placed in a clear container provided for that purpose after which the container shall be locked; and

(c) The triplicate copy of the table inventory slip shall be forwarded to the accounting department by a security department employee.

VOID procedures.

(6) In the event the closer is voided, the preparer shall void this form by writing the word "VOID" on all copies of the form. All copies of the form shall then be forwarded to the accounting department.

(7) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned to the cage and adequately secured or, if the locked containers are secured to the gaming table, a gaming operation supervisor shall account for all the locked containers.

Removing drop boxes.

((7)) (8) In the event drop boxes are removed from gaming tables at other than the close of the gaming day, they shall be removed at a shift change. A table inventory slip shall be prepared as required above with the incoming and outgoing supervisor verifying the inventory and signing.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-885 ((Counting and recording contents of drop boxes—)) Count procedures—House banking. ((The contents of drop boxes shall be)) Card rooms that offer house-banked card games or that utilize the drop box collection method (WAC 230-40-050) shall ensure the contents of drop boxes are counted and recorded in a manner that ensures the proper accountability of all gaming chips, coins, and currency. The following restrictions and procedures apply:

Notification of count.

(1) The security department shall notify the surveillance department whenever the contents of drop boxes removed from gaming tables are to be counted and recorded, which, at a minimum, shall be once each gaming day.

Count team members.

(2) The opening, counting and recording of the contents of drop boxes shall be performed in the presence of and by those employees assigned by the gaming operation department for the conduct of the count. The count team must consist of three employees who shall not be in a position to perpetrate or conceal errors or irregularities in the normal course

of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities.

Securing the count room.

(3) Immediately prior to the opening of the drop boxes, the doors to the count room shall be securely locked and except as otherwise authorized, no person shall be permitted to enter or leave the count room, except during a normal work break or in an emergency, until the entire counting, recording, and verification process is completed.

Video and audio recording of the count.

(4) Immediately prior to the commencement of the count, one count team member shall notify the person assigned to the closed circuit television surveillance room in the establishment that the count is about to begin, after which such person shall make a video and audio recording of the entire counting process.

Count procedures.

(5) Contents of drop boxes shall not be mixed prior to counting and recording of each drop box. Procedures and requirements for conducting the count shall be the following:

(a) As each drop box is placed on the count table, one count team member shall announce, in a tone of voice to be heard by all persons present and to be recorded by the audio recording device, the game, table number, and shift marked thereon;

(b) The contents of each drop box shall be emptied and counted separately on the count table;

(c) Immediately after the contents of a drop box are emptied onto the count table, the inside of the drop box shall be held up to the full view of a closed circuit television camera, and shall be shown to at least one other count team member to confirm that all contents of the drop box have been removed, after which the drop box shall be locked and placed in the storage area for drop boxes;

(d) The contents of each drop box shall be segregated by a count team member into separate stacks on the count table by denominations of coin and currency and by type of form, record or document;

(e) Each denomination of coin and currency shall be counted separately, either manually or mechanically, by at least two count team members who shall place individual bills and coins of the same denomination on the count table in full view of the closed circuit television cameras, and such count shall be observed and the accuracy confirmed orally or in writing, by at least one other count team member;

(f) As the contents of each drop box is counted, one count team member shall record or verify on a master game report, by game, table number, and shift, the following information:

- (i) The total amount of currency and coin counted, also known as the "drop";
- (ii) The amount of the opener;
- (iii) The amount of the closer;
- (iv) The serial number and amount of each fill slip;
- (v) The total amount of all fill slips;

- (vi) The serial number and amount of each credit slip;
- (vii) The total amount of all credit slips; and
- (viii) The game win or loss.

(g) After the contents of each drop box have been counted and recorded, one member of the count team shall record by game and shift, on the master game report, the total amounts of currency and coin, table inventory slips, fill slips and credit slips counted, and win or loss, together with such additional information as may be required on the master game report by the licensee.

(h) Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the recording on the master game report of fill slips, credit slips, and table inventory slips by cage cashiers prior to the commencement of the count, a count team member shall compare the serial numbers and totals of the amounts recorded thereon to the fill slips, credit slips, and table inventory slips removed from the drop boxes; and

(i) ((Notwithstanding the requirements of (f) and (g) of this subsection, if the licensee's system of accounting and internal controls provides for the count team functions to be comprised only of counting and recording currency, coin, and credits, accounting department employees shall perform all other counting, recording and comparing duties herein; and

((j))) After completion and verification of the master game report, each count team member shall sign the report attesting to the accuracy of the information recorded thereon.

Concluding the count.

(6) Procedures and requirements at the conclusion of the count for each gaming shift shall be the following:

(a) All cash removed from each drop box after the initial count shall be presented in the count room by a count team member to a cashier who, prior to having access to the information recorded on the master game report and in the presence of the count team, shall recount, either manually or mechanically, the cash received;

(b) The top copy of the master game report, after signing, and the request for fills, the fill slips, the request for credits, the credit slips, and the table inventory slips removed from drop boxes, shall be transported directly to the accounting department and shall not be available to any cashier's cage personnel; and

(c) If the licensee's system of accounting and internal controls does not provide for the forwarding from the cashier's cage of the duplicate of the fill slips, credit slips, request for credits, request for fills, such documents recorded or to be recorded on the master game report shall be transported from the count room directly to the accounting department.

Accounting.

(7) The originals and copies of the master game report, request for fills, fill slips, request for credits, credit slips and table inventory slips shall on a daily basis, in the accounting department be:

(a) Compared for agreement with each other, on a test basis, by persons with no recording responsibilities and, if applicable, to triplicates or stored data;

(b) Reviewed for the appropriate number and propriety of signatures on a test basis;

(c) Accounted for by series numbers, if applicable;

(d) Tested for proper calculation, summarization, and recording;

(e) Subsequently recorded; and

(f) Maintained and controlled by the accounting department.

((8) Card rooms not operating house banked card games shall not have to meet the requirements above: Provided, That the following requirements shall be met:

(a) The count shall occur at a specific time that has been reported to commission staff;

(b) All fees shall be counted at least once each operating day;

(c) The count shall be made by at least two licensed employees of the card room who shall record the amount on the count slip for each drop box;

(d) The surveillance requirements of WAC 230-40-825 shall be met; and

(e) An entry shall be made in the daily card room record for each table and each type of fee collected at a table. Count slips for each table shall be retained with the daily records.))

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-40-895 Key control ((requirements and procedures)) —House-banking. All activities related to the operation of house-banked card games shall be closely monitored and controlled. The following restrictions and operating procedures shall apply for control of card room keys to restrict access to areas by unauthorized card room employees.

Specifications.

(1) Each licensee shall install and maintain key control boxes that meet at least the specifications set forth below:

(a) Constructed of metal with a minimum of one keylock mechanism: Provided, That coded key boxes or combination key boxes are permitted;

(b) Be attached to a permanent structure without visibility of hardware used to attach the key box;

(c) Be tamper proof;

(d) Have keys stored therein to be easily identifiable, labeled, and displayed individually in numeric or alphabetic order; and

(e) The physical location of key control boxes may be determined by each licensee. The location shall not permit an individual to gain access to a restricted area that he/she would otherwise not be allowed to enter. If key boxes are located in areas where unauthorized individuals have access, that person may only have custody of the key and open the key box in the presence of the key custodian; or while under camera coverage.

Access.

(2) Individual key control boxes shall be maintained by at least ((three)) four departments including gaming operations, accounting, ((and)) security((/)), and surveillance.

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Access to key control boxes shall be limited to the licensed card room employee(s) responsible for overall supervision or management of the operation for which the box is maintained. Keys shall be controlled in the following manner:

Gaming operations department.

(a) Keys included in the key control box maintained by the gaming operations department shall include:

- (i) Key to each pit podium;
- (ii) Key(s) to drawers and other locking cabinets located in each pit podium;

(iii) Key to remove the clear plastic cover from the container used to store gaming chips and secured to the gaming tables;

(iv) Key to the second lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables;

(v) Key to all upper tier and lower tier jackpot payout boxes included with authorized card games;

(vi) Key to all electrical control boxes used to maintain authorized card games;

(vii) Other keys included in the licensee's internal controls and approved by commission staff.

Security department.

(b) Keys included in the key control box maintained by security((/surveillanee)) shall include:

(i) Key to the lock used to secure the count room door;

(ii) Key utilized to unlock and reset the drop boxes from the gaming tables;

(iii) Key to the first lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables to the count room;

(iv) Key to the storage cabinet(s) or other secure facility used to store the card inventory including decks which have not been placed into play and decks removed from play and waiting to be destroyed;

(v) ((Key to the room used for clandestine surveillance; Key to the storage cabinet(s) or locker(s) used to maintain tapes of evidentiary value or tapes documenting details of jackpot payouts;

((vii))) Key to main entry or access door of the card room; and

((viii))) (vi) Other keys included in the licensee's internal controls and approved by commission staff.

Accounting department.

(c) Keys included in the key control box maintained by the accounting department shall include:

(i) Key to the lock securing the contents of the drop boxes;

(ii) Key to the rear of the locked dispenser used to store the triplicate of the fill/credit slips in a continuous, unbroken form;

(iii) Key to the door to the cashier's cage;

(iv) Key to reset the lock to the drop boxes;

(v) Keys included in the licensee's internal controls and approved by commission staff;

(vi) Keys maintained by the cashier's cage including:

(A) Key(s) to each cashier's window drawer;

(B) Key to the chip drawer or fill bank;

(C) Key to the vault or safe;

(D) Key to the door to the cashier's cage;

(E) Key to the front of the locked dispenser used to store the triplicate of the fill/credit slips in continuous, unbroken form;

(F) Other keys included in the licensee's internal controls and approved by commission staff; and

(G) Key(s) to the dealer tip boxes.

Surveillance department.

(d) Keys included in the key control box maintained by surveillance shall include:

(i) Key to the room used for clandestine surveillance;

(ii) Key to the storage cabinet(s) or locker(s) used to maintain tapes of evidentiary value or tapes documenting details of jackpot payouts.

Owner/CEO master key box.

((d))) (e) A master key control box may be maintained with access strictly limited to the owner(s) or chief operating officer responsible for exercising the overall management or authority over all the operations of the card room and may include:

(i) All spare or extra keys for the areas noted above.

(ii) Other keys included in the licensee's internal controls and approved by commission staff.

Control log.

(3) Each licensee shall maintain for each key control box, a key control log used to record the issuance of and return of all keys used to control the restricted access areas by card room employees identified. The key control log shall be maintained in the format prescribed by the commission.

Keys to key control box.

(4) Keys to secure the contents of each key control box required above shall be strictly controlled as follows.

(a) There shall be one key for each key control box which shall be controlled by the manager of the department for which the key control box is designated. This key shall be distributed to the manager or supervisor in charge and maintained in their possession when gaming is being conducted.

(b) Keys to each key control box will be maintained in a secure manner as approved by commission staff and documented in the licensee's written internal controls.

(c) All spare or duplicate keys to the key control boxes identified above will be maintained in the master key control box and be controlled by the owner(s).

Electronic key control systems.

(5) Licensees may utilize electronic key control systems, if reviewed and approved in writing by the director or the director's designee.

Extra key control box - emergencies only.

(6) For emergency situations, licensees may maintain an additional key control box which can be accessed on a limited

basis to protect the safety of employees. The key control boxes which meet this requirement shall be preapproved by commission staff.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-897

Card game promotions—
Procedures—Restrictions.

NEW SECTION

WAC 230-40-455 Promotions for card games—Procedures—Restrictions. Licensees of social card games may offer promotions operated in conjunction with authorized card games under the following conditions and restrictions:

(1) All players must have an equal opportunity to participate;

(2) The promotion may add cash or merchandise prizes to winning hands as defined in commission approved game rules;

(3) The promotion may consist of the distribution of free coupons or tokens which may be used in conjunction with the rules of the games (such as Match Play or First Ace promotions);

Prize pay-out requirements.

(4) The prize associated with the promotion may be paid out over a period of time, provided that all other requirements of this section and WAC 230-04-010 are met;

Posting rules.

(5) All rules or restrictions governing promotions shall be prominently displayed in the card room and on any promotional coupons or advertisements;

Records.

(6) Detailed records shall be maintained to ensure the proper accountability of gaming funds; and

Limitations.

(7) Card game promotions shall not consist of schemes in which the additional prize for a winning hand is the opportunity to enter into a drawing or other contest of chance.

NEW SECTION

WAC 230-40-505 Rules of play for social card games—Display—Availability for review. Social card games shall be conducted in accordance with predetermined rules of play. Such rules shall be maintained on the licensed premises and immediately available, upon request, for review by commission staff, local law enforcement, or a player. The following requirements apply to rules of play:

Precedence of rules.

(1) The applicability of rules of play shall be as determined by the following precedence, in order of importance:

(a) **First priority:** Codified rules set forth in Title 230 WAC;

(b) **Second priority:** Specific rules set forth by a licensed manufacturer of a patented game and approved game;

(c) **Third priority:** Rules set forth in *The New Complete Hoyle, Revised, Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That licensees may make immaterial modifications to game rules set forth in Hoyle; and

(d) **Fourth priority:** House rules developed by the licensee and approved by commission staff.

Posted rules.

(2) Any rules related to the following shall be conspicuously posted in a location readily visible by all players.

(a) Wagering limits for each type of game including the ante as specified in WAC 230-40-120(3);

(b) Prize pay-outs and any restrictions related to prizes;

(c) Whether employees are allowed to play;

(d) Procedures for resolving player disputes; and

(e) For player-supported jackpots (PSJ):

(i) How a PSJ will be distributed in the event it is discontinued or the business closes;

(ii) Conditions under which prizes may be won;

(iii) Prize amount;

(iv) Cost to participate;

(v) Administrative fees; and

(vi) Any other conditions which may affect the outcome of the game.

Rules available for review.

(3) Any rules related to the following shall be conspicuously posted in a location readily visible by all players: Provided, That if a licensee chooses not to post these rules, the licensee shall conspicuously post a sign in a location readily visible by all players stating that the rules are immediately available upon request for review by commission staff, local law enforcement, or a player:

(a) Methods of making wagers;

(b) Procedures for misdeals;

(c) Procedures for betting irregularities;

(d) Procedures for splitting pots; and

(e) Any other rules that may restrict a player's right to win a hand, pot, or jackpot prize.

PROPOSED

WSR 01-10-127
PROPOSED RULES
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)
[Filed May 2, 2001, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-160.

Title of Rule: WAC 246-840-421 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II-IV drugs?, 246-840-422 Criteria for joint practice arrangement, 246-840-423 Endorsement of joint practice arrangements for ARNP licensure, 246-840-424 Process for joint practice arrangement termination, 246-840-425 Seventy-two-hour limit, 246-840-426 Education for prescribing Schedule II-IV drugs, and 246-840-427 Jurisdiction.

Purpose: The statute requires the medical and nursing commissions and the Osteopathic Board to jointly adopt rules by consensus on ARNP prescriptive authority joint practice arrangements for expanded prescriptive authority.

Statutory Authority for Adoption: RCW 18.79.240, chapter 64, Laws of 2000, RCW 18.79.320.

Statute Being Implemented: Chapter 18.79 RCW.

Summary: Rules were prepared through meetings with the public and the three commissions/board to implement this legislation.

Reasons Supporting Proposal: These rules incorporate the majority of the concerns expressed and meet the intent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, P.O. Box 47864, Olympia, WA 98504, (360) 236-4712.

Name of Proponent: Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislation requires joint rule writing by the Nursing Commission, Medical Commission and Board of Osteopathic Physicians and Surgeons. These rules will implement the legislation and outline procedures for applying for expanded prescriptive authority, procedures for establishing a joint practice arrangement and other information. Upon adoption of these rules this will allow qualified advanced registered nurse practitioners to expand their prescriptive authority to include prescribing Schedule II-IV drugs in appropriate situations. This will expand the care options for patients so that they do not need a referral to another health care professional. This will also increase access in rural areas where the only health care professional available may be an advanced registered nurse practitioner who will then have full prescribing authority.

Proposal does not change existing rules. These are all new rules.

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

Small Business Economic Impact Statement

The proposed regulations will establish requirements advanced registered nurse practitioners under the Regulatory

Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold varies by industry. The standard industrial code classifications used to determine the threshold for more than minor impact were:

STANDARD INDUS- TRIAL CODE	ECONOMIC ACTIVITY	MINOR COST THRESHOLD
804	Office of Other Providers	110.00

Costs Required To Comply:

- Completing an application for additional prescribing authority for Schedule II-IV with the Nursing Care Quality Assurance Commission. Application fee is \$65.00.
- Completion of a Joint Practice Agreement with a physician. Cost is associated with cost of paper and time to complete the form. Costs are approximately \$50.00.

Does the cost of the proposed rule exceed the threshold where an SBEIS is required? Select a response: The cost to implement the proposed standards is in excess of the minor cost threshold so an SBEIS is required.

Does the proposed rule affect both large and small businesses? The Regulatory Fairness Act defines a business as any "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." The act defines a small business as one that employs less than fifty individuals.

The Department of Health estimated 2,000 ARNPs may choose to be subject to the requirements of the proposed rules. Each practitioner is a small business. Since the proposed rules will only affect individuals, from the perspective of the Regulatory Fairness Act, all affected businesses are small.

Does the proposed rule impose disproportionate cost on small businesses? Since all practitioners affected by the proposed rules meet the definition of small businesses, the rule cannot impose disproportionate costs. Therefore, the department is not obligated to provide regulatory relief.

How did the department involve the public in the development of the proposed rules? Public involvement was solicited through four rules writing workshops throughout the state and on the agenda of the Nursing Care Quality Assurance Commission.

A copy of the statement may be obtained by writing to Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4712, fax (360) 236-4738.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.328 because they adopt substantive provisions which subject the violator to penalty or sanction and establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license.

Hearing Location: CenterPoint Corporate Park, The Commons Building, Main Conference Center, 20809 72nd

Avenue South, Kent, WA 98032, on June 13, 2001, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact (360) 236-4945 by June 1, 2001, TDD (360) 664-0064, or fax (360) 236-4738.

Submit Written Comments to: Terry J. West, fax (360) 236-4738, (360) 236-4712.

Date of Intended Adoption: June 23, 2001.

April 24, 2001

Paula R. Meyer
Executive Director

NEW SECTION

WAC 246-840-421 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? Applicants must:

(1) Hold a valid and unrestricted registered nurse license.

(2) Hold or be eligible for an advanced registered nurse practitioner license with authority for legend drugs and Schedule V drugs. (See also WAC 246-840-410.) As noted in RCW 18.79.250, each advanced registered nurse practitioner prescribes within his or her scope of practice for a particular license specialty.

(3) Have a joint practice arrangement that meets requirements of WAC 246-840-422 with a physician or physicians licensed under chapter 18.71 or 18.57 RCW who holds a license without restrictions related to prescribing scheduled drugs.

(4) Submit a completed application form for Schedule II - IV endorsement on a form provided by the department of health, nursing care quality assurance commission accompanied by a fee, as specified in WAC 246-840-990.

NEW SECTION

WAC 246-840-422 Criteria for joint practice arrangement. (1) The names of both the licensed advanced registered nurse practitioner and the licensed physician, both license numbers and both practice addresses.

(2) A written agreement that describes how collaboration will occur between the practitioners.

(3) The description of the collaboration will vary according to the relationship between the advanced registered nurse practitioner and physician, but must include a description of:

(a) When the advanced registered nurse practitioner will consult with a physician;

(b) How consultation will occur (e.g., face-to-face, phone, fax, e-mail, etc.);

(c) How consultation will be documented.

(4) Joint practice arrangements may be made with more than one physician.

NEW SECTION

WAC 246-840-423 Endorsement of joint practice arrangements for ARNP licensure. (1) The joint practice arrangement shall be submitted by the advanced registered nurse practitioner to the department of health, nursing care

quality assurance commission at the time of initial licensure or endorsement and biennially with renewal.

(2) A notice of the joint practice arrangement shall be forwarded by the nursing care quality assurance commission to either the medical quality assurance commission or to the board of osteopathic medicine and surgery for review to assure the physician's license is unrestricted. The medical quality assurance commission or the board of osteopathic medicine and surgery will notify the nursing care quality assurance commission in the event a physician who has signed a joint practice arrangement, has a license with restrictions related to prescribing scheduled drugs.

(3) The advanced registered nurse practitioner can only begin prescribing Schedule II - IV drugs after his or her license endorsement has been issued and he or she has obtained the appropriate Drug Enforcement Administration registration.

NEW SECTION

WAC 246-840-424 Process for joint practice arrangement termination. (1) The joint practice arrangement between the advanced registered nurse practitioner and the physician shall provide for written notice of termination of the arrangement. The nursing care quality assurance commission shall be notified of the termination. Once the joint practice arrangement is terminated, the advanced registered nurse practitioner must submit a new joint practice arrangement before resuming prescribing Schedule II - IV drugs.

(2) The nursing care quality assurance commission will notify either the medical quality assurance commission or the board of osteopathic medicine and surgery that the joint practice arrangement has been terminated.

(3) A joint practice arrangement may be terminated as a result of disciplining action taken by a disciplining authority.

(4) In the event either the advanced registered nurse practitioner or the physician is disciplined, the disciplining authority for the other party will be notified that the joint practice arrangement no longer exists due to disciplinary action.

(5) If an advanced registered nurse practitioner has multiple approved joint practice arrangements and one is terminated, he or she may continue to prescribe Schedule II - IV drugs under the other joint practice arrangement(s).

NEW SECTION

WAC 246-840-425 Seventy-two-hour limit. (1) Advanced registered nurse practitioners can dispense up to a seventy-two-hour supply of Schedule II - IV drugs.

(2) The seventy-two-hour limit on dispensing does not apply to prescribing Schedule II - IV drugs.

NEW SECTION

WAC 246-840-426 Education for prescribing Schedule II - IV drugs. Special education for advanced registered nurse practitioners is strongly recommended in the areas of pain management and drug seeking behaviors and/or addiction. Continuing education credit in these subjects may be

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applied to the biennial pharmacotherapeutics requirement found in WAC 246-840-450.

NEW SECTION

WAC 246-840-427 Jurisdiction. Nothing in WAC 246-840-421 through 246-840-466 shall be interpreted as giving a disciplining authority jurisdiction over a practitioner not licensed by that commission or board.

PROPOSED

WSR 01-10-128
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)
 [Filed May 2, 2001, 11:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-161.

Title of Rule: WAC 246-853-221 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II-IV drugs?, 246-853-222 Criteria for joint practice arrangement, 246-853-223 Endorsement of joint practice arrangements for ARNP licensure, 246-853-224 Process for joint practice arrangement termination, 246-853-225 Seventy-two-hour limit, 246-853-226 Education for prescribing Schedule II-IV drugs, and 246-853-227 Jurisdiction.

Purpose: The statute requires the Nursing Care Quality Assurance Commission, Medical Quality Assurance Commission and the Board of Osteopathic Medicine to jointly adopt rules by consensus on joint practice arrangements for expanded prescriptive authority for advanced registered nurse practitioners.

Statutory Authority for Adoption: RCW 18.57.005 and 18.57.280.

Statute Being Implemented: Chapter 18.57 RCW.

Summary: Rules were prepared through meetings with the public and the three commissions/board to implement this legislation.

Reasons Supporting Proposal: These rules incorporate the majority of the concerns expressed and meet the intent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, P.O. Box 47870, Olympia, WA 98504, (360) 236-4945.

Name of Proponent: Board of Osteopathic Medicine and Surgery, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislation, chapter 64, Laws of 2000, requires joint rule writing by the Nursing Commission, Medical Commission and Board of Osteopathic Medicine and Surgery. These rules will implement the legislation and outline procedures for applying for expanded prescriptive authority, procedures for establishing a joint practice arrangement and other information. Upon adoption of these rules this will allow qualified advanced registered nurse practitioners to expand their prescriptive authority to include prescribing

Schedule II-IV drugs in appropriate situations. This will expand the care options for patients so that they do not need a referral to another health care professional. This will also increase access in rural areas where the only health care professional available may be an advanced registered nurse practitioner who will then have full prescriptive authority.

Proposal does not change existing rules. These are all new rules.

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

Small Business Economic Impact Statement

The proposed regulations will establish requirements for osteopathic physicians and advanced registered nurse practitioners to enter into a collaborative agreement for the purposes of the ARNP prescribing controlled substances, Schedules II-IV. Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold varies by industry. The standard industrial code classifications used to determine the threshold for more than minor impact were:

STANDARD INDUS- TRIAL CODE	ECONOMIC ACTIVITY	MINOR COST THRESHOLD
803	Office or Clinic of DO	50.00

Costs Required To Comply: Negotiate and complete a joint practice agreement with an ARNP. Cost is associated with the time to review and sign off on the joint practice agreement. Most osteopathic physicians will be formalizing an already existing practice relationship and would involve minimal [amount] of time of approximately fifteen minutes for an approximate cost of \$100-125. Participation in a joint practice arrangement is voluntary, so it is not a cost, which will affect all osteopathic physicians.

Does the cost of the proposed rule exceed the threshold where an SBEIS is required? The cost to implement the proposed standards is in excess of the minor cost threshold so an SBEIS is required.

Does the proposed rule affect both large and small businesses? The Regulatory Fairness Act defines a business as any "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." The act defines a small business as one that employs less than fifty individuals.

The Department of Health estimates that thirty-eight osteopathic physicians (5% of the 750 licensed osteopathic physicians) may choose to enter a joint practice arrangement. Each practitioner must obtain a separate, individual credential. Since the proposed rule will only affect individuals, from the perspective of the Regulatory Fairness Act, all affected businesses are small.

Does the proposed rule impose disproportionate cost on small businesses? Since all practitioners affected by the proposed rules meet the definition of small business, the rule

cannot impose disproportionate costs. Therefore, the department is not obligated to provide regulatory relief.

How did the department involve the public in the development of the proposed rule? Public involvement was solicited through four workshops throughout the state and on the agenda of several board meetings.

A copy of the statement may be obtained by writing to Arlene A. Robertson, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.328 because they adopt substantive provisions which subject the violator to penalty or sanction and establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license.

Hearing Location: CenterPoint Corporate Park, The Commons Building, Main Conference Center, 20809 72nd Avenue South, Kent, WA 98032, on June 13, 2001, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Arlene Robertson, by June 1, 2001, at (360) 236-4945 TDD (360) 664-0064, or fax (360) 236-4738.

Submit Written Comments to: Arlene Robertson, fax (360) 236-4738, by May 31, 2001.

Date of Intended Adoption: June 23, 2001.

Robert Nicoloff
Executive Director

NEW SECTION

WAC 246-853-221 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? Applicants must:

(1) Hold a valid and unrestricted registered nurse license.

(2) Hold or be eligible for an advanced registered nurse practitioner license with authority for legend drugs and Schedule V drugs. (See also WAC 246-840-410.) As noted in RCW 18.79.250, each advanced registered nurse practitioner prescribes within his or her scope of practice for a particular license specialty.

(3) Have a joint practice arrangement that meets requirements of WAC 246-853-222 with a physician or physicians licensed under chapter 18.71 or 18.57 RCW who holds a license without restrictions related to prescribing scheduled drugs.

(4) Submit a completed application form for Schedule II - IV endorsement on a form provided by the department of health, nursing care quality assurance commission accompanied by a fee as specified in WAC 246-840-990.

NEW SECTION

WAC 246-853-222 Criteria for joint practice arrangement. (1) The names of both the licensed advanced registered nurse practitioner and the licensed physician, both license numbers and both practice addresses.

(2) A written agreement that describes how collaboration will occur between the practitioners.

(3) The description of the collaboration will vary according to the relationship between the advanced registered nurse practitioner and physician, but must include a description of:

(a) When the advanced registered nurse practitioner will consult with a physician;

(b) How consultation will occur (e.g., face-to-face, phone, fax, e-mail, etc.);

(c) How consultation will be documented.

(4) Joint practice arrangements may be made with more than one physician.

NEW SECTION

WAC 246-853-223 Endorsement of joint practice arrangements for ARNP licensure. (1) The joint practice arrangement shall be submitted by the advanced registered nurse practitioner to the department of health, nursing care quality assurance commission at the time of initial licensure or endorsement and biennially with renewal.

(2) A notice of the joint practice arrangement shall be forwarded by the nursing care quality assurance commission to either the medical quality assurance commission or to the board of osteopathic medicine and surgery for review to assure the physician's license is unrestricted. The medical quality assurance commission or the board of osteopathic medicine and surgery will notify the nursing care quality assurance commission in the event a physician who has signed a joint practice arrangement, has a license with restrictions related to prescribing scheduled drugs.

(3) The advanced registered nurse practitioner can only begin prescribing Schedule II - IV drugs after his or her license endorsement has been issued and he or she has obtained the appropriate Drug Enforcement Administration registration.

NEW SECTION

WAC 246-853-224 Process for joint practice arrangement termination. (1) The joint practice arrangement between the advanced registered nurse practitioner and the physician shall provide for written notice of termination of the arrangement. The nursing care quality assurance commission shall be notified of the termination. Once the joint practice arrangement is terminated, the advanced registered nurse practitioner must submit a new joint practice arrangement before resuming prescribing Schedule II - IV drugs.

(2) The nursing care quality assurance commission will notify either the medical quality assurance commission or the board of osteopathic medicine and surgery that the joint practice arrangement has been terminated.

(3) A joint practice arrangement may be terminated as a result of disciplining action taken by a disciplining authority.

(4) In the event either the advanced registered nurse practitioner or the physician is disciplined, the disciplining authority for the other party will be notified that the joint practice arrangement no longer exists due to disciplinary action.

(5) If an advanced registered nurse practitioner has multiple approved joint practice arrangements and one is termi-

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nated, he or she may continue to prescribe Schedule II - IV drugs under the other joint practice arrangement(s).

NEW SECTION

WAC 246-853-225 Seventy-two-hour limit. (1) Advanced registered nurse practitioners can dispense up to a seventy-two-hour supply of Schedule II - IV drugs.

(2) The seventy-two-hour limit on dispensing does not apply to prescribing Schedule II - IV drugs.

NEW SECTION

WAC 246-853-226 Education for prescribing Schedule II - IV drugs. Special education for advanced registered nurse practitioners is strongly recommended in the areas of pain management and drug seeking behaviors and/or addiction. Continuing education credit in these subjects may be applied to the biennial pharmacotherapeutics requirement found in WAC 246-840-450.

NEW SECTION

WAC 246-853-227 Jurisdiction. Nothing in WAC 246-853-221 through 246-853-226 shall be interpreted as giving a disciplining authority jurisdiction over a practitioner not licensed by that commission or board.

WSR 01-10-129
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)
 [Filed May 2, 2001, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-162.

Title of Rule: WAC 246-919-840 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II-IV drugs?, 246-919-841 Criteria for joint practice arrangement, 246-919-842 Endorsement of joint practice arrangements for ARNP licensure, 246-919-843 Process for joint practice arrangement termination, 246-919-844 Seventy-two-hour limit, 246-919-845 Education for prescribing Schedule II-IV drugs, and 246-919-846 Jurisdiction.

Purpose: The statute requires the Nursing Care Quality Assurance commission, the Medical Quality Assurance Commission, and the Osteopathic Board of Medicine and Surgery to jointly adopt rules by consensus on ARNP prescriptive authority joint practice arrangements for expanded prescriptive authority.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71.370.

Statute Being Implemented: Chapter 18.71 RCW.

Summary: Rules were prepared through meetings with the public and the three commissions/board to implement this legislation.

Reasons Supporting Proposal: These rules incorporate the majority of the concerns expressed and meet the intent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Anthony, P.O. Box 47866, Olympia, WA 98504, (360) 236-4787.

Name of Proponent: Medical Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislation, chapter 64, Laws of 2000, requires joint rule writing by the Nursing Commission, Medical Commission and Board of Osteopathic Physicians and Surgeons. These rules will implement the legislation and outline procedures for applying for expanded prescriptive authority, procedures for establishing a joint practice arrangement and other information. Upon adoption of these rules this will allow qualified advanced registered nurse practitioners to expand their prescriptive authority to include prescribing Schedule II-IV drugs in appropriate situations. This will expand the care options for patients so that they do not need a referral to another health care professional. This will also increase access in rural areas where the only health care professional available may be an advanced registered nurse practitioner who will then have full prescribing authority.

Proposal does not change existing rules. These are all new rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The cost to implement the proposed standard is below the minor cost threshold so a statement is not required.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.328 because they adopt substantive provisions which subject the violator to penalty or sanction and establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license.

Hearing Location: CenterPoint Corporate Park, The Commons Building, Main Conference Center, 20809 72nd Avenue, Kent, WA 98032, on June 13, 2001, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Anthony at (360) 236-4787, by June 1, 2001, TDD (360) 664-0064, or fax (360) 236-4738.

Submit Written Comments to: Susan Anthony, fax (360) 586-4573, by May 31, 2001.

Date of Intended Adoption: June 23, 2001.

April 24, 2001

Maryella E. Jansen
 Acting Executive Director

NEW SECTION

WAC 246-919-840 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? Applicants must:

(1) Hold a valid and unrestricted registered nurse license.

(2) Hold or be eligible for an advanced registered nurse practitioner license with authority for legend drugs and Schedule V drugs. (See also WAC 246-840-410.) As noted

in RCW 18.79.250, each advanced registered nurse practitioner prescribes within his or her scope of practice for a particular license specialty.

(3) Have a joint practice arrangement that meets requirements of WAC 246-919-841 with a physician or physicians licensed under chapter 18.71 or 18.57 RCW who holds a license without restrictions related to prescribing scheduled drugs.

(4) Submit a completed application form for Schedule II - IV endorsement on a form provided by the department of health, nursing care quality assurance commission accompanied by a fee as specified in WAC 246-840-990.

NEW SECTION

WAC 246-919-841 Criteria for joint practice arrangement.

(1) The names of both the licensed advanced registered nurse practitioner and the licensed physician, both license numbers and both practice addresses.

(2) A written agreement that describes how collaboration will occur between the practitioners.

(3) The description of the collaboration will vary according to the relationship between the advanced registered nurse practitioner and physician, but must include a description of:

(a) When the advanced registered nurse practitioner will consult with a physician;

(b) How consultation will occur (e.g., face-to-face, phone, fax, e-mail, etc.);

(c) How consultation will be documented.

(4) Joint practice arrangements may be made with more than one physician.

NEW SECTION

WAC 246-919-842 Endorsement of joint practice arrangements for ARNP licensure.

(1) The joint practice arrangement shall be submitted by the advanced registered nurse practitioner to the department of health, nursing care quality assurance commission at the time of initial licensure or endorsement and biennially with renewal.

(2) A notice of the joint practice arrangement shall be forwarded by the nursing care quality assurance commission to either the medical quality assurance commission or to the board of osteopathic medicine and surgery for review to assure the physician's license is unrestricted. The medical quality assurance commission or the board of osteopathic medicine and surgery will notify the nursing care quality assurance commission in the event a physician who has signed a joint practice arrangement, has a license with restrictions related to prescribing schedule drugs.

(3) The advanced registered nurse practitioner can only begin prescribing Schedule II - IV drugs after his or her license endorsement has been issued and he or she has obtained the appropriate Drug Enforcement Administration registration.

NEW SECTION

WAC 246-919-843 Process for joint practice arrangement termination.

(1) The joint practice arrange-

ment between the advanced registered nurse practitioner and the physician shall provide for written notice of termination of the arrangement. The nursing care quality assurance commission shall be notified of the termination. Once the joint practice arrangement is terminated, the advanced registered nurse practitioner must submit a new joint practice arrangement before resuming prescribing Schedule II - IV drugs.

(2) The nursing care quality assurance commission will notify either the medical quality assurance commission or the board of osteopathic medicine and surgery that the joint practice arrangement has been terminated.

(3) A joint practice arrangement may be terminated as a result of disciplinary action taken by a disciplinary authority.

(4) In the event either the advanced registered nurse practitioner or the physician is disciplined, the disciplinary authority for the other party will be notified that the joint practice arrangement no longer exists due to disciplinary action.

(5) If an advanced registered nurse practitioner has multiple approved joint practice arrangements and one is terminated, he or she may continue to prescribe Schedule II - IV drugs under the other joint practice arrangement(s).

NEW SECTION

WAC 246-919-844 Seventy-two-hour limit.

(1) Advanced registered nurse practitioners can dispense up to a seventy-two-hour supply of Schedule II - IV drugs.

(2) The seventy-two-hour limit on dispensing does not apply to prescribing Schedule II - IV drugs.

NEW SECTION

WAC 246-919-845 Education for prescribing Schedule II - IV drugs.

Special education for advanced registered nurse practitioners is strongly recommended in the areas of pain management and drug seeking behaviors and/or addiction. Continuing education credit in these subjects may be applied to the biennial pharmacotherapeutics requirement found in WAC 246-840-450.

NEW SECTION

WAC 246-919-846 Jurisdiction.

Nothing in WAC 246-919-840 through 246-919-845 shall be interpreted as giving a disciplining authority jurisdiction over a practitioner not licensed by that commission or board.

WSR 01-10-130

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed May 2, 2001, 11:32 a.m.]

Original Notice.

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

Title of Rule: WAC 246-246-001 Radiological criteria for license termination.

PROPPOSED

Purpose: The rule is being amended pursuant to a settlement agreement entered into by the Department of Health and Heart of America Northwest in resolution of a request for adjudicative proceeding by Heart of America Northwest concerning the determination of nonsignificance that the department issued for this rule. The sole purpose of this rule amendment is to formally recognize that by operation of existing law there may be other laws or rules to which radioactive materials licensees may be subject. For example, where release of a hazardous substance, which may include radionuclides, occurs at a license facility, licensees may be subject to the requirements of the Model Toxics Control Act, chapter 70.105D RCW, and regulations adopted pursuant to that law, chapter 173-340 WAC. Licensees should consult the Department of Ecology for guidance regarding the application of the Model Toxics Control Act and its separate requirements. This rule is not intended to establish a department position on the applicability of any law or rule.

Statutory Authority for Adoption: RCW 70.98.050.

Statute Being Implemented: RCW 70.98.050.

Summary: The proposal amends WAC 246-246-001 to add clarifying language.

Reasons Supporting Proposal: The amendment language was approved as part of a stipulated agreement (OPS # 00-04-C-1092RP).

Name of Agency Personnel Responsible for Drafting: Scott Van Verst, Tumwater, (360) 236-3256; **Implementation and Enforcement:** Terry C. Frazee, Tumwater, (360) 236-3221.

Name of Proponent: Heart of America Northwest and Columbia Riverkeepers, private.

Rule is necessary because of state court decision, OPS 00-04-C-1092RP.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-246-001 states the general provisions and scope of the chapter on radiological criteria for license termination regarding decommissioning of facilities handling radioactive materials. The rule amendment would add clarifying language.

Proposal Changes the Following Existing Rules: Adds clarifying language to WAC 246-246-001 as new subsection (5): "The provisions of this chapter do not relieve licensees of meeting all other applicable state and federal laws and rules."

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule amendment only adds clarifying language to this rule. The amendment is required by a stipulated agreement between the Department of Health, Heart of America Northwest, and Columbia Riverkeepers.

RCW 34.05.328 does not apply to this rule adoption. This rule amendment clarifies the language of the rule, without changing its effect.

Hearing Location: 7171 Cleanwater Lane, Building 5, Tumwater, on June 12, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Scott Van Verst by May 25, 2001, TDD (800) 833-6388 or (360) 236-3256.

Submit Written Comments to: Scott Van Verst, P.O. Box 47827, Olympia, WA 98504-7827, fax (360) 236-2255, by June 12, 2001.

Date of Intended Adoption: June 12, 2001.

April 26, 2001

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 00-07-085, filed 3/15/00, effective 4/15/00)

WAC 246-246-001 General provisions and scope. (1)

The criteria in this chapter apply to the decommissioning of all facilities licensed or registered under these regulations. For low-level waste disposal facilities (chapter 246-250 WAC), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to chapter 246-252 WAC or to uranium solution extraction facilities.

(2) The criteria in this chapter do not apply to sites which:

(a) Have been decommissioned following department approved procedures prior to the effective date of this rule; and

(b) Have previously submitted and received department approval on a license termination plan (LTP) or decommissioning plan.

(3) After a site has been decommissioned and the license terminated in accordance with the criteria in this chapter, the department will require additional cleanup only if, based on new information, it determines that the criteria of this chapter were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.

(4) When calculating total effective dose equivalent (TEDE) to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first one thousand years after decommissioning.

(5) The provisions of this chapter do not relieve licensees of meeting all other applicable state and federal laws and rules.

WSR 01-08-047
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 (Division of Program and Policy)
 [Filed March 30, 2001, 4:38 p.m.]

Date of Adoption: March 30, 2001.

Purpose: The proposed rules replace chapter 388-70 WAC and parts of chapter 388-15 WAC as part of the department's rule migration and regulatory reform required under Executive Order 97-02. The proposed rules revise child welfare services, adoption, foster care, family reconciliation services, family support services, and add home based services. The proposed rules describe programs and funding requirements to a degree not previously described in rule, with respect to the foster care program. The new chapters being adopted are: Chapter 388-25 WAC, Child welfare services—Foster care; WAC 388-27-0005 to 388-27-0115, Child welfare services—Adoption services; and chapter 388-32 WAC, Child welfare services to prevent out-of-home placement and achieve family reconciliation.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 388-70-010, 388-70-012, 388-70-013, 388-70-022, 388-70-024, 388-70-031, 388-70-032, 388-70-033, 388-70-034, 388-70-035, 388-70-036, 388-70-037, 388-70-041, 388-70-042, 388-70-044, 388-70-048, 388-70-051, 388-70-054, 388-70-058, 388-70-062, 388-70-066, 388-70-068, 388-70-069, 388-70-075, 388-70-078, 388-70-080, 388-70-082, 388-70-084, 388-70-170, 388-70-410, 388-70-420, 388-70-430, 388-70-440, 388-70-460, 388-70-470, 388-70-480, 388-70-700, 388-15-150, 388-15-160, 388-15-220, and 388-15-570.

Statutory Authority for Adoption: RCW 74.13.031.

Adopted under notice filed as WSR 00-17-189 on August 23, 2000.

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 10; 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 119, Amended 0, Repealed 41.

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 119, Amended 0, Repealed 41.

Effective Date of Rule: Thirty-one days after filing.

March 27, 2001

Susan Bush

for Bonita H. Jacques, Chief
 Office of Legal Affairs

Chapter 388-25 WAC

CHILD WELFARE SERVICES
FOSTER CARE

PART A: GENERAL

NEW SECTION

WAC 388-25-0005 What is the legal basis for the foster care program? RCW 74.13.020 authorizes the department to provide foster care placement services.

NEW SECTION

WAC 388-25-0010 What definitions apply to the foster care program? The following definitions are important:

"**Alcohol affected infant**" means a child age birth through twelve months who was exposed to alcohol in utero and may demonstrate physical, behavioral, or cognitive signs that may be attributed to alcohol exposure.

"**Behavior rehabilitation services**" (BRS) is a comprehensive program of positive behavioral support and environmental structure in a supervised group or family living setting. Resources are designed to modify a child's behavior or to appropriately care for a child's intensive medical condition. Services are tailored to each client's needs and offered in the least restrictive setting possible.

"**Child placing agency**" means a private licensed or certified agency that places a child or children for temporary care, continued care, or for adoption.

"**Children's administration**" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, child protective, child care licensing, and other services to children and their families.

"**Crisis residential center**" (CRC) means a secure or semi-secure facility established under chapter 74.13 RCW.

"**Department**" means the department of social and health services (DSHS).

"**Dependency guardian**" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

"**Division of children and family services**" (DCFS) is the division of children's administration that provides child welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"**Division of licensed resources**" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"**Drug affected infant**" means a child age birth through twelve months who was exposed to drugs or substances in utero and demonstrates physical, behavioral, or cognitive signs that can be attributed to exposure to drugs or substances.

"Early and periodic screening, diagnosis and treatment" (EPSDT), also known as "healthy kids," is a federal program for preventive health care for children and teens served by Medicaid. The physical/well child examination helps find health problems early and enables the child to receive treatment for concerns identified in the examination.

"Foster care" means twenty-four-hour per day temporary substitute care for the child placed away from the child's parents or guardians and for whom the department or a licensed or certified child placing agency has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, licensed group homes, emergency shelters, staffed residential facilities, and pre-adoptive homes, regardless of whether the department licenses the home or facility and/or makes payments for care of the child.

"Foster care services" for the department include:

- (1) The determination of needs of the child;
- (2) The determination of need for foster care;
- (3) The placement of the child in the type of foster care setting that best meets the child's needs;
- (4) The referral of a child to a private child placement agency or institution to meet the child's specific needs;
- (5) Medical services according to the rules of the department's medical program;
- (6) Reimbursement for the care of a child in a licensed family foster home;
- (7) The purchase of care from a licensed private child placing agency, behavioral rehabilitation services provider, or maternity home;
- (8) Supervision of the foster care placement by direct supervision through departmental social work services; or indirect supervision through evaluation of periodic reports from private child placing agencies, rehabilitation services providers, or maternity homes with which the department has contractual arrangements.

"Foster home or foster family home" means person(s) regularly providing care on a twenty-four-hour basis to one or more children in the person's home.

"Group care" means a twenty-four-hour facility licensed or certified under chapter 388-148 WAC for more than six children. The facility provides the basic needs for food, shelter, and supervision. The facility also provides therapeutic services required for the successful reunification of children with the children's family resource or the achievement of an alternate permanent living arrangement.

"Independent living services" means the program services and activities established and implemented by the department to assist youth sixteen years or older in preparing to live on their own after leaving foster care.

"Overpayment" means any money paid by the department for services or goods not rendered, delivered, or authorized or where the department paid too much for services or goods or services rendered, delivered, or authorized.

"Regional support network" is an administrative body which oversees the funding for provision of public mental health services.

"Relative" means a person who is related as defined in RCW 74.15.020(2)(a).

"Responsible parent" means a birth parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity that has been filed with the state office of vital statistics.

"Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, lives outdoors or in another unsafe location not intended for use as housing.

"Staffed residential home" means a licensed home providing twenty-four-hour care for six or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers.

"Shelter care" means the legal status of a child at entry in foster care prior to a disposition hearing before the court.

"Vendor" means an individual or corporation that provides goods or services to or for clients of the department and that controls operational decisions.

PART B: PLACEMENT AUTHORIZATION AND PAYMENT

NEW SECTION

WAC 388-25-0015 What are the department's placement priorities? Within the limits of available financial resources, the department provides placement services to children according to the following ordered priorities:

(1) The department must place children who urgently need protection from child abuse or neglect (CA/N) if the department has legal authority for placement consistent with WAC 388-25-0025.

(2) The department may place children whose mental, emotional, behavioral or physical needs present a risk to their safety and resources do not exist within the family to provide for those needs.

NEW SECTION

WAC 388-25-0020 What are the department's limitations on placement? Children's administration (CA) social workers must place only those children who meet the criteria for child protective services (CPS), family reconciliation services (FRS), or child welfare services as defined in RCW 74.13.020. Children in situations outlined below do not meet those criteria:

(1) Children whom the CA social worker determines, after assessment, will not be helped in out-of-home care.

(2) Youths ages twelve through seventeen years of age in conflict with their parents and who have not received family reconciliation services, except families receiving adoption support that have already received extensive counseling services.

(3) Youths ages twelve through seventeen years of age whose family has received family reconciliation services and parents are unwilling to have the youths at home solely due to misbehavior.

(4) Youths for whom the primary placement issue is community protection, including sexual predators covered by the sexually aggressive youth (SAY) statute, RCW 74.13.-075.

(5) Youths who are unwilling to live in the home of parents who are willing to have them at home, when this is the only presenting problem.

(6) Youths who have a mental illness and are a danger to themselves or others as defined by a mental health professional (see chapter 71.34 RCW).

NEW SECTION

WAC 388-25-0025 When may the department or a child placing agency authorize foster care placement? The department or a child placing agency may place a child in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody under chapter 13.32A RCW, Family Reconciliation Act, to alleviate personal or family situations that present an imminent threat to the health or stability of the child or family.

(2) The child, the child's parent(s), or the department has filed a petition requesting out-of-home placement for the child pursuant to RCW 13.32A.120 or 13.32A.140:

(a) Placement has been approved after a fact finding hearing under RCW 13.32A.170; or

(b) A child has been admitted directly to placement in a crisis residential center (CRC), and the parents have been notified of the child's whereabouts, physical and emotional condition, and the circumstances surrounding the child's placement.

(3) A child has been placed in shelter care under one of the following circumstances:

(a) The child has been taken into custody by law enforcement or through a hospital administrative hold and placed in shelter care; or

(b) A petition has been filed with the juvenile court alleging that the child is dependent; that the child's health, safety, and welfare will be seriously endangered if not taken into custody; and the juvenile court enters an order placing the child in shelter care (see RCW 13.34.050 and 13.34.060).

(4) A juvenile court has made a determination of dependency for a child and has issued a disposition order under RCW 13.34.130 that removes the child from the child's home.

(5) A juvenile court has terminated the parent and child relationship as provided in chapter 13.34 RCW and has placed the custody of the child with the department or with a licensed or certified child placing agency.

(6) The child's parent(s) or persons legally responsible to sign a consent for voluntary placement that demonstrates agreement with an out-of-home placement as described in RCW 74.13.031.

NEW SECTION

WAC 388-25-0030 When may the department serve a child through a behavior rehabilitation services pro-

gram? (1) The department may serve a child through the behavior rehabilitation services (BRS) program only when the CA social worker has assessed the child's and family's needs and determined that rehabilitative services are necessary and that this is the most appropriate placement for the child.

(2) The department may only provide financial support for a child's BRS placement when the CA social worker has determined this level of care is necessary, the placement is in a licensed or certified home or facility, the provider meets the department's qualifications, and the department has contracted with the provider for that service.

NEW SECTION

WAC 388-25-0035 What is the department's authority to remove a child from a behavior rehabilitation services placement? The department has the authority to remove the child after at least seventy-two hours notice to the child care provider. The department may waive notice in emergency situations or when a court has issued an order changing a child's placement.

NEW SECTION

WAC 388-25-0040 How long may a child served by the department remain in out-of-home placement before a court hearing is held? Within seventy-two hours after a child enters care, a shelter care hearing must be held. Saturdays, Sundays and holidays are excluded in the seventy-two-hour requirement. A court order must be obtained to keep a child in shelter care for longer than thirty days.

NEW SECTION

WAC 388-25-0045 Under what circumstances may a parent sign a consent for voluntary placement of a child in foster care with the department? (1) If alternative placement resources, including social supports in the family home, have been considered and eliminated; and

(2) The department agrees that the child needs to be placed; then

(3) A child's parent may sign a consent for voluntary placement of a child in foster care (if the child is Native American refer to the Indian Child Welfare Act):

(a) If the child and a parent cannot agree to the child's return home but do agree to the child's placement out of the home; or

(b) When a parent is unable to care for a child.

NEW SECTION

WAC 388-25-0050 What must a parent do to place the child in foster care with the department? A child's parent may sign a Voluntary Placement Agreement (VPA), DSHS 09-004B(X), to voluntarily place a child in foster care. The consent for voluntary placement must agree with child welfare services as described under RCW 74.13.031. The

consent becomes valid when signed by a representative of children's administration.

NEW SECTION

WAC 388-25-0055 How long may a voluntary placement last with the department? A voluntary placement must last no longer than one hundred eighty days. By the end of one hundred eighty days, the child must return to the child's parent or guardian unless the juvenile court has made a judicial determination that:

- (1) Return to the parent or guardian is contrary to the welfare of the child; and
- (2) Continued placement in foster care is in the best interest of the child.

NEW SECTION

WAC 388-25-0060 May the department grant an exception to the length of stay in voluntary placement? (1) The DCFS regional administrator or the regional administrator's designee may grant exceptions to the one hundred eighty-day limit on voluntary placements only:

- (a) If the department conducts an administrative review fulfilling the requirements of title 42, United States code (USC), chapter 675, section 475, and the review chairperson recommends continuation of voluntary placement; and
- (b) If a specific date within six months is scheduled for the child to return home; or
- (c) The child is seventeen years of age or older.
- (2) Exceptions which cause the child to remain in care for longer than twelve months require a court review hearing that meets the dispositional and permanency plan hearing requirements of 42 USC 675, section 475.

NEW SECTION

WAC 388-25-0065 What are the department's placement procedures for an infant residing in foster care with the infant's teen parent? (1) When a teen parent and infant reside in the same facility, the infant's "home" is considered to be the infant's parent's home. Maintenance payments for the teen parent must be increased to provide for the maintenance of the infant. A legal authorization-to-be-placed is not required in order to include an amount sufficient for the infant's maintenance or to issue medical coupons for the infant.

(2) For protection of the infant, a dependency order placing the child in temporary custody of the department may be appropriate. Even if dependency is established, a legal authorization-to-be placed must be obtained to keep the infant in out-of-home care should the teen parent placement setting change so as not to include the infant.

NEW SECTION

WAC 388-25-0070 When does the department authorize foster care payments? The CA social worker authorizes foster care payments when:

(1) The CA social worker documents the need for the type and level of foster care; and

(2) The social worker has documentation showing the department's authority for the placement of the child in foster care as required by WAC 388-25-0025.

NEW SECTION

WAC 388-25-0075 To whom does the department make payment for foster care? (1) The department makes foster care payments only to persons and agencies the department has appropriately licensed and approved, or, if not subject to licensing, the department has certified as meeting the department's licensing requirements, or:

(a) If in another state, persons or agencies meeting the requirements of that state; or

(b) If in a tribal program, persons or agencies meeting the requirements of that tribal program.

(2) The department makes payment for out-of-state foster care placements only after approval from the two state offices involved (see WAC 388-25-0440).

(3) The department may make foster care payments to licensed or certified foster parents and to persons granted dependency guardianship, if the dependency guardians are licensed or certified as foster parents (see RCW 13.34.234).

NEW SECTION

WAC 388-25-0080 Are dependency guardians who are licensed foster parents able to receive payment from more than one source? (1) When the child is eligible for foster care payments and Social Security Act, Title XVI, Supplemental Security Income (SSI) payments, or Social Security Act, Title II, Survivor's Benefits, Veterans' Administration (VA) benefits, or other sources of income, the dependency guardian may choose one payment source or the other, but not more than one.

(2) If the dependency guardian chooses to receive foster care payments rather than SSI payments or another source in behalf of the child, the department places SSI benefits or the other cited benefit in an account the department may use to meet the cost of care or special needs of the child in accordance with RCW 74.13.060.

NEW SECTION

WAC 388-25-0085 What happens if the dependency guardian receives payments from more than one source? If the dependency guardian has received payment from SSI or another source as well as foster care, an overpayment has occurred. The department must recover the foster care payments made to the dependency guardian for those months for which the dependency guardian also received SSI or other benefits, as well as foster care payments, in behalf of the child.

NEW SECTION

WAC 388-25-0090 What are the department's expectations for foster care providers to whom the department

makes reimbursement for services? (1) Foster care providers are responsible for:

(a) Protecting and nurturing children in a safe, healthy environment that provides positive support and supervision for the child in care;

(b) Taking the child to a physician or nurse practitioner to complete an EPSDT (early and periodic screening, diagnosis and treatment) examination. EPSDT exams must be scheduled within one month of initial placement and annually thereafter.

(c) Reporting to the social worker the fact that an EPSDT examination took place and if the examination showed that further treatment is needed.

(d) Observing and sharing information about the child's behavior, school and medical status, response to parental visits, and the child's growth and development with persons designated by the assigned CA social worker (see chapter 388-148 WAC).

(e) Meeting the developmental needs of the child by:

(i) Teaching age appropriate skills;

(ii) Supporting cultural identity;

(iii) Helping the child attach to caring adults;

(iv) Building self esteem;

(v) Encouraging and modeling positive social relationships and responsibilities;

(vi) Supporting intellectual and educational growth;

(f) Supporting the permanent plan for the child;

(g) Participating as a member of the child's treatment team by taking part in the development of the service plan for the child and providing relevant information about the child's progress for court hearings;

(h) Providing assistance to the social worker, when working with the biological parents is part of the service plan, by assisting in family visitation and modeling effective parenting behavior for the family.

(2) Therapeutic foster care and rehabilitative service providers are responsible for additional therapeutic services as defined in their service agreements or contracts with the department.

NEW SECTION

WAC 388-25-0095 What are the requirements for release of foster parents' care records? Foster parent care records may be disclosed upon request in accordance with RCW 42.17.260.

NEW SECTION

WAC 388-25-0100 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes? (1) The department pays only for placements and plans the department has approved.

(2) The department has final responsibility for determining initial and ongoing eligibility for financial support.

(3) Payment for children served through the behavior rehabilitation services program is limited to those children who are ages six to eighteen.

(4) The department maintains control and oversight of placements and payments through written agreements with the child placing agencies, quarterly reports, and planning meetings with the agency or facility.

NEW SECTION

WAC 388-25-0105 What is the effective date for payment of foster care? (1) The department begins foster care payment for a child on the date the department or its authorized designee places the child in the licensed foster home.

(2) The department pays for each night a child resides in foster care.

NEW SECTION

WAC 388-25-0110 What is the effective date for termination of foster care payments? (1) The department ends payment on the day before the child actually leaves the foster home or facility. The department does not pay for the last day that a child is in a foster care home or facility.

(2) The department terminates family foster care payments for children in family foster care effective the date:

(a) The child no longer needs foster care; or

(b) The child no longer resides in foster care except as provided in WAC 388-25-0180; or

(c) The child reaches the age of eighteen. If the child continues to attend, but has not finished, high school or an equivalent educational program at the age of eighteen and has a need for continued family foster care services, the department may continue payments until the date the child completes the high school program or equivalent educational or vocational program. The department must not extend payments for a youth in care beyond age twenty.

(3) The department must terminate foster care payments for children in the behavior rehabilitative services program effective the date:

(a) The child no longer needs rehabilitative services; or

(b) The child is no longer served through contracted rehabilitative services program except as provided in WAC 388-25-0030; or

(c) The child reaches the age of eighteen and continues to attend, but has not finished, high school or an equivalent educational program and has a need for continued rehabilitative treatment services, the department may continue payments until the date the youth completes the high school program or equivalent educational or vocational program. The department must not extend payments for a youth in care beyond age twenty.

NEW SECTION

WAC 388-25-0115 What are the department's general standards for family foster care reimbursement? (1) The standards of payment explained in WAC 388-25-0120 through 388-25-0215 are the basis for the reimbursement rates the department provides for care of children placed in licensed foster care under the department's direct supervision and those children under the supervision of child placing agencies.

(2) The CA social worker must determine the payment plan for all types of family foster care through a review of the needs and resources of each child and the activities of the foster parent which meet those needs.

(3) The CA social worker must discuss any plan above the basic foster care rate with the foster parent so that the foster parent knows:

- (a) The basis for payment;
- (b) Any increased expectations of the foster parent for service delivery or participation in the case plan for the child; and
- (c) The amount included for each item of the child's care.

NEW SECTION

WAC 388-25-0120 What is the department's reimbursement schedule for regular family foster care?

(1) The foster care basic rate reimburses the foster parent for costs incurred in the care of the child for room and board, clothing, and personal incidentals. The amount of reimbursement varies according to the age of the child.

(2) The department's children's administration may approve exceptions to the basic rates.

(3) To determine the payment rates, the department considers the child's birth date to be the first day of the month in which the child's birthday occurs.

(4) The standard reimbursement rate allowed is limited to the scheduled rate in existence for the time period(s) in which the child was placed in the foster home.

(5) The department's foster care reimbursement rates are as follows:

Effective Date*

July 2000

Age	0-5	6-11	12 & Older
Totals**	\$351.31	\$426.81	\$499.95

*Schedule will be updated to comply with mandated changes.

**Totals include room and board, clothing allowance, and personal incidentals.

ment or a child placing agency uses receiving homes to place a child in a licensed family foster home on a temporary, emergent, or interim basis to provide sufficient time for the development of a plan. This planning includes the involvement of the child, the child's parent(s), and the child's extended family whenever possible.

(1) A DCFS regional administrator must designate family foster homes which are to receive child placements twenty-four hours per day. These homes provide care for children on a temporary, emergent, or interim basis as regular or specialized receiving homes.

(2) If the regional administrator designates a receiving home to be available on a twenty-four-hour basis, the regional administrator must specify this designation in a written agreement with the foster parent. Regular foster homes may also agree to accept children on an emergent basis.

NEW SECTION

WAC 388-25-0135 What are the types of receiving homes and what children are served in them?

There are two types of receiving homes: Regular and specialized. Each type of home provides the following services:

(1) Regular receiving homes for children age birth through age seventeen; and

(2) Specialized receiving homes for children who require more intensive supervision than normally provided to children in foster care. The child may require more intensive supervision due to behavioral problems, developmental disability, emotional disturbance, erratic and unpredictable behavior or medical condition (not on personal care or medically intensive DDD program).

NEW SECTION

WAC 388-25-0140 Who decides on the number of receiving homes needed in an area?

Each DCFS regional administrator must decide on the number of receiving homes needed for the regional administrators' respective geographical areas.

NEW SECTION

WAC 388-25-0145 How long may a child stay in a receiving home?

(1) The department limits a child's maximum length of stay in a receiving home:

(a) Maximum length of stay for regular receiving homes is thirty consecutive days per placement;

(b) Maximum length of stay for specialized receiving homes is fifteen-consecutive days per placement.

(2) The DCFS regional administrator or the administrator's designee may approve extensions of a child's stay in a licensed family foster home paid at a receiving care rate beyond the limits contained in subsection (1) of this section.

NEW SECTION

WAC 388-25-0150 What are the rates for reimbursement to receiving home providers?

The current reimbursement rates, effective July 1, 2000, to receiving homes are:

Type of Home	Monthly Retention Fee - Per Bed	Daily Rate per Child in Care
Regular receiving (all ages)	\$51.12	\$19.06
Special receiving, ages 12-17	\$102.99	\$26.08

NEW SECTION

WAC 388-25-0155 How are rates authorized for reimbursement to receiving home providers? (1) The DCFS regional administrator or the administrator's designee may authorize payments in excess of the standard for individual child-specific situations. The department may, within available funds, purchase clothing and personal incidentals for the child in receiving home care as needed.

(2) The department does not pay the receiving home rate if the child is expected to stay in this placement for longer than thirty days.

(3) The department may make reimbursement for assessment and interim care through the behavior rehabilitative services program.

(4) The department may, at the direction of the DCFS regional administrator or designee, use qualified, contracted behavior rehabilitative services to provide assessment or interim care for children and youth requiring that level of care as determined by the CA social worker. Unless the department and the provider make an alternate agreement, the department must pay for contracted rehabilitative services at the facility's contracted daily rate for interim or assessment care.

NEW SECTION

WAC 388-25-0160 What are the reimbursement standards for payments above the basic foster care rate? (1) In addition to the basic rate for regular family foster care specified in this chapter, the department may reimburse an additional amount for the specialized care of a child with special needs.

(2) For the child to be eligible for payment above the basic rate, the department's social worker must assess the child's behaviors, intellectual functioning, and/or physical disabilities and determine, with the child's foster parent or prospective foster parent, what services the foster parent will provide to meet the child's special needs.

NEW SECTION

WAC 388-25-0170 What other services and reimbursements may be provided for the support of children placed in foster care by the department? (1) The department may provide additional support services and reimbursements to meet specific needs of the child in care or of the family foster home provider. The department must approve all services and reimbursement amounts in advance of the service being provided. Services are subject to the availability of funds.

(2) Additional services may include the following:

(a) **Receiving home contracted and noncontracted respite** - This service for receiving homes includes child care, relief care, extra supervision for special activities, as well as basic respite care. Respite is subject to the availability of respite homes. Respite contracted but not available will be reimbursed to the regular foster parent.

(b) **Receiving home transportation** - This service reimburses receiving home parents for selected transportation costs, such as demands for training or special appointments for a child in care. The department makes direct payment to the receiving home parent.

(c) **Receiving home contracted support services** - These services are intended to enhance the capacity of regular and specialized receiving homes by increasing the skills of the provider to provide a stable emergency placement. The services include consultation for obtaining resources, training, case conferences, and visits to a child's parents' home by the receiving home provider.

(d) **Receiving home ancillary support services** - These services are reimbursements for activities or items enabling receiving homes to provide extra services to youth in care. Examples of such supports include craft items, recreational materials, and tickets to events.

(e) **Hourly or daily foster care respite** - Respite care by the hour or day for receiving and regular foster homes. The department may reimburse foster parents for relief supervision or additional supervision for special activities. The department defines "day" as either an eight-hour period or a block of time, up to twenty-four hours, paid as an eight-hour day. "Light" is defined as care provision that is not significantly different from that required by a child in the general population. However, the child may require some additional attention or assistance. The appropriate rate is determined after assessing the child's care requirement as either "light" or "heavy." "Heavy" is defined as care that requires the caregiver to provide intensive attention or total assistance. Regular intervention is needed to meet the needs of the child. Children having areas of need that are "light" in one area and "heavy" in another are assessed as "moderate."

(f) **Hourly or daily agency foster care respite** - Respite care by the hour or day for receiving and ongoing foster homes. Care may be child specific or related to all the children in the foster home. The department reimburses agencies for purchase of relief supervision and additional supervision for special activities.

(g) **Foster care clothing and personal incidentals** - The monthly rate that the department may reimburse to defray the cost of clothing and personal items for children in selected circumstances when the department is not paying for the child's board and room. The department makes reimbursement to the foster home or facility.

(h) **Foster care personal incidentals** - An amount to reimburse foster parents for purchase of personal items needed by a child in receiving care.

(i) **Foster care medical services** - Reimbursement arranged and made for medical services not covered by the department's regular health insurance program (e.g., orthodontia or corrective surgery) for a child in foster care placement.

(j) Foster care physical examination/report - This medical service is used after the decision to place the child has been made and if the child is ineligible for an EPSDT examination or does not have private medical insurance. The service includes arranging and making payment for a physical examination and/or report necessary for a child in or needing foster care placement.

(k) Foster care psychological evaluation and report - The department may arrange for this service and make payment to a psychologist, psychiatrist, or other appropriate person for an evaluation of a child, parent, or foster parent. The department authorizes this service to assist in preventing a foster care placement or making an appropriate placement to implement a permanent plan.

(l) Foster care psychological treatment and report - The department arranges this service and makes payment to a psychologist, a psychiatrist, or other appropriate person for treatment of a child and/or parent(s) necessary to assist in preventing out-of-home placement, making an appropriate out-of-home placement, or implementing a permanent plan. This service includes a written report of the treatment goals, progress and outcomes.

(m) Foster care transportation - Reimbursement for the cost of transportation by car and associated expenses incurred by or on behalf of a child in foster care, receiving family reconciliation services (FRS), adoption services, or for return of a runaway. The department makes reimbursement directly to a vendor or to a foster parent.

(n) Foster care business account transportation - Reimbursement for the cost of air and rail transportation and associated expenses incurred by or on behalf of a child in foster care, receiving family reconciliation services (FRS), adoption services, or for return of a runaway. The department makes reimbursement directly to a vendor and charges expenses to the business transportation account (BTA).

(o) Parent-child visitation - Transportation and visitation services for children in out-of-home care. Services include:

- (i) Transportation to and from scheduled visits;
- (ii) Monitoring and supervision of family visits; and
- (iii) Reports regarding the nature and progress of visits and the parent/child interaction.

(3) The rates for the specialized services described in this section are contained in the following table. The rates are effective July 1, 2000.

Receiving Foster Care Service	Rating*	Per Hour
Hourly foster care respite	Light	\$6.39
	Moderate	\$5.53
	Heavy	\$6.84
Daily foster care respite	Light	\$49.97
	Moderate	\$52.15
	Heavy	\$54.65
*To determine rating for child's care requirements in physical/medical and behavior/psychological areas:		
Rating of light in both areas = light		
Rating of light in one area and heavy in the other area = moderate		
Rating of heavy in both areas = heavy		
Foster care clothing/monthly (for children not in a paid placement)	Age 0-11 12 & older	7/1/2000 \$37.13 \$44.14
Foster care personal incidentals (one time payment)	Age 0-5 6-11 12 & older	7/1/2000 \$50.65 \$55.10 \$59.13
	Foster care medical services	
	Foster care physical examination by health care practitioner	
Foster care psychological evaluation/report		
Foster care transportation	Up to \$105.00 per unit of service	
Foster care business transportation account transportation	Up to \$1,000.00	
Foster care psychological treatment/report	Up to \$1100.00 per unit of service	
Parent-child visitation	As contracted	

NEW SECTION

WAC 388-25-0175 Under what circumstances may the department provide foster care for educational purposes? (1) The department may provide licensed foster care for a child with physical or mental disabilities when requested by a school district and in concurrence with the wishes of the parents, in accordance with WAC 388-25-0030.

(2) The department will not make the payment when the only need for foster care arises from the need for an education. The department will only pay the cost of foster care when one of the conditions of WAC 388-25-0030 applies.

NEW SECTION

WAC 388-25-0180 Under what circumstances may the department provide reimbursement for foster care if the child is temporarily absent from the foster home or facility? (1) When a child is temporarily absent from a foster home or a facility to which the department is paying the cost of placement, the department may pay for the actual number of days absent, if the number of consecutive days of absence does not go over fifteen days within a thirty-day period. The care provider must notify the DCFS social worker of the absence and whether the absence is planned or unplanned.

(2) The following requirements apply to planned absences:

(a) The care provider must notify the DCFS social worker at least three days in advance of any planned absence. The notification must include the following information:

Specialized Services and Reimbursement Rates

Receiving Care Service	Rating*	Per Hour
Receiving home contracted and non-contracted respite	Light	\$5.84
	Moderate	\$5.98
	Heavy	\$6.25
Receiving home transportation	Amount authorized	
Receiving home contracted support services	Contracted amount	
Receiving home ancillary support services	Amount authorized	

(i) Child's name;
 (ii) The address the child will visit;
 (iii) The reason for the visit;
 (iv) The planned beginning and ending dates of absence;
 and
 (v) A statement as to whether or not the foster care provider will hold the child's unoccupied bed for the child's return to the home or facility.

(b) A private agency must report the frequency, duration, and reasons for visits to the responsible DCFS social worker or local office in the child's quarterly progress report prepared by the private agency.

(c) When there is a planned temporary absence of a child from a foster family home supervised by DCFS, the assigned social worker will participate in the plan.

(3) The following requirements apply to unplanned absence of children from out-of-home care:

(a) The foster care provider must notify the supervising DCFS social worker by the next working day or within eight hours following the child's unplanned absence. Notification may be by a telephone call to the DCFS social worker or the worker's supervisor. The written notification must provide the following information:

- (i) Child's name, age, and home address;
- (ii) Date and time the child left the premises;

(iii) A statement as to whether the foster care provider is willing to accept the child back into the home or facility; and

(iv) A statement as to whether or not the foster care provider will hold the child's unoccupied bed for the child's return to the home or facility.

(b) If the foster care provider is willing to accept the child back and holds a vacant bed for the child, the department may continue payment for fifteen days from the date of the child's departure.

(c) The foster care provider must notify the DCFS social worker or local office of the date of the child's return.

(4) In addition to the preceding requirements, the department places the following limitations on the payments for temporary absences of children from foster care:

(a) A child's cumulative total of forty-five days of absence within a six-month period is the maximum allowable for payment unless the DCFS regional administrator or the administrator's designee approves an exception request.

(b) The social worker must provide adequate justification of unusual circumstances to support a request for extension of the consecutive fifteen-day and cumulative forty-five-day limitations.

NEW SECTION

WAC 388-25-0185 May the department consider foster care payments to the foster family in determining eligibility for public assistance? When the department or a child placing agency places a child in foster care with a family receiving public assistance under 42 U.S.C. 601, et seq., the department must not consider payment received by the family for the foster child in determining the family's eligibility for public assistance. The department makes payments,

including special or exceptional payments, for the child's board, clothing and personal incidentals.

NEW SECTION

WAC 388-25-0190 What are the department's standards for making foster care payment to a relative providing care to the child served by department? (1) A relative caregiver, licensed or certified as a family foster home under chapter 74.15 RCW and eligible for temporary assistance for needy families (TANF) in behalf of the child, may select either foster care or TANF payments in behalf of the child, but not both.

(2) A relative caretaker who is not related to the specified degree defined in RCW 74.15.020 by blood, marriage, or legal adoption may receive foster care payments in behalf of the child if licensed as a foster family home under chapter 74.15 RCW.

(3) A relative caretaker who is not licensed or certified for foster care may apply for TANF.

NEW SECTION

WAC 388-25-0195 How does the department make reimbursement for foster care for a child served by the department who moves out of state with the foster family? (1) A child may join a foster family in a move out of state only if this move supports achieving a permanency goal as outlined in the child's case plan.

(2) The department and the foster parent must follow CA requirements when a foster child and the licensed foster family moves out of state. This may include obtaining permission of the court before the move.

(3) When the foster family moves to another state, the department must arrange with the other state or local social service agency to license and supervise the home and the placement (see chapter 26.34 RCW). The department does not need to make such arrangements for supervision when the family leaves this state during a vacation.

(a) Before the foster family moves from Washington to the new state, the social worker or the foster parent may request a foster home license application from the new state.

(b) If the department and the foster parent are unable to obtain an application for license before the foster family leaves Washington, the foster parent must, upon arrival in the new state of residence, contact the local foster home licensing agency in the new state to apply for a license in that state.

(4) When the foster family moves to another state with a child in the department's custody, the child's DCFS social worker must submit necessary interstate compact on the placement of children (ICPC) application forms to the department's ICPC program manager. The social worker must do this as soon as the foster family has a new residence or address in the new state. The ICPC request must ask that the new state license the family as a foster home and provide ongoing supervision of the child in care.

(5) The department continues payments at the department's current rates until the other state fully licenses the home. After receiving a copy of the foster family home

PERMANENT

license from the other state, the DCFS supervising social worker authorizes payment at the receiving state's rates (see WAC 388-25-0195).

NEW SECTION

WAC 388-25-0200 What payment procedures must the department follow for children placed across state borders? (1) When the department places a child into a new placement with a family residing and licensed in another state, the DCFS social worker must obtain the payment rates from that state. Following receipt of the other state's rates, the department will pay that state's rates in accordance with ICPC procedures when:

- (a) Those rates are higher than Washington's rates; and
- (b) The other state identifies its rates to the department.
- (2) When the child welfare department in another state places a child, who is a resident of the state of Washington, in foster care the department makes foster care payments at the rate requested by that state.
- (3) The CA ICPC program manager must approve out-of-state placement before the department makes payment for foster care.

NEW SECTION

WAC 388-25-0205 How does the department treat the earnings of a child in foster care? The department does not include the earnings of a child in out-of-home care when considering if a child is eligible for a particular funding source nor when determining a child's possible participation in the cost of care.

NEW SECTION

WAC 388-25-0210 How does the department treat resources and unearned income of a child in foster care? (1) Unearned income includes Supplemental Security Income (SSI), Retirement, Survivors and Disability Insurance (RSDI), veteran's benefits, railroad retirement benefits, inheritances, or any other payments for which the child is eligible, unless specifically exempted by the terms and conditions of the receipt of the income. The department must use income not exempted to cover the child's cost of care, except for resources held in trust for an American Indian child.

(2) Any person, agency or court that receives payments on behalf of a child in out-of-home care must send the payments to the department's division of child support.

PART C: PARENTAL SUPPORT OBLIGATION

NEW SECTION

WAC 388-25-0215 What is the parents' obligation to support their child in foster care? Parents of children in foster care must provide financial support for their child in accordance with rules contained in chapter 388-14A WAC.

NEW SECTION

WAC 388-25-0220 Who has authority to recommend or negotiate amounts for parental participation in the cost of foster care? (1) The department's division of child support determines the amount of parental financial support, except when stated in a superior court order. Chapter 74.20A RCW and chapter 388-14A WAC provide the authority and procedures for the division of child support to collect financial support from the parent to pay for a child in foster care.

(2) Only the division of child support may recommend to the court, on behalf of the department, to establish, raise, lower, release, or forgive support payments for a child placed in foster care. No other agency or staff may make agreements with parent(s) or their representatives regarding this matter.

NEW SECTION

WAC 388-25-0225 What cases must the department refer to the division of child support (DCS)? (1) The DCFS office must refer to the division of child support every foster care placement in which DCFS participates in payment for care, except:

(a) Cases, if any, in which the division of child support has determined it would not be cost effective to pursue collection, including placements of seventy-two hours or less; or

(b) Cases exempt by law from collection action; or

(2) The children's administration must refer to DCS cases in which the department determines that sufficient good cause exists to not pursue collection. The following constitute good cause for requesting that DCS not pursue collection action on foster care cases referred to DCS:

(a) The department's division of developmental disabilities (DDD) has determined that the child is developmentally disabled. DCS still must establish paternity.

(b) The parent or other legally obligated person, or the parent or other person's child, spouse, or spouse's child was the victim of the offense for which the child was committed to the custody of the juvenile rehabilitation administration (JRA) and the child is being placed directly into foster care from a JRA facility until this placement episode closes.

(c) Adoption proceedings for the child are pending in court or the custodial parent is being helped by a private or public agency to decide if the child will be placed for adoption.

(d) The child was conceived as a result of incest or rape and establishing paternity would not be in the child's best interest.

(e) The juvenile or Tribal court in the dependency proceeding finds that the parents will be unable to comply with an agreed reunification plan with the child due to the financial hardship caused by paying child support. The social worker also may determine that financial hardship caused by paying child support will delay or prevent family reunification.

(f) The custodial parent and/or the child may be placed in danger as a result of the presence of or potential for domestic abuse perpetrated by the other parent or responsible person.

NEW SECTION

WAC 388-25-0230 Are adoption support cases exempt from referral to the division of child support (DCS) for collection? Adoption support cases may be referred to DCS. Each case will be reviewed for determination of good cause exemption from collection.

NEW SECTION

WAC 388-25-0235 To whom must parents' send child support payments for their child in foster care? The parents must make all payments for the benefit of the child and/or the costs for a child in out-of-home care to the division of child support, unless a court order directs payment through a clerk of the court. A clerk of the court must send payments, under a court order, to the division of child support.

NEW SECTION

WAC 388-25-0240 Under what circumstances must child care judgment and limited power of attorney for parental support payments be assigned to the department? (1) The department must advise any person or agency having custody of the child that court ordered child support payments are to be received by the department under RCW 74.20A.030 and 74.20A.250.

(2) The person or agency having custody must acknowledge this transferred right to the department by execution of an assignment of judgment and limited power of attorney, which must remain in effect as long as the child receives foster care assistance.

PART D: VETERANS' BENEFITS**NEW SECTION**

WAC 388-25-0245 Who receives veterans' benefits for children in foster care? By agreement with the regional office of the veterans' administration, the department may receive benefits on behalf of children who have been placed by court order under the department's supervision or custody.

PART E: ADMINISTRATIVE HEARINGS**NEW SECTION**

WAC 388-25-0250 What limitations exist on administrative hearings regarding foster care payments? The foster care provider, the licensed or certified child placement or care agency, and the parents are not entitled to request an administrative hearing to dispute established rates. Chapter 34.05 and 43.20A RCW, chapter 388-01 and 388-148 WAC, and this chapter provide specific rights to administrative hearings.

NEW SECTION

WAC 388-25-0255 What standards must the department apply to contracted and noncontracted service providers and vendors when the department has identified an overpayment to the provider or vendor? (1) RCW 43.20B.675 provides that all vendors have the right to request a hearing if they have a bona fide overpayment dispute. The department must offer a pre-hearing conference to all clients and vendors that request an administrative hearing.

(2) Contracted and noncontracted service providers may seek dispute resolution through these rules, under the Administrative Procedure Act and RCW 43.20B.675, with respect to overpayments. However, the following limitations apply:

- (a) The right of vendors to seek an administrative hearing to contest alleged overpayments applies only to overpayments for goods or services provided on or after July 1, 1998.
- (b) These procedures do not create a right to a hearing where no dispute right previously existed except as provided in RCW 43.20B.675.

(c) These rules limit disputes for foster family and child day care providers to alleged overpayments. Homes and facilities licensed under chapter 74.15 RCW may appeal adverse licensing actions under the provisions of chapter 388-148 or 388-155 WAC, as applicable.

NEW SECTION

WAC 388-25-0260 Do vendor overpayment rules in this chapter also apply to adoptive parents? Adoptive parents who receive assistance through the adoption support program are not vendors within the meaning of the law and do not fall within the scope of this chapter.

NEW SECTION

WAC 388-25-0265 Are there time limitations on identifying and recovering an overpayment? There is no time limit on identifying and initiating recovery of overpayments.

NEW SECTION

WAC 388-25-0270 May overpayments be waived or forgiven? Children's administration employees do not have authority to forgive or waive overpayments nor to offset overpayments from future payments. All such authority rests with the department's office of financial recovery (OFR). Designated CA staff may mediate a disputed payment with the vendor, but final approval for any negotiated proposed settlement rests with OFR.

NEW SECTION

WAC 388-25-0275 Do other governmental organizations have the right to an adjudicative hearing? Governmental organizations, including Indian Tribes, with an inter-local agreement with the department do not have the right to an adjudicative hearing through the office of administrative hearings (OAH). The disputes process described in the agreement between the entity and the department governs the resolution process.

NEW SECTION

WAC 388-25-0280 What steps must a provider or vendor take when requesting an administrative hearing in regards to an overpayment? A provider or vendor must follow the procedure indicated on the department's Vendor Overpayment Notice, DSHS 18-398A(X), dated 07/1998.

NEW SECTION

WAC 388-25-0285 When is payment due on an overpayment? When a vendor files a timely and complete request for an administrative hearing, payment on the overpayment is not due on the amount contested until the office of administrative hearings or its designee makes a final decision about the vendor's liability and any amount due.

NEW SECTION

WAC 388-25-0290 Which is the deciding authority if another WAC rule or the provisions of the Administrative Procedure Act conflict with the information in this chapter? The Administrative Procedure Act, chapter 34.05 RCW, chapter 388-02 WAC, and this chapter govern the proceeding. The provisions in this chapter govern if a conflict exists in chapter 388-02 WAC. Chapter 34.05 RCW is the overall governing authority.

NEW SECTION

WAC 388-25-0295 Who establishes guidelines to identify overpayments and to mediate overpayment disputes? (1) Each DCFS regional administrator, division of licensed resources (DLR) regional manager, or CA division director, as applicable, must establish procedures to provide for consistency in the handling of provider or vendor disputes in accordance with the children's administration pre-hearing procedures and this chapter.

(2) Staff at the following organizational levels will handle disputes:

(a) The DCFS regional administrator is responsible for the dispute resolution process for:

(i) All payments authorized by local office social workers;

(ii) All payments authorized under regionally managed contracts and service agreements.

(b) Regional staff are responsible for the following activities to resolve disputes:

(i) Pre-hearing conferences;

(ii) Mediation activities;

(iii) Administrative hearings for payments authorized in local offices; and

(iv) Administrative hearings for regionally-managed contracts.

(c) For CA child care subsidy program payment disputes, DLR office of child care policy (OCCP) headquarters staff is responsible for:

(i) Pre-hearing conferences;

(ii) Mediation activities; and

(iii) Administrative hearings.

(d) Assigned CA division of program and policy development or office of foster care licensing (OFCL) headquarters staff, as applicable, will handle disputes arising from headquarters-managed contracts and service agreements. These staff will handle:

- (i) Pre-hearing conferences;
- (ii) mediation activities; and
- (iii) Administrative hearings.

PART F: FOSTER PARENT LIABILITY FUND**NEW SECTION**

WAC 388-25-0300 What is the foster parent liability fund? (1) The foster parent liability fund authorized under RCW 74.14B.080 allows for insurance coverage for foster parents licensed under chapter 74.15 RCW. The coverage includes personal injury and property damage caused by foster parents or foster children that occurred while the children were in foster care.

(2) Such insurance covers acts of ordinary negligence but does not cover illegal conduct or bad faith acts taken by foster parents in providing foster care. Monies paid from liability insurance for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance.

NEW SECTION

WAC 388-25-0305 What is the period of coverage for foster parent liability fund? Coverage under the foster parent liability fund is for valid claims arising out of occurrences on or after July 1, 1991.

NEW SECTION

WAC 388-25-0310 Who is eligible for coverage under the foster parent liability fund? A person eligible for foster parent liability fund coverage must be licensed or certified by the department or a child placing agency under chapter 74.15 RCW to provide foster family care.

NEW SECTION

WAC 388-25-0315 What are the limits of coverage under the foster parent liability fund? The limits of coverage under the foster parent liability are:

(1) Up to twenty-five thousand dollars per occurrence. "Occurrence" means, for purposes of this chapter, the incident which led to the claim.

(2) The claim must be for a third party personal injury or property damage arising from a foster parent's act or omission in the good faith provision of family foster care and supervision of a foster child.

(3) The department must not make a payment of claims from this liability fund if the foster parent is not liable to the third party or the foster child's birth or adoptive parent or guardian because of any:

- (a) Immunities;
- (b) Limitations; or

(c) Exclusions provided by law.

(4) The foster parent must, first, exhaust all monetary resources available from another valid and collectible liability insurance before seeking payment from this liability fund. Coverage under this foster parent liability fund must be in excess of any other available liability insurance.

NEW SECTION

WAC 388-25-0320 The department excludes what claims from coverage under the foster parent liability fund? The department excludes the following claims from coverage under the foster parent liability fund:

(1) Claims arising as a result of a foster parent's illegal conduct or bad faith acts in providing family foster care. Such conduct or act includes but is not limited to:

(a) Loss arising out of a dishonest, fraudulent, criminal, or intentional act or omission;

(b) Loss arising out of licentious, immoral, or sexual behavior;

(c) Loss occurring because the foster parent provided a foster child with an alcoholic beverage or controlled substance, other than medication prescribed for the foster child in the amounts prescribed by a physician or other licensed or authorized medical practitioner;

(d) A judgment against the foster parent based on alienation of affection.

(2) Claims based on an occurrence not arising from the family foster care relationship. This includes a foster child's act occurring while the child was temporarily assigned outside the jurisdiction of the foster parent.

(3) Claims for a bodily injury or property damage arising out of the operation or use of any motor vehicle, aircraft, or water craft owned by, operated by, rented to, or loaned to any foster parent; or

(4) Claims for an injury or damage from an occurrence before July 1, 1991.

NEW SECTION

WAC 388-25-0325 What if there are multiple claims for one occurrence under the foster parent liability fund? The twenty-five thousand dollar limitation per occurrence must apply regardless of whether there are multiple claims arising from the same occurrence. The department will consider a claim by one or more foster parents occupying the same household a single claim.

NEW SECTION

WAC 388-25-0330 May another source be used to recover on the same claim paid by the liability fund? (1) If the liability fund pays for a claim, the foster parent must transfer to the department the foster parent's rights of recovery against any person or organization against whom the foster parent may have a legal claim.

(2) The foster parent must sign and deliver to the department any documents necessary to transfer such foster parent's rights to the state.

NEW SECTION

WAC 388-25-0335 What are the department's authority and the foster parent's responsibilities regarding investigation of claims? (1) The department may conduct an investigation of any foster parent liability fund claim.

(2) The foster parent must fully cooperate with the department for any liability fund claims filed against the foster parent.

PART G: FOSTER PARENTS PROPERTY DAMAGE REIMBURSEMENT

NEW SECTION

WAC 388-25-0340 What are the department's responsibilities and limitations for reimbursement for damage or loss caused by a child in family foster care? (1) Within available funds and subject to the conditions in this chapter, the department must reimburse family foster care providers who incur property damages, losses, and emergency medical treatment expenses that are caused by the foster child or respite care child during placement in the foster family's home.

(2) For occurrences on or after October 1, 1999, the department must reimburse the foster parent for the replacement value of any property covered under and subject to the limitations of this chapter (see RCW 74.13.335).

(3) For occurrences before October 1, 1999, the department will reimburse the depreciated value of any property covered under and subject to the limitations of this chapter.

NEW SECTION

WAC 388-25-0345 What are the eligibility requirements for reimbursements to foster parents for damages? Foster parents are eligible for reimbursement if the foster parents are:

(1) Licensed by DSHS or certified by a child-placing agency and licensed by the department under chapter 74.15 RCW; and

(2) Providing approved DSHS-funded foster care to children in the care, custody, and supervision of DSHS or a licensed child placing agency; or

(3) Providing department-approved and funded respite care to children.

NEW SECTION

WAC 388-25-0350 What are the department's reimbursement limitations? The following reimbursement limitations apply for claims:

(1) The PER OCCURRENCE/TOTAL amount the department will pay as the result of any one occurrence must not exceed:

(a) Five thousand dollars for all property damages and losses; or

(b) One thousand dollars for all personal bodily injuries regardless of the number of foster parents or their household

members who sustain property damages, losses, or personal bodily injuries.

(2) **PROPERTY DAMAGE ITEMS** are limited to the repair/cleaning cost or the replacement value. The department pays replacement value if the item cannot be repaired or cleaned as substantiated by a detailed retailer estimate or if the repair cost goes over the replacement value of the item. The department may request the final repair bill from foster parents for payment made from estimates provided for purposes of recovery.

(3) **PROPERTY LOSS ITEMS** are limited to the replacement value as substantiated by the original purchase receipt, if available, and two replacement estimates or replacement purchase receipt.

(4) **PERSONAL BODILY INJURY** claims are limited to the costs incurred for receiving emergency medical treatment services that is not payable or required to be provided under workmen's compensation, or disability benefits law, or under any similar law, or provided under a personal/business medical plan.

(5) For **POLICY DEDUCTIBLES**, foster parents must disclose if their property damages or losses were paid or will be paid under their homeowner, automobile, or other personal/business insurance policy. The department will then limit reimbursement to the policy deductible.

(6) **DENTAL EXPENSES** are limited to costs not payable under a dental plan. The department will pay comparable replacement of dental appliances up to the maximum per occurrence.

(7) **VISION EXPENSES** are limited to costs not payable under a medical plan.

(8) **LABOR EXPENSES** are limited to out-of-pocket costs (materials), incurred by foster parents and substantiated by a retailer. Items requiring installation are to be considered reimbursable expense.

(9) **VETERINARY EXPENSES** are limited to initial treatment expense incurred immediately following an occurrence up to five hundred dollars. Initial treatment expense is defined as emergent care and diagnosis. The department pays replacement value for a property loss sustained not to exceed the substantiated value of the animal or maximum per occurrence, whichever is less.

NEW SECTION

WAC 388-25-0355 What types of claims are specifically excluded from reimbursement? The department specifically excludes the following from reimbursement:

(1) Claims resulting from giving alcoholic beverage or other illegal substance, including tobacco products, to a foster child or respite care child for whatever reason.

(2) Claims resulting from violation of any statute, ordinance, or regulation by the foster child or respite care child.

(3) Claims resulting from failure of the foster parent to give directions, instructions, or to provide proper or adequate supervision to the foster child or respite care child.

(4) Claims resulting from the sexual abuse, or licentious, immoral, or other sexual behavior between foster children and/or respite care children or initiated by a foster parent.

(5) Follow-up medical treatment expenses incurred by foster parents or their household member for a personal bodily injury sustained as a result of an action of the foster/respite care child.

(6) Claims for items which belong to the foster child or respite care child.

(7) Claims resulting from acts of foster children that occur while the child is on a temporary planned, unplanned, or voluntary absence from the foster home.

(8) Claims for lost wages.

(9) Claims for property damages, losses, and emergency medical treatment costs arising out of an act of the foster/respite child, with or without the permission of the foster parent, related to the ownership, operation, or maintenance of any owned motor vehicle, including surface, air, or water.

(10) Claims filed by any person other than the foster parent or their household member.

(11) Claims for unsubstantiated property damages or losses alleged to have been caused by the foster child or respite care child.

(12) Claims not received by the department's office of risk management (ORM) within a year after the date of occurrence, regardless of the reason for the delay in filing the claim.

(13) Property damages or loss of items that do not depreciate, including but not limited to antiques, heirlooms, jewelry, figurines, and coin collections.

NEW SECTION

WAC 388-25-0360 What is the procedure for filing a claim? (1) Within thirty days of an occurrence of property damage, loss, or emergency medical treatment, the foster parent must:

(a) Request from the child's social worker a Foster Parent Reimbursement Plan Claim, DSHS 18-400(X) (Rev. 6/96) to file a claim;

(b) Submit the completed claim with all requested information plus any required substantiating documentation;

(2) The claimant must include a statement documenting the reasons for the delay in filing the claim on claims filed more than thirty days after an occurrence.

NEW SECTION

WAC 388-25-0365 Which office within the department determines damage reimbursement? The department's office of risk management determines whether a claim will be paid.

NEW SECTION

WAC 388-25-0370 How are exception requests made? Written requests for exceptions to the terms, limitations, and exclusions specified in the foster parent reimbursement plan must be made to the ORM, Risk Management Administrator, P.O. Box 45844, Mail Stop 45844, Olympia, WA 98504-5844. The request must include the justification for the request and alternatives explored. ORM staff will discuss and review requests for exceptions with the CA foster

care program manager. Staff in the CA division of program and policy development make final decisions on exceptions.

NEW SECTION

WAC 388-25-0375 What claims may the department deny? The department must deny any claim in which any material fact or circumstance of a property damage, loss, or personal bodily injury is misrepresented or willfully concealed by the foster parent. The department is entitled to recover any payments made in these cases. Claims found to be fraudulent involving theft or collusion are subject to criminal investigation.

NEW SECTION

WAC 388-25-0380 What must a foster parent do to have a denied claim reconsidered? The foster parent must submit a request for reconsideration in writing within thirty days of the previous decision to the claims program manager, DSHS Office of Risk Management (ORM), P.O. Box 45844, Mail Stop 45844, Olympia, WA 98504-5844. The request must include information or documentation not previously provided. All determinations made by the risk management administrator are final and do not constitute a basis for requesting or obtaining an administrative fair hearing.

NEW SECTION

WAC 388-25-0385 Will the department investigate claims? The foster parent must permit the department, upon request, to inspect the damaged property. The department retains the authority to have an inspector of its choice make a damage estimate when, and as often, as the department may require.

PART H: FOSTER PARENT TRAINING

NEW SECTION

WAC 388-25-0390 What are the training requirements for licensed foster parents? See chapter 388-148 WAC for required training for licensed foster parents.

PART I: JUVENILE RECORDS

NEW SECTION

WAC 388-25-0395 What are the department's responsibilities for management of juvenile records? The department must comply with the requirements of chapter 13.50 RCW for management of juvenile records. The department's responsibilities for management of those records are:

- (1) To maintain accurate information and remove or correct false or inaccurate information;
- (2) To take reasonable steps to ensure the security of records and to prevent tampering;

(3) To make every effort to ensure the completeness of records, including action taken by other agencies with respect to matters in its files; and

(4) To facilitate inquiries concerning access to records.

NEW SECTION

WAC 388-25-0400 To whom may the department release records? Subject to review the department may release records to the following persons:

(1) Other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participants or when that participant is assigned the responsibility of supervising the juvenile. "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(2) A contracting agency or service provider of the department that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to the provision of services to a juvenile who is dependent under chapter 13.34 RCW. The department may provide these records without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen, unless otherwise prohibited by law;

(3) A juvenile, a juvenile's parents, the juvenile's attorney, and the juvenile's parent's attorney;

(4) Any person who has reasonable cause to believe information concerning that person is included in the record;

(5) A clinic, hospital, or agency which has the subject person under care or treatment;

(6) Individuals or agencies engaged in legitimate research for educational, scientific, or public purposes when permission is granted by the court.

NEW SECTION

WAC 388-25-0405 Under what circumstances may the department exclude or deny information from release unless authorized by law or court order? The department may withhold the following information unless authorized or ordered by the court:

(1) Information determined by the department to likely cause severe psychological or physical harm to the juvenile or the juvenile's parents;

(2) Information obtained in connection with provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency. Such information may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

NEW SECTION

WAC 388-25-0410 What may a juvenile or the juvenile's parent do if the department denies access to information? (1) A juvenile or the juvenile's parent may file a motion in juvenile court requesting access to the records.

(2) The person making the motion must give reasonable notice of the motion to all parties.

PART J: CHILD PLACING AGENCIESNEW SECTION

WAC 388-25-0415 What are the department's expectations for child placing agencies (CPA) to which the department makes reimbursement for services or administrative costs? (1) The department requires that the child placing agency (CPA) be licensed or certified under chapter 74.15 RCW and have a contract with the department for the provision of child placement and related services.

(2) The CPA must document the services provided in a format described by the department in the contract.

(3) When the department agrees to place a child with a CPA, the licensed or certified agency must maintain the license of the foster family home and provide support services to the foster parents. The department will only place and pay for services with an agency with which the department has a contract. The agency must provide payment to the foster family in accordance with this chapter.

(4) The department requires that private agencies bringing children from other countries for adoption remain financially responsible for the child's placement costs if the adoption is not finalized, disrupts prior to finalization, or until the child reaches age eighteen.

NEW SECTION

WAC 388-25-0420 What steps must the department take when a child whose case management responsibility remains with the department is placed in a home certified by a CPA? (1) The DCFS social worker follows regionally-designated procedures for accessing services and sharing responsibility for utilizing child placing agency foster homes.

(2) The CPA and the DCFS social worker must sign a DSHS Private Child Placing Agency Agreement/Child in Foster Care, DSHS 15-190(X). The agreement designates which agency is responsible for case management services, support activities, and specific parts of the service plan while the child is placed in the CPA foster home. The agency representative and the department social worker must review and revise the agreement by mutual agreement at the request of either party.

(3) The CPA must provide the assigned DCFS social worker with quarterly progress reports for each child placed in homes certified by the CPA.

NEW SECTION

WAC 388-25-0425 What activities must a child placing agency provide in order to receive payment from the department? The CPA must undertake the following activities to receive payment from the department:

(1) Accept referrals of children and families from the department and negotiate a child-specific written service agreement with the department;

(2) Provide child and family case management and support activities as agreed;

(3) Document the case management and support activities as described in the contract between the department and the CPA;

(4) Provide adequate quarterly progress reports to the assigned social worker for each child whose placement or other services the department financially supports.

NEW SECTION

WAC 388-25-0430 Under what conditions and how much will the department reimburse to child placing agencies licensed or certified under chapter 74.15 RCW to provide care to children? (1) The CPA representative must discuss with the department social worker for the child the roles of the agency and the department in the placement, permanency planning, and supervision of the child. The agency representative and the department social worker must also discuss services the department or the agency will provide to the child's parents and extended family.

(2) The CPA must maintain the documentation required by contract to demonstrate all services provided to children in care and for whom the department makes payment.

(3) The department will pay a monthly administrative fee to a CPA if the agency, in addition to supervision of the child, provides services to the child or the child's family.

(4) If the department wants to borrow a CPA-certified home for placement of a child, the department pays the agency for the use of the CPA's foster home with approval of the agency. The department pays the borrowed home fee described in the contract between the department and the agency.

(5) The department will pay a set monthly fee to a child placing agency for a borrowed home if the agency provides supervision services only to the child and no services to the child's family. The department pays this fee only to enable the agency to maintain the foster care license and to provide any related licensing training and support services. This activity includes maintenance of a foster care license for foster parent dependency guardianships in the agency-certified home. The following conditions also apply:

(a) The department may pay for a maximum of two borrowed beds in one foster home.

(b) If one CPA borrows a bed from another CPA, the department will pay only one service fee to one agency for the child. The two private agencies and the department will mutually identify and agree upon the agency the department will pay.

(6) The department may enter into contracts with CPAs to provide intensive treatment and supervision services to

children with behavioral, emotional, medical, or developmental disabilities. The department will assess the needs of the child, assign a service level, and pay the rate provided in the contract.

(7) Before making payment for care of a child, the department must determine initial and ongoing eligibility for financial support, approve the placement, and approve the case plan for care of the child and services to the family. The department will document this approval through written agreements, documentary reports, and supervisory conferences with the CPA.

NEW SECTION

WAC 388-25-0435 What steps may the department take if a child placing agency does not meet the requirements of this chapter? (1) In addition to any sanctions included in the department's contract with the CPA, the DCFS social worker must stop payment of the agency administrative fees in accordance with department procedures if the department does not receive the child's report in the time-frame stipulated in WAC 388-25-0425.

(2) The DCFS social worker must inform the regional licenser and contracts coordinator when there are continuing problems with reports.

PART K: INTERSTATE PLACEMENTS

NEW SECTION

WAC 388-25-0440 What are the department's obligations regarding children placed by the department between states? The department must comply with the interstate compact on the placement of children (ICPC) in the interstate placement of children (see chapter 26.34 RCW).

PART L: RELATIVE PLACEMENT

NEW SECTION

WAC 388-25-0445 Under what circumstances does the department choose a relative as the placement for a child in need of out-of-home care? (1) When the department determines that a child needs to be placed outside the home, the department must search for appropriate relatives to care for the child before considering nonrelative placements. See RCW 74.15.020 for the definition of "relative."

(2) The department reviews and determines the following when selecting a relative placement:

(a) The child would be comfortable living with the relative;

(b) The relative has a potential relationship with the child;

(c) The relative is capable of caring for the child and is willing to cooperate with the permanency plan for the child;

(d) The relative is able to provide a safe home for the child;

(e) Each child has his or her own bed or crib if the child remains in the home beyond thirty days.

(3) The department may consider nonrelated family members as potential resources, if these family members become licensed to provide foster care (see RCW 74.15.030).

NEW SECTION

WAC 388-25-0450 Under what circumstances may a relative not be considered as a placement option for a child? The department may exclude relatives who have criminal histories as included in the Adoption and Safe Families Act (ASFA) regulations.

(1) If the department finds that, based on a criminal records check, a court of competent jurisdiction has determined that the relative or a member of the household has been convicted of a felony involving:

(a) Child abuse or neglect;

(b) Spousal abuse;

(c) A crime against a child or children (including child pornography); or

(d) Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(2) The department may not approve a relative placement if the department finds the relative, or a member of the household, has, within the last five years, been convicted of a felony involving:

(a) Physical assault;

(b) Battery; or

(c) A drug related offense.

NEW SECTION

WAC 388-25-0455 What sources of financial support are available to a relative caring for a child that the department has placed in the relative's home? (1) For relatives needing financial support to care for the child, the social worker may assist the family to apply for temporary assistance for needy families (TANF) through the department's local community services office (CSO).

(2) Relatives who are licensed as foster parents may choose to receive foster care payments. The relative must not receive TANF benefits in behalf of the child in care while at the same time receiving foster care payments (see RCW 74.15.030).

(3) A relative who is not a licensed foster parent at the time of placement may apply to become a foster parent as described in chapter 388-148 WAC.

(4) The relative caring for the child in out-of-home placement may apply to be the representative payee for Supplemental Security Income (SSI) or Social Security Administration benefits for the related child living with the relative. However, if the child is a dependent of the state of Washington with custody assigned to the department by the court, the department will usually remain the payee in behalf of the child until the dependency is dismissed.

FAMILY SUPPORTS AND RELATIONSHIPS**NEW SECTION**

WAC 388-25-0460 How does the department treat relatives of specified degree with legally free children? (1) The department acknowledges a continuing relationship between relatives of specified degree and children who are legally free where the relatives choose to continue a relationship with the child and the continuing relationship is in the best interest of the child (see RCW 74.15.020 for the definition of relative of specified degree).

(2) Relatives of specified degree remain legal relatives when a child becomes legally free if those relatives wish to maintain a relationship with the child and the assigned social worker determines the continuing relationship is in the best interest of the child.

(3) Department staff must treat relatives of specified degree as the department treats all relatives under the rules of ICPC and the foster care and foster family home licensing programs.

The rights of the affected relatives of specified degree do not extend beyond adoption of the child except through an open adoption agreement (see RCW 26.33.295).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-150	Child foster care.	WAC 388-70-042	Payment standards—Regular foster family care.
WAC 388-15-160	Adoption services.	WAC 388-70-044	Payment standards—Receiving home care—Standards for using.
WAC 388-15-220	Homemaker services.	WAC 388-70-048	Payment standards—Specialized rate foster family care—Child with special needs.
WAC 388-15-570	Family reconciliation services.	WAC 388-70-051	Education related foster care.
WAC 388-70-010	Foster care—Legal basis.	WAC 388-70-054	Temporary absence of child from foster care.
WAC 388-70-012	Foster care—Definitions.	WAC 388-70-058	Reimbursement for damage or loss caused by child in foster family care.
WAC 388-70-013	Authorization for foster care placement.	WAC 388-70-062	Payment for foster care to family receiving public assistance.
WAC 388-70-022	Payment of foster care.	WAC 388-70-066	Foster care out-of-state—Authorization—Payment.
WAC 388-70-024	Payment of foster care—Effective date.	WAC 388-70-068	Earnings of foster child.
WAC 388-70-031	Foster parent liability fund.	WAC 388-70-075	Resources and unearned income of foster child.
WAC 388-70-032	Period of coverage.	WAC 388-70-078	Parents' obligation to support child in foster care.
WAC 388-70-033	Persons eligible for coverage.	WAC 388-70-080	Standards for parental participation in cost of foster care—Minimum scale recommended to court.
WAC 388-70-034	Limits of coverage.	WAC 388-70-082	Referral of child in foster care to department's office of support enforcement.
WAC 388-70-035	Exclusions.	WAC 388-70-084	Parents' foster care payments to be remitted to department.
WAC 388-70-036	Subrogation.	WAC 388-70-170	Assignment of child support judgment and limited power of attorney.
WAC 388-70-037	Investigation of claims.	WAC 388-70-410	Veterans' benefits.
WAC 388-70-041	Payment standards—Foster family care.	WAC 388-70-420	Adoption services for children—Legal basis—Purpose.
		WAC 388-70-430	Definitions.
		WAC 388-70-440	Eligibility for adoption service.
		WAC 388-70-460	Adoption services for children.
		WAC 388-70-470	Adoption services for families.
		WAC 388-70-480	Interstate procedures.
			Record confidentiality.

WAC 388-70-700

Juvenile records.

Chapter 388-27 WAC**CHILD WELFARE SERVICES—ADOPTION SERVICES AND ADOPTION SUPPORT****ADOPTION SERVICES****NEW SECTION**

WAC 388-27-0005 What is the legal basis for and purpose of the department's adoption program? (1) Adoption services are included in RCW 74.13.020 as a child welfare service.

(2) The purpose of the department's adoption program is to meet the permanency needs of children who are in the department's care and custody.

(a) The agency that has the responsibility for providing services to the family and makes permanent plans for children.

(b) The permanent plan must include a primary outcome and may also include alternate outcomes (see RCW 13.34.145). Possible permanent plans include:

- (i) Return home;
- (ii) Adoption;
- (iii) Guardianship;
- (iv) Permanent legal custody; or
- (v) Independent living if the child is over age sixteen.

NEW SECTION

WAC 388-27-0010 What definitions apply to the department's adoption program? "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

"Adoptee" means a person who is to be adopted or who has been adopted.

"Adoption" means the legal granting of the adoption decree consistent with chapter 26.33 RCW.

"Adoptive parent" refers to a person or persons who seeks to adopt or who has adopted.

"Alleged father" refers to a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

"Approved adoptive home" refers to any person or persons who has been approved for adoption in a pre-placement report completed pursuant to RCW 26.33.190.

"Birth parent" means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not a court of competent jurisdiction has terminated the person's parent-child relationship.

"Child placing agency" means an agency licensed by the department to place children for temporary care, continued care, or adoption.

"Children's administration" (CA) means the cluster of programs within the department of social and health services responsible for the provision of child welfare, adoption, child protective, child care licensing, and other services to children and their families.

"Department" means the department of social and health services (DSHS).

"Department placement" refers to the placement of a child for whom the department has placement authority in an approved adoptive home.

"Division of children and family services" (DCFS) is the division of children's administration that provides child welfare, child protective, family reconciliation, and support services to children in need of protection and their families.

"Division of licensed resources" (DLR) is the division of children's administration responsible for licensing or certifying child care homes and facilities under the authority of chapter 74.15 RCW.

"Foster-adopt" refers to families that are interested in adoption who have an approved adoptive home study and who have also been granted a foster home license in accordance with chapter 388-148 WAC.

"Independent placement" refers to the placement of a child in an adoptive home by a doctor, attorney, or other individual acting as a facilitator.

"Inter-country placement" refers to the placement of a child for adoption who is not a resident and/or citizen of the United States.

"Relative" means a person related by blood, marriage, or legal adoption, as defined in RCW 74.15.020.

"Voluntary adoption plan" means an agreement by the birth parent(s) to the termination of parental rights with a specific proposal for adoptive placement for the child.

NEW SECTION

WAC 388-27-0015 What are the eligibility criteria for the department's adoption program? (1) The department provides adoption services to any child in the department's care and custody:

- (a) With an identified permanent plan of adoption; or
- (b) When the department considers adoption as an alternate permanent plan; and
- (i) The child is in supervised out-of-home care; or
- (ii) The child's birth parent(s) requests adoption as a permanent plan prior to the child's placement in out-of-home care.

(2) The department considers families who apply for adoption services to be resources for children in the department's care and custody if the potential parent(s) is:

- (a) Legally competent;
- (b) Eighteen years of age or older; and
- (c) Has an approved adoptive home study.

NEW SECTION

WAC 388-27-0020 When does the department provide general adoption services? The department provides general adoption services throughout the case planning of any child with an identified primary or alternate permanent plan of adoption until:

- (1) Finalization of the adoption; or
- (2) Adoption is no longer the identified permanent plan.

NEW SECTION

WAC 388-27-0025 What general adoption services does the department provide? (1) The department provides the following general adoption services prior to the finalization of an adoption:

- (a) Social work services to birth parents and children to achieve a permanent family for each child;
- (b) Use of the courts, legal counsel, and juvenile court specialists for termination of parental rights and granting of adoption petitions;
- (c) Obtaining available child and family medical and social background information for disclosure to adoptive families;
- (d) Recruitment, study, and approval of adoptive and foster-adopt families;
- (e) Assessment of the child and the current caretaker to determine if the placement is an appropriate adoptive placement;
- (f) Placement of children with waiting adoptive or foster-adopt family;
- (g) Social work services and/or referral of children and families to services after placement to facilitate the adoption;
- (h) Development of alternate plans when the planned adoptive placement is not in the best interest of the child and/or the adoptive family; and
- (i) Location and exchange, on a state and national basis, of information about children and adoptive families.
- (2) The department administers the state's adoption support program on behalf of eligible children adopted through the department or a private child-placing agency (see WAC 388-25-0120 and following).
- (3) The department administers the interstate compact on the placement of children (ICPC) and the interstate compact on adoption and medical assistance (ICAMA) and cooperates, upon request, with other state and tribal child welfare agencies in adoptive planning for children.

NEW SECTION

WAC 388-27-0030 What procedures must the department follow for the interstate placement of children? (1) Washington state is a member of Interstate Compact on Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA) and must meet all compact requirements (see chapter 26.34 RCW).

- (2) The rules of this chapter apply to accepted ICPC cases.

NEW SECTION

WAC 388-27-0035 What adoption services does the department provide for children in the department's care and custody? (1) The department's adoption services for children include:

- (a) Social work services with birth parents focused on locating a permanent home for the children.
- (b) Social work services with children focusing on the child's educational, medical, psychological, and developmental needs;
- (c) Petitioning the court for termination of parental rights;
- (d) Facilitating voluntary relinquishments when a voluntary adoption is in the child's best interests;
- (e) Assessment of children to determine their medical and social needs including, as needed:
 - (i) Psychiatric evaluations;
 - (ii) Psychological evaluations;
 - (iii) Educational evaluations; and
 - (iv) Medical evaluations;
- (f) Evaluating prospective adoptive families through the use of the adoptive home study, also known as the pre-placement report, to determine appropriateness for adoption generally and to determine what specific child characteristics or needs that the family will best be able to meet.
- (g) Making adoptive placements that are best able to meet a child's needs, from available resources;
- (h) Social work services and/or referral of children and families to services after placement;
 - (i) The department social worker assigned to finalizing the adoption will assist families complete the adoption support program application for children who may be eligible for the adoption support program;
 - (j) Provision of post-placement reports and other documents required for finalization to the court for a child when the department:
 - (i) Conducts the post-placement reports and other documents required for finalization to the court for a child when the department:
 - (ii) Has custody of the child;
 - (k) Provision of the consent to the adoption of a child in the department's custody.
 - (2) Every six months, the department must review and adjust the case plan for children continuing in foster care under department care and supervision. The CA social worker must develop the case plan in accordance with chapter 13.34 RCW to achieve the permanency planning goals for the child.
 - (3) The department may utilize the following methods to locate an adoptive resource for a child until the child has been placed with an adoptive family:
 - (a) Ask birth parents to identify a potential adoptive family;
 - (b) The department prefers to place a child for adoption with a fit and willing relative who is known to the child and with whom the child is comfortable:
 - (i) Conduct searches for relatives who are fit and willing to adopt the child, who are known to the child and with whom the child is comfortable;

- (ii) Ask the relatives to be considered as a potential adoptive family;
- (c) Ask current and past foster parents if they wish to be considered as a potential adoptive family;
- (d) Consider families that have an approved adoptive home study; and/or
- (e) Conduct individualized child specific family recruitment.

NEW SECTION

WAC 388-27-0040 What adoption services does the department provide for prospective and approved adoptive families? (1) For department placements, the department:

(a) Accepts applications from families residing in the state of Washington that are interested in adopting a child who is in the care and custody of the department. Children in the care and custody of the department may have special needs.

(b) Initiates an adoptive home study and achieves one of the following outcomes:

(i) Approves the family for an adoptive placement and registers the family with the contracted adoption resource exchange unless a placement decision has already been made;

(ii) Denies the application to adopt; or

(iii) The family withdraws the application to adopt.

(c) Searches for an appropriate placement for families with an approved adoptive home study;

(d) Obtains the prospective adoptive child's available medical and family background information and discloses the available information to the adoptive family;

(e) Removes a family from the contracted adoption resource exchange for any of the following reasons:

(i) A child has been placed with the family;

(ii) The family decides to receive adoption services through a private agency or an independent placement;

(iii) The department receives additional information that causes the department to revoke the approved status of a family;

(iv) The family and/or social worker determines that adoption is no longer an appropriate plan for the family; and/or

(v) The family re-locates its residence to another state.

(f) Re-evaluates a family's situation at the time of reapplication if a family was removed from the exchange registry and reapply for adoption services;

(g) Informs families in writing of action the department has taken, according to the rules of this chapter;

(2) The department does not provide adoption or adoption-related services for inter-country adoptions or for independent adoptions.

NEW SECTION

WAC 388-27-0045 When may the department place a dependent child (not legally free) into an adoptive

home? The department may place a child into a foster-adopt home under the following conditions:

(1) When the identified family has been granted a foster home license in accordance with chapter 388-148 WAC; and

(2) When the identified family has an approved adoptive home study that has been filed with the court in compliance with RCW 26.33.190.

NEW SECTION

WAC 388-27-0050 When may a legally free child be placed into an adoptive home? The department may place a child into an adoptive home under the following conditions:

(1) When the identified prospective adoptive family has an approved adoptive home study; and

(2) The adoptive home study has been filed with the court in compliance with RCW 26.33.190.

NEW SECTION

WAC 388-27-0055 What is a voluntary adoption plan? A voluntary adoption plan (VAP) occurs when a parent(s) has agreed to the termination of parental rights and has proposed a specific adoptive placement for the child.

NEW SECTION

WAC 388-27-0060 When must the department follow a voluntary adoption plan? The department must follow the voluntary plan for adoption if:

(1) The prospective adoptive parents chosen by the parent are properly qualified to adopt in compliance with chapter 26.33 RCW or WAC 388-25-0025; and

(2) The court determines that this adoption is in the best interest of the child; and

(3) The VAP is proposed to the department before a petition for termination of the parent-child relationship has been filed.

NEW SECTION

WAC 388-27-0065 Will the department consider a proposed voluntary adoption plan if a termination petition has already been filed at the request of the department? If the attorney general's office has filed a termination petition at the request of the department, the department must consider, but is not required to support, an adoptive resource proposed by the parent.

NEW SECTION

WAC 388-27-0070 What will the department do to implement a voluntary adoption plan? The department must take the following actions to implement a VAP:

(1) The assigned CA social worker must work with the parent to determine whether the parent will identify a preferred adoptive placement by name.

(2) If a parent identifies a preferred placement, the assigned social worker must advise the parent and the pro-

posed adoptive parent(s) that an adoption home study must be completed. CA, a private agency, or a qualified individual may complete the adoptive home study (see RCW 26.33.190).

(3) If the proposed adoptive parent chooses to have an adoptive home study completed by a private agency or qualified individual, CA retains the right to do its own home study if CA has concerns regarding the recommendations contained in the nondepartmental home study.

(4) Using approved procedures for determining suitability to be an adoptive resource, the child's social worker and the social worker for the adoptive family must determine:

(a) That the pre-placement investigation and report, as described in RCW 26.33.190, on the proposed family results in approval of the adoptive placement; and

(b) That this placement is in the best interest of the child.

NEW SECTION

WAC 388-27-0075 What must the department do to maintain confidentiality of adoption records? (1) In accordance with chapter 26.33 RCW all records and information the department obtains in providing adoption services are confidential.

(2) To ensure that the department case file of an adopted child remains confidential, the CA local office must send the child's case file to CA headquarters for archiving upon the issuance of the decree of adoption.

NEW SECTION

WAC 388-27-0080 Under what conditions may the department reveal identifying information about the birth parent? When providing reports or information on the adoptive child to the prospective or actual adoptive parents, the department must not reveal the identity of the birth parents of the child, unless:

(1) There is a written open communication agreement where the identity of the birth parent(s) is known;

(2) The birth parent is already known to the adoptive family; or

(3) The birth parent has selected the adoptive family, and the birth parent's identity has already been established.

NEW SECTION

WAC 388-27-0085 What must the department, private practitioner, or child placing agency do to locate records and information relating to the birth parents and the child? (1) The social worker, child placing agency, or another assigned worker must make the following efforts to locate records and information relating to the birth parent and the child:

(a) Ask the birth parents, the child, and relatives, when available, for names of all:

(i) Physicians;

(ii) Treatment agencies for medical, psychological, or educational services that have seen the parent or child for examination, evaluation, or treatment; and

(iii) Schools attended by the child and the parent.

(2) The social worker, contractor, or another assigned worker must contact the children's administration Supplemental Security Income (SSI) facilitator to obtain medical, psychological, or social information gathered during any SSI screen or application process.

(3) The social worker, contractor, or another assigned worker must document efforts, including unsuccessful efforts, made to obtain information by:

(a) Placing the gathered records in the child's case file;

(b) Documenting the information on the child's health and education record;

(c) Documenting on the health and education passport in CAMIS;

(d) Maintaining copies of written requests to service providers for records in the child's case file;

(e) Documenting efforts on the Child's Medical and Family Background Report, DSHS 13-041(X), unless the information is already documented on the health and education passport in CAMIS.

NEW SECTION

WAC 388-27-0090 What information must the department or child placing agency provide to prospective adoptive parents about the child that is being considered for adoption? (1) The department or the child placing agency must provide a medical report containing all known and available information concerning the mental, physical, and sensory handicaps of an adopted child, or a child placed for adoption, to the adoptive or prospective adoptive parents under the authority of RCW 26.33.020, 26.33.340, 26.33.343 and 26.33.350.

(2) The department or the child placing agency worker must provide the Child's Medical and Family Background Report, DSHS 13-041(X), to the prospective adoptive parents. This report must include documentation of efforts made to obtain medical and social information on the child and birth parents.

(3) The department must provide a social history report on the child and birth family that includes, at a minimum in accordance with RCW 26.33.380:

(a) Circumstances of the child's birth;

(b) Chronological report of how the child came to be available for adoption;

(c) The child's placement history;

(d) All court reports pertaining to the dependency and custody of the child;

(e) The child's education history, including school reports and records; and

(f) The child's psychological and psychiatric reports and recommendations.

NEW SECTION

WAC 388-27-0100 What information must the department or child placing agency provide to prospective adoptive parents about the birth parent(s) of a child being considered for adoption? The department or the child

placing agency must provide a nonidentifying report on the birth parent(s) that includes any known and available social and medical information on the child's birth parent(s) in accordance with RCW 26.33.380. This information regarding the birth parent(s) must include but is not limited to:

- (1) First names only;
- (2) Current age of parent(s);
- (3) Heritage, including nationality, ethnic background, and race;
- (4) General physical appearance, including height, weight, color of hair, eyes, and skin or other information of a similar nature;
- (5) Education, including the number of years of school completed at the time of the adoption, and school report (if still attending), but not the name or location of the school;
- (6) Religion or religious heritage;
- (7) Occupation, but no specific titles or places of employment;
- (8) Talents, hobbies, and special interests;
- (9) Family history and circumstances leading to the adoption;
- (10) Medical and genetic history including:
 - (a) Available psychiatric, psychological, and substance abuse reports;
 - (b) Available medical history including any acute or chronic conditions;
 - (c) Available medical history of the birth and pregnancy, including any known substance abuse by the birth mother while pregnant.
- (11) First names other children of birth parents by age and sex;
- (12) Available medical histories of other children;
- (13) Extended family of birth parents by age and sex;
- (14) Medical histories of extended family members, if known;
- (15) The fact of the death, age at death, and cause, if known, of a birth parent;
- (16) Photographs of child and birth family, if available; and
- (17) Name of agency or individual that facilitated the adoption.

NEW SECTION

WAC 388-27-0105 When will the department, private practitioner, or child placing agency disclose required information? The department, private practitioner, or child placing agency must disclose available child and birth family medical and social background information prior to the finalization of an adoption. Disclosure may occur:

- (1) Prior to the placement of a child into an adoptive home; or
- (2) At the time when a placement is identified as an adoptive placement.

NEW SECTION

WAC 388-27-0110 How does an adoptee, adoptive parent, or birth parent obtain nonidentifying information

from an archived adoptive record? (1) Nonidentifying information about the birth parents, adoptee, or adoptive parent may be shared with persons identified in RCW 26.33.020 and 26.33.340.

(2) If the adoption was facilitated through the department, a request for information must be made in writing to the state office of Children's Administration, P.O. Box 45713, Olympia WA 98504-5713. The state office is the sole source for releasing information from an archived record.

NEW SECTION

WAC 388-27-0115 What is the department response to requests for public disclosure of an adoptive record? The department complies with the requirements for disclosure of public records in RCW 26.33.340.

Chapter 388-32 WAC

CHILD WELFARE SERVICES TO PREVENT OUT-OF-HOME PLACEMENT AND ACHIEVE FAMILY RECONCILIATION

HOME SUPPORT SERVICES BY CHILDREN'S ADMINISTRATION

NEW SECTION

WAC 388-32-0005 What are home support services? The department's children's administration (CA) offers home support services (HSS), within available funds, to provide supportive, culturally appropriate, skill-building services in partnership with CA's client families. Only CA staff may provide the services in the family home or other appropriate setting and must provide the services as part of a comprehensive case plan. The department does not contract for this service.

(1) CA typically offers HSS during the normal work week but may provide HSS on weekends and beyond normal working hours.

(2) Child and family resource specialists (CFRS) have primary responsibility to provide HSS, which may include the following services:

(a) Teach and demonstrate basic physical and emotional care of children, including child development and developmentally appropriate child discipline;

(b) Teach homemaking and other life skills, including housekeeping, nutrition and food preparation, personal hygiene, financial budgeting, time management and home organization, with consideration given to the family's cultural environment;

(c) Help families obtain basic needs by networking families with appropriate supportive community resources; e.g., housing, clothing and food banks, health care services, and educational and employment services;

(d) Provide emotional support to families and build self-esteem in family members; aid family members in developing appropriate interpersonal and social skills;

- (e) Provide client transportation/supervision of visits on a nonroutine, short-term basis;
- (f) Observe family functioning, assisting the social worker to identify family strengths as well as areas needing intervention or improvement, providing reports and assessments to the assigned social worker on the family's progress in skill-building, family functioning, and other areas defined in the case plan;
- (g) Participate in child protection teams, multi-disciplinary teams, interagency case staffings, and family intervention meetings;
- (h) Provide court testimony when requested by the attorney representing DSHS or when subpoenaed.

NEW SECTION

WAC 388-32-0010 What are the eligibility criteria for HSS? Children's administration uses the following criteria to determine eligibility for HSS, within available funding:

- (1) The family must be a current recipient of CA services.
- (2) The case plan for the family must document the need for teaching, skill-building, community networking, or visitation.
- (3) HSS does not provide long-term maintenance for a family, is not a housekeeping service, and is not interchangeable with CHORE services, which are provided by the department's aging and adult services administration.

HOME BASED SERVICES BY COMMUNITY PROVIDERS

NEW SECTION

WAC 388-32-0015 What are home based services and under what circumstances may the department provide the services to the child's parent or relative caregiver? (1) Home based services (HBS) are designed to prevent or improve conditions that may result in out-of-home placement. Children's administration (CA) provides these services in the context of a comprehensive case plan. CA purchases services from community providers within available funds for this purpose. Services may include:

- (a) Basic goods and services; e.g., food, clothing, shelter, furniture, health care, utilities, transportation
- (b) Paraprofessional services; e.g., parent aides;
- (c) Parent training;
- (e) In-home counseling or assistance to prevent out-of-home placement.
- (2) For a family or individual to receive HBS, the following conditions must be met:
 - (a) The client has a case open for child protective services (CPS), child welfare services (CWS), or family reconciliation services (FRS);
 - (b) The department may provide services to the family of origin, relatives, or foster families when the intent of HBS is to maintain or reunify a permanent or long-term stable home for the child;

(c) The family is willing and able to cooperate with HBS services; and

(d) In the assigned social worker's judgment, the child may be safely maintained in the home or be safely returned to the home within the next three months with provision of HBS.

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.

FAMILY RECONCILIATION SERVICES

NEW SECTION

WAC 388-32-0020 What is the purpose of the family reconciliation services program? (1) The purpose of family reconciliation services (FRS) is to achieve reconciliation between the parent and child, to reunify the family, and to maintain and strengthen the family unit to avoid the necessity of out-of-home placement of children.

(2) The department provides these services, within available funds, to:

- (a) Alleviate personal or family situations that present a serious and imminent threat to the health or stability of the child or family and that do not meet the definition of child abuse or neglect; and

(b) Maintain families intact whenever possible.

NEW SECTION

WAC 388-32-0025 Who may receive FRS services?

(1) CA provides FRS to runaways and families in conflict. These populations are defined as follows:

"Families in conflict" means families in which personal or family situations present a serious and imminent threat to the health or stability of the child, which may include an at-risk youth, or family.

"Runaways" means youths who are absent from home for a period of time without parental permission. Services are to actual runaways and not to threatened runaways, unless the threatened runaways meet the definition of families in conflict.

(2) FRS is not provided for the following situations:

- (a) Chronic or long-term multi-problem situations requiring long-term interventions;
- (b) Custody and marital disputes unless the dispute creates a conflict between the child and parent with physical custody;
- (c) Families currently receiving counseling services related to the parent-child conflict/relationship from other agencies;
- (d) Child abuse and neglect cases, unless those cases meet the definition of family in conflict;
- (e) Youth receiving foster care or group care services or follow up to those services; and
- (f) Post-adoption cases still under supervision of an agency, except when those cases meet the definition of families in conflict.

NEW SECTION

WAC 388-32-0030 What FRS services does the department provide? The assigned social worker provides services to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is limited to a ninety-day period.

(1) The CA social worker provides intake/assessment services (IAS). The social worker must initiate these short-term counseling sessions within forty-eight hours of the family's request for services. These sessions are intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

(2) CA or its contractors may provide crisis counseling services for up to thirty days within a ninety-day period.

(3) Families eligible for thirty-day crisis counseling are those who, in the opinion of the family and the CA social worker, require more intensive services than those provided through IAS.

(4) Families must make a commitment to participate in the thirty-day crisis counseling service and must not be receiving similar family counseling services through other agencies or practitioners. At a minimum, there must be a parent and a child willing to participate.

(5) Thirty-day crisis counseling services may not exceed fifteen hours within thirty days. The assigned counselor helps the family develop skills and supports to resolve conflicts. The counselor may refer to resources including medical, legal, ongoing counseling and CPS for problem resolution.

(a) The CA supervisor may extend thirty-day crisis counseling for an additional thirty days and up to fifteen additional hours of service, subject to availability of funds and the family's continued progress toward resolving conflicts.

(b) The thirty-day crisis counseling is available a maximum of twice in a lifetime for any one child within a family.

**WSR 01-10-001
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-58—Filed April 18, 2001, 2:09 p.m.]

Date of Adoption: April 6, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-48-015.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-05-070 on February 15, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 18, 2001

Debbie Nelson for
Russ Cahill, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-266, filed 12/29/00, effective 1/29/01)

WAC 220-48-015 Beam trawl and bottom trawl—Seasons. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, and 25B the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomas Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Areas 20A, 20B, 21A, 22A and 22B are closed to all trawl fishing in waters less than 30 feet deep.

(e) Areas 20A, 20B, 21A, 22A and 22B are closed in waters deeper than 40 fathoms from ((such time as)) 12:01 a.m. September 15 through December 31 except if the Pacific cod quota for these waters has not been ((obtained)) taken by September 15, these waters may be opened by emergency rule for the taking of the Pacific cod quota.

(f) Area 23C is closed to otter trawl fishing the entire year in waters shallower than 50 fathoms and is closed to beam trawl fishing in waters less than 60 feet deep.

(g) Area 23C is closed to otter trawl Wednesday, Saturday and Sunday, January 1 through August 31, and closed to all otter trawl September 1 through December 31.

(2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management

and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kiapot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and 29 the entire year.

(5) It is unlawful to take more than 500 pounds of rockfish with beam trawl and bottom trawl gear during any vessel trip in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

835-305, 388-835-310, 388-835-315, 388-835-320, 388-835-325, 388-835-330, 388-835-335, 388-835-340, 388-835-345, 388-835-350, 388-835-355, 388-835-360, 388-835-365, 388-835-370, 388-835-375, 388-835-380, 388-835-385, 388-835-390, 388-835-395, 388-835-400, 388-835-405, 388-835-410, 388-835-415, 388-835-420, 388-835-425, 388-835-430, 388-835-435, 388-835-440, 388-835-445, 388-835-450, 388-835-455, 388-835-460, 388-835-465, 388-835-470, 388-835-475, 388-835-480, 388-835-485, 388-835-490, 388-835-495, 388-835-500, 388-835-505, 388-835-510, 388-835-520, 388-835-525, 388-835-530, 388-835-535, 388-835-540, 388-835-550, 388-835-555, 388-835-560, and 388-835-565.

Statutory Authority for Adoption: RCW 71A.20.140.

Adopted under notice filed as WSR 00-23-108 on November 21, 2000.

Changes Other than Editing from Proposed to Adopted Version: In Definitions, made the following changes:

"Facility" means a residential setting certified, according to federal regulations, as an ICF/MR by the department. A state facility is either a state-owned and operated residential living center or a state-operated living alternative (SOLA). A private facility is a residential setting licensed as a nursing home under chapter 18.51 RCW or a boarding home licensed under chapter 18.20 RCW.

"Funded capacity," for a state facility, is the number of beds on file with the office of financial management on the first day of each biennium that are available for use during each fiscal year of the biennium.

"Nursing home facility" means a home, place, or institution, licensed or certified according to chapter 18.51 RCW; where skilled nursing, intermediate care, and ICF/MR services are delivered.

Replace twenty-eight days with thirty days in the following section - subsections:

WAC 388-835-0055 (1), (2)(b), (2)(c); 388-835-0060 (1), (3); 388-835-0010 (1), (2); 388-835-0120(4); 388-835-0130 (1), (2)(c); 388-835-0135 (1), (3); 388-835-0885(1); 388-835-0900(1); 388-835-0910(1); 388-835-0945; and 388-835-0950.

Make the following changes/corrections:

WAC 388-835-0085 Why is an individual transferred or discharged? An individual admitted to a facility can be transferred or discharged only for:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of other residents; or
- (5) At the request of the resident or legal guardian.

WAC 388-835-0115 Can a facility request that an individual be transferred? Facilities can request that a resident be transferred for the following reasons:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of the other residents; or
- (5) Nonpayment for services provided to the resident during the resident's stay at the facility.

WAC 388-835-0615

WSR 01-10-013
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Developmental Disabilities)

[Filed April 20, 2001, 4:39 p.m.]

Date of Adoption: April 20, 2001.

Purpose: The proposed rules regulate the purchase and provision of intermediate care facility for the mentally retarded (ICF/MR) services by CSGS to persons who are eligible for service. The proposed rules are the result of division review and updating rules according to Executive Order 97-02.

These rules were formerly chapter 275-38 WAC. They were migrated into chapter 388-835 WAC as part of the effort to move all DSHS WAC into one title. Now they have been reorganized, rewritten and are being adopted as new sections in chapter 388-835 WAC, ICF/MR program and reimbursement system.

Citation of Existing Rules Affected by this Order:
Repealing WAC 388-835-010, 388-835-015, 388-835-020, 388-835-025, 388-835-030, 388-835-035, 388-835-040, 388-835-045, 388-835-050, 388-835-055, 388-835-060, 388-835-065, 388-835-070, 388-835-075, 388-835-080, 388-835-085, 388-835-090, 388-835-095, 388-835-100, 388-835-105, 388-835-110, 388-835-115, 388-835-120, 388-835-125, 388-835-130, 388-835-135, 388-835-140, 388-835-145, 388-835-150, 388-835-155, 388-835-160, 388-835-165, 388-835-170, 388-835-175, 388-835-180, 388-835-185, 388-835-190, 388-835-195, 388-835-200, 388-835-205, 388-835-210, 388-835-215, 388-835-220, 388-835-225, 388-835-230, 388-835-235, 388-835-240, 388-835-245, 388-835-250, 388-835-255, 388-835-260, 388-835-265, 388-835-270, 388-835-275, 388-835-280, 388-835-285, 388-835-290, 388-835-295, 388-835-300, 388-

WAC 388-835-0890 What disputes cannot be resolved through the administrative review and fair hearing processes? DSHS' administrative review and fair hearing processes cannot be used to challenge:

(1) T the adequacy of any prospective or settlement reimbursement rate or rate component, either individually or collectively;

(2) Audit actions or adjustment conducted under the federal Boren Amendment payment standard contained in federal regulations at 42 USC 1396a (a)(13)(A); or

(3) DSHS's efforts to comply with the Boren standard.

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 190, Amended 0, Repealed 112.

Effective Date of Rule: Thirty-one days after filing.

April 16, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-11 issue of the Register.

WSR 01-10-020
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed April 23, 2001, 1:24 p.m.]

Date of Adoption: April 11, 2001.

Purpose: Makes technical/typographical corrections to section references only.

Citation of Existing Rules Affected by this Order: Amending WAC 250-44-100, 250-44-110, and 251-44-120.

Statutory Authority for Adoption: Chapter 28B.04 RCW.

Adopted under notice filed as WSR 01-06-065 on March 7, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 13, 2001

Brenda D. Landers
Program Manager

AMENDATORY SECTION (Amending WSR 01-01-050, filed 12/11/00, effective 1/11/01)

WAC 250-44-100 Required assurances. No contract shall be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act;

(2) The sponsoring organization shall actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract shall be provided without payment of any fees for the services: Provided, That the executive director may approve exceptions to this requirement upon determining that such exceptions would be in the best interest of displaced homemaker program objectives;

(4) First priority for all services provided under the contract shall be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance shall not in any way interfere with the provision of services to displaced homemakers as defined in the act. The sponsoring organization shall include in its reports separate and distinct accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC ((250-44-100)) 250-44-190 and such other accounting and reporting requirements as may be established by the executive director.

(6) The sponsoring organization agrees to participate in evaluation procedures, including the use of all specified uniform client classification forms for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the board under the contract will be provided monthly or quarterly upon submission and approval of payment requests in a form and containing information specified by the executive director of the board, and that approval of payments shall be conditioned upon the executive director's determination that the sponsoring organization is in compliance with the terms of the contract and this chapter;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and is authorized to submit the application and execute a contract in accordance with the application if it is approved by the board; and

(10) The executive director and staff of the board will be provided access to financial and other records pursuant to the contract.

AMENDATORY SECTION (Amending WSR 01-01-050, filed 12/11/00, effective 1/11/01)

WAC 250-44-110 Criteria for selection of contracts to be awarded. (1) Initial contracts. For each closing date established as specified in WAC ((250-44-130)) 250-44-070, applications will be ranked competitively according to their performance with respect to:

- (a) Size of the potential population to be served;
- (b) Demonstrated need for the proposed services;
- (c) Experience and capabilities of the sponsoring organization;
- (d) Provisions for coordination of services with other organizations providing related services in the geographic area.

(2) The executive director shall develop a system for evaluating initial applications with respect to the above-stated criteria, and make available in the application guidelines a description of the system.

(3) Final selection of initial applications to be approved will be based upon both relative ranking on factors listed in subsection (1) of this section and appropriate geographic distribution.

(4) Renewal contracts. The sponsoring organization may be eligible to renew its contract for one ensuing biennium provided the sponsoring organization was in full compliance with the 1999-2001 contract. Thereafter, the sponsoring organization may be eligible to renew its contract for one subsequent biennium provided the sponsoring organization was in full compliance with the contract and performance indicators established by the executive director.

(5) The executive director shall develop a system for evaluating renewal applications and make available in the application guidelines a description of the system.

AMENDATORY SECTION (Amending WSR 01-01-050, filed 12/11/00, effective 1/11/01)

WAC 250-44-120 Procedure for selection of contracts to be awarded. (1) Initial contracts. The following

steps will be employed in screening and selection of applications to be approved for initial contracts:

(a) Applications will be screened for eligibility and completeness;

(b) A panel of application readers will be established, to consist of board staff members designated by the executive director, members of the advisory committee who are not members of the legislature or employees of sponsoring organizations, and such other persons as may be deemed appropriate by the executive director;

(c) Within each category of application as described in WAC ((250-44-150)) 250-44-110(1), the panel of readers will evaluate and rank qualifying applications according to the system published in accordance with WAC ((250-44-150)) 250-44-110(2);

(d) The advisory committee will consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(e) The list of recommended approved applications will be submitted to the executive director of the board for approval. Upon approval the executive director will award the contracts.

(2) Renewal contracts. The following steps will be employed in screening and selection of applications to be approved for renewal contracts:

(a) Applications will be screened for eligibility and completeness;

(b) In cooperation with the advisory committee, or a subset thereof, the board will evaluate qualifying applications in accordance with WAC ((250-44-140)) 250-44-110(4) and develop a list of recommended approved renewal applications according to the system published in WAC ((250-44-150)) 250-44-110(5);

(c) The list of recommended approved renewal applications shall be submitted to the executive director of the board for approval. Upon approval the executive director will award the renewal contracts.

WSR 01-10-026 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 24, 2001, 11:27 a.m., effective July 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: Update conversion factors used to calculate maximum payment levels for services reimbursed under RBRVS and anesthesia fee schedules to adjust for changes in payment policies and to give cost of living increases to providers. Update the maximum daily rate for physical and occupational therapies to give a cost of living increase to providers.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, and 296-23-230.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 01-01-147 [01-05-113] on February 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Under WAC 296-20-135(3), \$39.00 was changed to \$40.50 to update computationally incorrect language.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 3, Repealed 0.

Effective Date of Rule: July 1, 2001.

April 24, 2001

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 00-09-077, filed 4/18/00)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of ~~\$((47.07))~~ \$49.60. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of ~~((2.60))~~ \$2.70 per minute, which is equivalent to ~~((39.00))~~ \$40.50 per 15 minutes. The base units and payment policies can be found in the fee schedules.

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

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

AMENDATORY SECTION (Amending WSR 00-09-077, filed 4/18/00)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ~~((91.00))~~ \$99.00 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of 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.

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AMENDATORY SECTION (Amending WSR 00-09-077, filed 4/18/00)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or $(\$91.00) \99.00 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment

provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

WSR 01-10-030
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-62—Filed April 24, 2001, 4:14 p.m.]

Date of Adoption: April 6, 2001.

Purpose: Amend licensing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-55-115.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-05-112 on February 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Change "temporary license" to "two-day temporary fishing license."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 2001

Debbie Nelson

For Russ Cahill, Chairman
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-80, filed 5/24/00, effective 6/24/00)

WAC 220-55-115 Recreational license dealer's fees. License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

(a) A combination license.

(b) A saltwater license.

(c) A freshwater license.

(d) A two-day temporary fishing license.

(e) A family fishing weekend license.

(2) Two dollars for the issuance of any of the following hunting licenses:

(a) A big game combination license.
 (b) A small game license.
 (c) A three-consecutive day small game license.
 (3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

(4) One dollar for the issuance of a personal use shellfish and seaweed license and for a two-day temporary fishing license when issued as a charter stamp.

(5) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

(6) Fifty cents for the issuance of any of the following:

(a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.

~~(b) ((A temporary fishing license when issued as a charter stamp.~~

(e)) A state of Washington migratory bird stamp.

((d)) (c) A Western Washington pheasant permit.

((e)) (d) An application for a special permit hunt.

participation by immediate family member to whom license was transferred. Appeal period extended from ten days to twenty days.

WAC 220-95-032, appeal period extended from ten days to twenty days.

WAC 220-95-034, not adopted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 2001

Debbie Nelson

for Russ Cahill, Chair
Fish and Wildlife Commission

WSR 01-10-031 PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 01-66—Filed April 24, 2001, 4:16 p.m.]

Date of Adoption: April 6, 2001.

Purpose: Amend commercial license reduction rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-95-013, 220-95-018, 220-95-022, 220-95-027, and 220-95-032.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 01-05-120 on February 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Generally: Program name changed from "2001-2002 Puget Sound salmon license buy-back program" to "2001-2002 Puget Sound salmon license economic adjustment assistance program."

WAC 220-95-013, specific number of licenses to be purchased and total dollar amounts for licenses and administrative overhead deleted. Instead, percentage of dollars available for license purchase by category and administrative overhead in phase one are specified. Specific dollar amount to be paid for each license retained.

WAC 220-95-018, change persons "is eligible" to "are eligible" and after, "are eligible to possess the same license in 2001" add "are eligible to participate in the program."

WAC 220-95-027, purse seine ranking system changed from 10 point maximum to 15 point maximum, weighted 1 point for fall fisheries and 2 points for summer fisheries. Allowance upon death of licensee to have license treated as devisable for purposes of the program. Allowance made or

AMENDATORY SECTION (Amending Order 00-148, filed 8/16/00, effective 9/16/00)

WAC 220-95-013 ((2000 Coastal)) 2001-2002 Puget Sound salmon license ((buy-back)) economic adjustment assistance program established—Fund allocation—Expiration. (1) The legislature ((has)) and the federal government have allocated funds and anticipate allocating additional funds to buy back salmon licenses from commercial license holders. The department hereby designates ((\\$923,400)) \\$34,884,689 of these funds as the ((2000 coastal)) 2001-2002 Puget Sound salmon license ((buy-back)) economic adjustment assistance program (program).

The licenses eligible to participate in the program are ((salmon charter, salmon delivery, salmon troll, Grays Harbor)) purse seine, Puget Sound salmon gill net, and ((Willapa Harbor salmon gill)) reef net.

(2) The goal of the program is to provide economic relief to Washington commercial salmon fishers, and to reduce the number of Washington commercial salmon licenses.

To accomplish this, the department is proposing a ((two step)) three-step process, ((first an open)) all three steps of which are purchase of licenses for a fixed sum ((Phase One)), then, if any funds remain available, an income-based purchase plan (Phase Two)).

(3) The department will allocate the ((\\$923,400)) funds available for ((coastal salmon fishery licenses)) the program after deducting up to 3% for the costs of state program administration as follows:

((a)) Program administration \$23,400.

((b)) Salmon charter \$300,000.

((c)) Salmon troll and salmon delivery \$300,000.

~~(d) Willapa-Columbia River and Grays Harbor Columbia River gill net - \$300,000.) (a) Spring 2001, Phase 1.~~

~~(i) Purse seine - 56.4% at a purchase price of \$103,300 per license.~~

~~(ii) Gill net - 38.5% at a purchase price of \$27,500 per license.~~

~~(iii) Reef net - 5.1% at a purchase price of \$57,600 per license.~~

~~(b) Fall 2001, Phase 2.~~

~~(c) Spring 2002, Phase 3.~~

Program administration funds that will not be used will be reallocated to license purchases.

(4) The program expires upon the distribution of all available funds.

AMENDATORY SECTION (Amending Order 00-148, filed 8/16/00, effective 9/16/00)

WAC 220-95-018 2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility. Only persons ((meeting the following criteria are eligible to participate in the program.

((1) For phase one applicants, the person)) who possessed or ((was)) were eligible to possess in ((1999)) 2000 a salmon ((troll or delivery license, a Grays Harbor salmon gill net license, a Willapa Harbor salmon gill net license or a salmon charter)) gill net—Puget Sound license, a salmon purse seine license, or a salmon reef net license issued pursuant to RCW ((75.28.095)) 77.65.160, and ((is)) are eligible to possess the same license in ((2000)) 2001 are eligible to participate in the program.

((2) For phase two applicants:

(a) The person possessed or was eligible to possess in 1999 one of the Washington state salmon fishing licenses listed in subsection (1) of this section, is eligible to possess the same license in 2000, and had income derived under the license from 1986 through 1991;

(b) The person had a salmon income loss greater than \$0, computed as follows:

The salmon income loss under the program is the difference between the highest gross income derived from Washington state and offshore salmon fishing activity (including incidental catch provided that some salmon are shown on the fish receiving ticket documenting the catch) during any calendar year 1986 through 1991 (the base year), less the sum of the least amount of gross income derived from the same salmon fishing activity during any calendar year from 1992 through 1999 (the comparison year), multiplied by 2.5. For purposes of calculating income, the licensee holder must and may only use income from salmon fisheries in the coastal waters of Washington, the waters of Grays Harbor, Willapa Bay, and the Columbia River. Income that was used in calculating uninsured loss in the 1995 salmon disaster relief license buy back program, salmon decline impact in the 1996 Washington salmon license buy out program or salmon income loss in the 1998 salmon license buy back program may not be used to calculate salmon income loss in the 2000 coastal salmon license buy back program if the license

offered in the 1995, 1996, or 1998 program was purchased and retired.))

AMENDATORY SECTION (Amending Order 00-148, filed 8/16/00, effective 9/16/00)

WAC 220-95-022 2001-2002 Puget Sound salmon license economic adjustment assistance program application. (1) A person may make only one offer per license ((per phase)) under the program.

((Income used in the calculation of offers that are accepted may not be used in the calculation of any other offer.

((3) Phase one applications:

((a) Phase one)) Applications must be submitted to the department's licensing division on a department offer form. A completed offer form must contain the following information:

The applicant's name, Social Security number, mailing address during the offer period, telephone number (if applicable), and the license type and license number being offered((;

((b) The offer amounts for phase one are:

((i) Salmon troll and salmon delivery: \$7,500.

((ii) Grays Harbor-Columbia and Willapa Bay-Columbia gill net: \$12,500.

((iii) Salmon charter: \$1,000 per angler permit not to exceed \$10,000, and including all angler permits currently on the license or all angler permits on the license as of December 31, 1999, whichever is the lesser number)).

((e) Phase one)) ((3) Applications for all phases will be accepted through 5:00 p.m., ((September 1, 2000. Any amounts remaining in the gear category from phase one will be used in phase two, unless the department deems that there are insufficient funds remaining to conduct a phase two plan.

((4) Phase two applications:

((a) Phase two applications must be made on department forms and must be received by the department's licensing division by 5:00 p.m., October 6, 2000.

((b) The licensee may offer the license for any amount up to the salmon income loss incurred under the license or \$75,000, whichever is the lesser amount.

((c) An offer is not made unless a complete offer is received by the department. In order for an offer to be complete, the following must be received:

((i) A complete offer sheet, showing:

((A) The applicant's name, Social Security number, mailing address during the offer period and telephone number (if applicable);

((B) The license type and license number that is being offered;

((C) The offer amount;

((D) The base year income (1986-1991);

((E) The comparison year income (1992-1999); and

((F) The offer ratio, defined as the offer amount divided by the salmon income loss.

((ii) Salmon income supporting documents other than salmon charter are defined as official state fish receiving tickets documenting landings under a Washington license, or computer generated landing lists that have been certified by

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the department or the Pacific States Marine Fisheries Commission to be true and correct copies of Washington or Columbia River landings. All landings count in calculation of base and comparison year incomes.

(iii) For salmon charter license fishing activity, acceptable supporting documents are trip tickets identifying the species targeted, the number of anglers, and the date of the trip or, if such tickets are unavailable, the department will accept a letter of endorsement from a charterboat association or charterboat booking office indicating salmon fishing was a major component of earnings, and, if such a letter is provided, will review the total income of the applicant for the base and comparison years.

Note: Commercial salmon licensee applicants who submitted complete offers in the 1998 Washington salmon license buy-out program need not resubmit supporting documents for offers based on the same base and comparison years if all landings are from Washington state. Such persons must submit a new offer sheet to participate in the 2000 program, but the offer amount may differ from the 1998 offer amount, provided it does not exceed the 2000 program limits.

(iv) Records disclosure authorization that allows the department to receive copies of the applicant's Internal Revenue Service returns for the base and comparison years and to receive landing information from the Pacific States Marine Fisheries Commission.

(v) A signed statement certifying that all information provided is true and correct)) May 11, 2001. Only those applications received by this deadline will be eligible for the Phase 1 buyback. Applications received after this date will be ranked for Phase 2 or Phase 3 as detailed under the procedures for ranking offers.

AMENDATORY SECTION (Amending Order 98-206, filed 10/1/98, effective 11/1/98)

WAC 220-95-027 Ranking ((of)) and acceptance of salmon purse seine license offers. ((Phase two offers will be ranked by the offer ratio, beginning with the lowest ratio.)) (1) All salmon purse seine licenses will be ranked based upon participation in the Puget Sound summer and fall salmon fisheries.

(2) Purse seine rankings will be based upon a point system (0-15) for landings in the months of July and August (summer fisheries) and/or the months of September, October, and November (fall fisheries) between 1994 and 1998. One point will be assigned for a verified landing during the fall fisheries and two points will be assigned for a verified landing during the summer fisheries or a maximum of fifteen points possible.

(3) Points will be assigned only if the current license owner and program applicant also landed salmon on that same license some time during the 1994-1998 qualifying period except upon the death of the licensee, the license shall be treated as analogous to personal property for purposes of calculating and assigning points in the program. A license transferred to an immediate family member during or after the period 1994-1998, and who has continued with that license shall be able to count the points for that license and shall be qualified to participate in the program.

(4) Example: A current license owner makes a landing on the license in August and October of each year from 1994 to 1998. The owner is assigned the maximum fifteen points possible. If landings were only made in August 1994 and October 1998, then the owner would be assigned three points.

(5) Landings will be documented on official Washington state fish-receiving tickets or computer-generated landing lists certified by the department to be true and correct copies of Washington fish receiving tickets.

(6) In the event that two or more applicants have the same number of points, a random draw shall be conducted to rank the applicants among themselves before placing them into the overall rank order.

(7) The ranking will continue until all applicants have been rank-ordered. The order of ranking will apply to all phases of the program.

(8) Persons selected based upon the rank order and the available funds will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(9) Persons not selected in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for Phase 2 and Phase 3 when they should occur.

(10) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. They are not eligible to participate in Phase 1. Applications received on a single day will be ranked by random draw.

(11) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding for resolution.

(12) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased.

AMENDATORY SECTION (Amending Order 00-148, filed 8/16/00, effective 9/16/00)

WAC 220-95-032 ((Offer)) Ranking and acceptance((—Acknowledgment—Retirement of licenses)) of salmon gill net—Puget Sound and salmon reef net license offers. ((1) Phase one. The department will accept applications for phase one until 5:00 p.m. September 1, 2000. Applicants will not be prioritized on the basis of the date the application was received by the department. Phase one applicants may apply in person at the department licensing office in Olympia, by FAX to the license office at (360) 902-2925, or by mail to Fish and Wildlife Licensing, 600 Capitol Way

~~North Olympia, Washington 98501-1091. If there are insufficient funds to process all applications received, a random drawing will be made to determine which applications will be accepted to participate in the program.~~

~~(2) Phase two. The department will accept applications for phase two in rank order, beginning with the lowest offer ratio. In the event of a tie between identical offer ratios, the lowest offer amount will be given preference.~~

~~(3) The department will notify license holders that it has accepted a license offer by sending an acceptance and acknowledgment to the license holder by registered mail to the address provided on the offer form or offer sheet. The acknowledgment must be signed and returned to the department within ten days of the date of the mailing of the acceptance. Any acknowledgment received after the 10 day period is void and the acceptance is withdrawn.~~

~~(4) The department will tender the amount of the offer upon receipt of a valid acknowledgment. Upon tendering the offer amount, the department will retire the license and any angler permits that formed the basis of the offer amount.~~

~~(5) Persons who sell a license in phase two of the program cannot purchase or operate a commercial license listed in RCW 75.28.110 or 75.28.113 or a salmon charter license listed in RCW 75.28.095 for ten years, beginning January 1, 2001, except that persons may operate such a license if the license was owned or operated by that person in 1999.) (1) The purchase of Puget Sound gill net and reef net licenses will be based upon a random drawing of all applicants for a specific license type.~~

~~(2) The random drawing will continue until all applicants who offered to sell at the department's offered price have been rank-ordered. The order of ranking will apply to all phases of the buyback.~~

~~(3) Persons selected will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.~~

~~(4) Persons not selected in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for a Phase 2 and Phase 3 buyback when they should occur.~~

~~(5) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. Applications received on a single day will be ranked by random draw.~~

~~(6) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding resolution.~~

~~(7) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased for that respective gear group.~~

WSR 01-10-045

PERMANENT RULES

DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 26, 2001, 9:28 a.m., effective June 1, 2001]

Date of Adoption: April 26, 2001.

Purpose: SHB 2604, passed in the 2000 legislative session, requires that a retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage. A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies certain conditions shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules. A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted. WAC are also being changed to assure that any remaining balance of accumulated contributions (Plans 1 and 2) go to the member's beneficiaries or estate, rather than to the retirement fund. In addition, DRS is making some minor housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 415-104-215, 415-108-326, 415-110-326, and 415-112-727.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.26.460, 41.32.530, 41.32-785, 41.32.851, 41.35.220, 41.40.188, 41.40.660, 41.40.845.

Adopted under notice filed as WSR 01-07-079 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Reason for adoption: SHB 2604, passed in the 2000 legislative session, requires that a retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage. A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies certain conditions shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules. A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted. WAC are also being changed to assure that any remaining balance of accumulated contributions go to the member's beneficiaries or estate, rather than to the retirement fund. In addition, DRS is making some minor housekeeping changes.

The text of the adopted rule varies from the text of the proposed rule. The changes (other than editing changes) follow:

WAC Number and Section	Change	Reason
415-104-215(2)	Renumbered.	Error in the proposed rule.
415-104-215(2)	"tie" changed to "time."	Typo
415-104-215 (4)(d)	"retire's" changed to "retiree's."	Typo
415-108-326 introductory paragraph	Changed "RCW 41.40.660 (Plan 3)" to "RCW 41.40.845 (Plan 3)."	Corrected error.
415-108-326 (1)(d)	Deleted phrase, "The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department."	Redundant vis-a-vis WAC 415-108-326 (1)(a) and we meant to delete this sentence in the proposed rule.
415-108-326(2)	Renumbered.	Error in the proposed rule.
415-108-326 (5)(d)	Deleted "the remaining balance is retained by the retirement fund." Added "all benefits cease. Any remaining balance will be paid to: (i) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or (ii) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or (iii) The member's estate; or (iv) If there is neither such designated person or person still living at the time of death nor a surviving spouse, then to the retiree's legal representative.	This change was inadvertently left out of the proposed rule. The change is consistent with similar changes throughout all four WACs being amended.
415-110-326(2)	Renumbered.	Error in the proposed rule.
415-110-326 (5)(d)	Identical to change in WAC 415-108-326 (5)(d), above.	Identical to change in WAC 415-108-326 (5)(d), above.
415-112-727(2)	Renumbered.	Error in the proposed rule.
415-112-727 (5)(e)	After the word, "exhausted," added "All benefits cease." Changed the next word from "any" to "Any."	Inadvertent error in the proposed rule. Makes text consistent with all other rules being amended.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
None	Not Applicable

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 1, 2001.

April 26, 2001
 Maureen Westgard
 for John Charles
 Director

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

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

(1) **Option One: Benefit option without survivor features (standard allowance).** The department pays the retiree a monthly retirement allowance actuarially based solely on the single life of the member, in accordance with

RCW 41.26.430 (service) or 41.26.470 (disability). When the retiree dies, all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

- ((a)) The retiree's designated beneficiary; or if none, to
- (b) The retiree's surviving spouse; or if none, to
- (c) The retiree's legal representative.

~~The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.)) (a) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or
(b) If there is no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or~~

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

(2) Benefit options with a survivor feature.

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, ((the)) any remaining balance ((is retained in the retirement fund)) of the retiree's accumulated contributions will be paid to:

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

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

Plan Two:

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

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

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

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

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

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

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

(iii) The member's estate; or

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

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

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

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

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

(6) Postretirement benefit options.

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

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

(ii) The selection is made either:

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

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

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

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

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

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

(7) Survivor. For the purposes of this provision, "survivor" means a person nominated by the member to receive a

monthly benefit allowance after the member dies. A member nominates the survivor at the time of retirement by filing a completed and notarized form provided by the department.

AMENDATORY SECTION (Amending WSR 99-14-008, filed 6/24/99, effective 7/25/99)

WAC 415-108-326 Retirement benefit options. RCW 41.40.188 (Plan 1) ((and)), RCW 41.40.660 (Plan 2), and RCW 41.40.845 (Plan 3) enable the department to provide retiring members with four retirement benefit options for receipt of the defined benefit portion of their retirement benefits. In addition, retiring Plan 1 members may select the COLA (cost-of-living adjustment) option. The retiring member must choose an option(s) when applying for service or disability retirement:

(1) Option One: Benefit option without survivor features (standard allowance). The department will pay a monthly retirement allowance based solely on the single life of the member, as provided by RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, ((41.40.660, or)) 41.40.670, 41.40.820, or 41.40.825. When the retiree dies all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

((a) The retiree's designated beneficiary; or if none, to
(b) The retiree's surviving spouse; or if none, to

(c) The retiree's legal representative.) (a) Such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or

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

(c) The member's estate; or

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

((The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.))

(2) Benefit options with a survivor feature.

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, ((the remaining balance is retained in the retirement fund)) all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

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

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

(iii) The member's estate; or

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

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

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

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

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

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

(3) If a member retires on or after June 6, 1996, the department is required to pay an ex-spouse survivor benefits Plan One:

Lucinda retires from PERS Plan 1 in 1996 (Year 0). She would like Garth, her husband, to receive a monthly allowance when she dies. Therefore, Lucinda chooses one of the benefit options with a survivor feature. As a result, her monthly allowance is actuarially reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Garth dies in January 2001 (Year 5). Under the "pop-up" provision, Lucinda's monthly benefit will increase to \$2,000, the amount she would have received had she chosen the Option One (standard allowance) plus any COLA's Lucinda had received based on her prior benefit allowance:

Original Option 1 Benefit Amount \$2,000.00	+ Total COLA's + 0 (None accrued)	= New Benefit Amt. = \$2,000.00*
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Plan Two:

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

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

Original Option One Benefit Amount \$2000	+ Total COLA's + \$191.05	Total COLA's = New Benefit Amount = \$2,191.05*
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*In the future (i.e. Year 4), COLAs will be based on the increased benefit amount.

(d) If the survivor dies and the retiree's benefit increases under this section, and thereafter the retiree also dies before all employee contributions are exhausted, ((the remaining balance is retained by the retirement fund)) all benefits cease. Any remaining balance will be paid to:

pursuant to a marital dissolution order that complies with RCW 41.50.790.

(4) Supplemental COLA option for Plan 1 members.

Retiring Plan 1 members may select an annual cost-of-living adjustment (COLA) option, in addition to their choice of retirement benefit options listed in subsections (1) and (2) of this section. Retiring members who choose this supplemental option will have their monthly retirement allowance actuarially reduced to offset the cost of annual adjustment.

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

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

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

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

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

(c) Pop-up recalculation examples.

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

(iii) The member's estate; or

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

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

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

(b) The retiree provides to the department proper proof of the designated beneficiary's death. The retiree is not required to apply for the increased benefit provided by this subsection.

The adjusted retirement allowance will be effective on July 1, 1998, or the first of the month following the date of death of the designated beneficiary, whichever comes last. The adjustment is computed as described in RCW 41.40.188 (3)(c) for Plan 1 retirees or RCW 41.40.660 (3)(c) for Plan 2 retirees.

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

(8) Postretirement benefit options.

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

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

(ii) The selection is made either:

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

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

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

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

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

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

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-326 Retirement benefit options. RCW 41.35.220 enables the department to provide retiring members with four retirement benefit options. The retiring member must choose an option(((+))) when applying for service or disability retirement:

(1) Option One: Benefit option without survivor features (standard allowance). The department will pay a monthly retirement allowance based solely on the single life of the member, as provided by RCW ((41.35.220)) 41.35.420, 41.35.440, 41.35.680, or 41.35.690. When the retiree dies all benefits cease. Any remaining balance of the retiree's accumulated contributions will be paid to:

- (a) ((The retiree's designated beneficiary; or if none, to
- (b) The retiree's surviving spouse; or if none, to
- (c) The retiree's legal representative.

The member must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department:)) Such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

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

(c) The member's estate; or

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

(2) Benefit options with a survivor feature.

(a) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, ((the)) all benefits cease. Any remaining balance ((is retained in the retirement fund)) will be paid to:

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

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

(iii) The member's estate; or

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

((Once retired with a survivor option, the retiree may only change the survivor option upon returning to eligible employment for two consecutive years.

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

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

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

((i)) This subsection applies to members retiring on or after January 1, 1996.

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

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

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

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

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

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

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

(c) Pop-up recalculation examples.

Plan two:

Agnes retires from SERS Plan 2 in 2006 (Year 0). Agnes would like Beatrice, her daughter, to receive a monthly allowance after Agnes dies. Therefore, Agnes selects a retirement benefit option with a survivor feature. As a result, her monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Unfortunately, Beatrice dies in 2011 (Year 5). Under the "pop-up" provision, Agnes' monthly benefit will increase to \$2,191.05, the amount she would have received had she chosen option one (standard allowance) plus her accumulated COLAs:

Year	Option One (Standard Allow.)	Survivor Option (2, 3, 4) plus COLAs	COLA incr. (3% max)	\$ Increase
0 (2006)	2,000.00	1,750.00	(ineligible)	0.00
1 (2007)		1,750.00	.02	35.00
2 (2008)		1,785.00	.03	53.55
3 (2009)		1,838.55	.025	45.96
4 (2010)		1,884.51	.03	56.54
5 (2011)	2,000.00	1,941.05	-	-
			Total COLAs	191.05
Original Option One Benefit Amount \$2000		+ Total COLAs + \$191.05	= New Benefit Amount = \$2,191.05*	

* In the future (i.e. Year 4), COLAs will be based on the increased benefit amount.

(d) If the survivor dies and the retiree's benefit increases under this ((section)) subsection, and thereafter the retiree also dies before all employee contributions are exhausted, ((the remaining balance is retained by the retirement fund)) all benefits cease. Any remaining balance will be paid to:

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

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

(iii) The member's estate; or

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

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

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

(b) The retiree provides to the department proper proof of the designated beneficiary's death. The retiree is not required to apply for the increased benefit provided by this subsection.

The adjusted retirement allowance will be effective on July 1, 1998, or the first of the month following the date of death of the designated beneficiary, whichever comes last. The adjustment is computed as described in RCW 41.35.220 (3)(e) for Plan 2 retirees.

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

(6) Postretirement benefit options.

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

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

(ii) The selection is made either:

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

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

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

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

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

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

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-727 Retirement benefit options. RCW 41.32.530 (Plan 1), RCW 41.32.785 (Plan 2) and RCW 41.32.851 (Plan 3) enable the department to provide retiring members with four retirement benefit options for receipt of the defined benefit portion of their retirement benefits. In addition, retiring Plan 1 members may select the COLA (cost-of-living adjustment) option. The retiring member must choose an option(s) when applying for service or disability retirement.

(1) Option One: Benefit options without survivor feature (standard allowance).

(a) Maximum benefit allowance. Plan 1 retirees may elect to receive the maximum benefit possible which is based on a single life annuity. The maximum benefit allowance does not include a survivor allowance or beneficiary payment. When the retiree dies, all benefits cease. Any remaining balance in employee contributions is retained by the retirement ((system)) fund.

(b) Option One (standard allowance). The department pays a monthly retirement allowance based on a reduced single life annuity of the member, as provided in RCW 41.32.480 (Plan 1 - Service), RCW 41.32.550 (Plan 1 - Disability), RCW 41.32.765 (Plan 2 - Service), RCW 41.32.790 (Plan 2 - Disability), RCW 41.32.875 (Plan 3 - Service), or RCW 41.32.880 (Plan 3 - Disability). ((Except for Plan 3,)) When the retiree dies, all benefits cease. Any remaining balance of the member's accumulated contributions will be paid to:

- ((i)) The retiree's designated beneficiary; or if none, to
- ((ii)) The retiree's surviving spouse; or if none, to
- ((iii)) The retiree's legal representative.

A member selecting Option One must designate a beneficiary at the time of retirement by filing a completed and notarized form provided by the department.) ((i)) Such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

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

((iii)) The member's estate; or

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

(2) Benefit options with a survivor feature.

((a)) A retiring member is allowed to select from several retirement options which create an actuarially equivalent benefit that includes a survivor feature. The survivor feature entitles the survivor to receive a monthly allowance after the retiree dies. If the member chooses one of the survivor options, the monthly benefit the member will receive is actuarially reduced to offset the cost of the survivor feature. After the retiree dies, the department pays the survivor an allowance for the duration of his or her life. If the retiree and the survivor both die before the retiree's accumulated contributions are exhausted, ((the)) all benefits cease. Any remaining balance ((is retained in the retirement fund)) will be paid to:

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

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

((iii)) The member's estate; or

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

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

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

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

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

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

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

(4) Supplemental COLA option for Plan 1 members.

Retiring Plan 1 members may select an annual cost-of-living adjustment (COLA) option in addition to their choice of retirement benefit options listed above in subsections (1) and (2) of this section. Retiring members who choose this supplemental option will have their monthly retirement allowance actuarially reduced to offset the cost of annual adjustment.

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

(a) This ((section)) subsection applies to members retiring on or after January 1, 1996, who select Option Two, Three, or Four.

(b) Plan 1 members. If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen the maximum benefit((, minus));

(ii) Minus any reduction in the maximum allowance resulting from a withdrawal of contributions((, plus));

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

(c) Plan 2 and Plan 3 members. If the survivor dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

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

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

(d) Pop-up recalculation example.

Plan One:

Lucinda retires from TRS Plan 1 in 1996 (Year 0) with \$55,000 in accumulated contributions. As a TRS 1 member she is allowed to withdraw some or all of her contributions when she retires. She decides to withdraw \$5,000 so she and Garth, her husband, can take a cruise. This will actuarially reduce Lucinda's maximum benefit from \$2,000 per month to \$1,963.86. Lucinda would also like her husband Garth to receive a monthly allowance after she dies. Therefore, Lucinda chooses one of the benefit options with a survivor feature. As a result, her monthly allowance is further actuarially reduced from \$1,963.86 to \$1,846.03. Unfortunately, Garth dies in January 2001 (Year 5). Under the "pop-up" provision, Lucinda's monthly benefit will increase to \$1,963.86, the amount she would have received had she chosen the maximum benefit (after reduction for her withdrawals). If Lucinda selected the COLA option or if she has otherwise become eligible for a COLA, the accumulated COLAs (based on the prior benefit allowance) will be added to the \$1,963.86*.

Plan Two:

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

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

Original Option One Benefit Amount

\$2000

+ Total COLA's

= New Benefit Amount

+ \$191.05

= \$2,191.05*

*In the future (i.e., 2001 or Year 5), COLAs will be based on the increased benefit amount.

(e) If the survivor dies and the retiree's benefit increases under this ((section)) subsection, and thereafter the retiree also dies before all accumulated contributions are exhausted, ((the)) all benefits cease. Any remaining balance ((is retained by the retirement fund)) of the member's accumulated contributions will be paid to:

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

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

(iii) The member's estate; or

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

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

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

(b) The retiree provides the department proper proof of the designated beneficiary's death. The retiree is not required to apply for the increased benefit provided in this subsection.

The adjusted retirement allowance will be effective on July 1, 1998, or the first day of the month following the date

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of death of the designated beneficiary, whichever comes last. The adjustment is computed as described in RCW 41.32.530 (3)(c) for Plan 1 retirees or RCW 41.32.785 (3)(c) for Plan 2 retirees.

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

(8) Postretirement benefit options.

(a) Postretirement marriage option. Members who select the maximum option (Plan 1 only) or the standard allowance (Option One) at the time of retirement and marry after retirement may subsequently select a survivor option with their new spouse as survivor beneficiary, provided that:

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

(ii) The selection is made either:

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

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

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

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

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

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

**WSR 01-10-048
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-69—Filed April 26, 2001, 2:57 p.m.]

Date of Adoption: April 6, 2001.

Purpose: To amend WAC 232-12-001, 232-12-071, 232-12-141, 232-28-515, 232-12-004, 232-12-007, 232-12-027, 232-12-271, 232-28-276, 232-12-068, 232-28-248, 232-28-272, 232-28-273, 232-28-02203, 232-28-02205, 232-28-02220, 232-28-02240, 232-28-278 and 232-28-279; adopting WAC 232-28-299, 232-28-290, 232-28-291, 232-28-292 and 232-28-293; and repealing WAC 232-28-258, 232-28-260, 232-12-131, 232-28-274, 232-28-280, and 232-28-281.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-258, 232-28-260, 232-12-131, 232-28-274, 232-28-280 and 232-28-281; and amending WAC 232-12-001, 232-12-071, 232-12-141, 232-28-515, 232-12-004, 232-12-007, 232-12-027, 232-12-271, 232-28-276, 232-28-278, 232-28-279, 232-28-299, 232-28-290, 232-28-291, 232-28-292 and 232-28-293; and repealing WAC 232-28-258, 232-28-260, 232-12-131, 232-28-274, 232-28-280, and 232-28-281.

02203, 232-28-02205, 232-28-02220, 232-28-02240, 232-28-278, and 232-28-279.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530.

Adopted under notice filed as WSR 01-05-135, 01-05-144, 01-05-141, 01-05-138, 01-05-142, 01-05-134, 01-05-140, 01-05-137, 01-05-136, 01-05-143, 01-05-139, 01-05-145, and 01-05-146 on February 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-12-001 Definition of terms.**

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (5):

- Added the word type to Conibear traps, to avoid use of a brand name and include all traps with similar mechanisms.

WAC 232-12-071 Buying or selling game unlawful.

Changes, if any, from the text of the proposed rule and reasons for difference:

- In the sentence "It is unlawful to offer for sale, sell, purchase, or trade..." the word knowingly was eliminated for clarity.
- Under subsection (c), both "and"s were changed to "or" to make individual items (e.g. gallbladder) stand alone.
- Renumbered the WAC because item (2) must be listed as a separate prohibition because statute (I-713) prohibits the director from issuing a permit for any sale of furs taken with body-gripping traps.

WAC 232-12-141 Wild animal trapping.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (4)(b)(i):

- Added the words, "and Human Services" to "the United States Department of Health" to be consistent with the statute.

Under subsection (4)(b)(ii):

- Corrected the language to be consistent with the statute.

WAC 232-28-515 Trapping seasons and regulations, 232-12-004 Classification of wild birds, 232-12-007 Classification of wild animals, 232-12-271 Criteria for planting aquatic plants and releasing wildlife, 232-28-272 2000-2001, 2001-2002, and 2002-2003 Black bear and cougar hunting seasons and regulations, 232-28-258 Washington auction hunts, 232-28-260 Special hunting seasons, 232-28-291 Special hunting season permits, 232-28-293 PL WMA raffle hunts, 232-12-131 Permits for special hunting and trapping seasons, 232-28-274 2000 Big game and wild turkey auction permits and raffles, 232-28-280 1999 Deer general seasons and 1999 special permits, 232-28-281 1999-2000 Elk general seasons and 1999-2000 special permits, 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five, and 232-28-02240 Game management units

(GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference:

None.

WAC 232-12-027 Game farm license provisions.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (1):

- Changed possess to possessed to correct a grammatical error.
- Eliminated the wording "by virtue of" and replaced it with the word "under," for clarity.
- Added the word "subsection," for clarity.

Under subsection (6):

- Added the word "inspection" to the second sentence, for clarity.

WAC 232-28-276 2000-01, 2001-02, 2002-03 Official hunting hours and small game seasons.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Hound Hunting During Deer and Elk Hunting Seasons:

- Added except by public safety removal permit to the last sentence, for clarity.

Under the Mountain Quail section:

- Added the word northern to Bobwhite to be consistent with the species name.

Under Turkey Season Special Regulations:

- Bullet item 3 was eliminated because it is covered in another WAC.

Under Canada Goose September Season:

- Eliminate Goose Management Areas 1 and 3 after Western Washington, for clarity.
- Eliminated the last phrase "for cottontail and snowshoe hair (or Washington hare)," to be consistent with the rest of the WAC.

WAC 232-12-068 Nontoxic shot requirements.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Added OLF Coupeville and Bayview to the line containing Whidbey Island Seaplane Base pheasant release site to better address potential secondary poisoning to bald eagles.

WAC 232-28-248 Special closures and firearm restriction areas.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Firearm Restriction Areas - Franklin, Grant, and Adams counties:

- Changed the wording to read: "That part of GMU 381...," instead of "Those parts of GMU 278 and 381...," this is to correct an error. No part of GMU 278 was supposed to be included in this particular Firearm Restriction Area.

Under Firearm Restriction Areas - Pierce County:

- Changed the note from "see GMU 484" to "see GMU 652," to correct an oversight.

WAC 232-28-299 Mandatory report of hunting activity.

Changes, if any, from the text of the proposed rule and reasons for difference:

Note The WAC number has been changed from WAC 232-28-300 to 232-28-299.

Under subsection (2):

- Eliminated the word raffle to reduce confusion with other types of drawings.
- Added sentence: To be eligible for the drawing, hunters must report their hunting activity for each transport tag acquired. This is to increase compliance for deer, elk, bear, and turkey.
- Added sentence: Bag limit: One additional deer or elk. This is to increase compliance for deer, elk, bear, and turkey.
- The word "special" was added before "incentive permit" to distinguish them from other permits.

Under subsection (2)(c):

- The word may was changed to must because it is a requirement.

Under subsection (3):

- Eliminated the last sentence (There is no penalty for hunters not purchasing a hunting license the previous year.), to reduce confusion.

WAC 232-28-290 Washington raffle hunts.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (6)(b):

- For added clarity the wording was changed to read, "The public must be informed of the date, time, and place of the raffle, and the organization must hold the drawing as specified."

Under subsection (6)(g):

- Require the department's share of the raffle revenue be delivered within 30 days rather than 10 days, to make it consistent with auctions and raffles.

Under subsection (9):

- Changed the wording in the first sentence from "If the winner cannot..." to "If the winner does not...," for clarity.

Under subsection (11):

- Eliminated the sentence, "A hunter may obtain only one hunting license for mountain sheep, mountain goat, or moose annually." This is to correct an oversight, hunters are not restricted to one bighorn sheep, mountain goat, or moose permit in a given license year.

WAC 232-28-292 Washington auction hunts.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (5)(a):

- For added clarity the wording was changed to read, "The public must be informed of the date, time, and place of the auction and the organization must hold the auction as specified."

Under subsection (5)(e):

- Require the organization to notify the department of the name and address of the successful bidder within 2 days rather than 10 days, to be consistent with auctions and raffles.

Under subsection (7):

- Eliminated the sentence, "A hunter may obtain only one hunting license for mountain sheep, mountain goat, or moose annually." This is to correct an oversight, hunters are not restricted to one bighorn sheep, mountain goat, or moose permit in a given license year.

WAC 232-28-273 2001 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under permit levels for mountain goats:

- Reduce goat permits in Methow to two (2). This is because a low number of goats were observed during the survey in 2000.

Under Who May Apply (for all three species moose, mountain sheep, and mountain goat):

- Added raffle and auction hunts to the end of the section to be consistent with WAC 232-28-290 and 232-28-292.

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Changes, if any, from the text of the proposed rule and reasons for difference:

- GMU 329 Quilomene, added the letters WDFW before the roads 14 and 14.14 for clarification.

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Elk Area 037 West Bar has been deleted because it is now designated as GMU 330 West Bar.
- A new Elk Area 067 is proposed because damage problems have occurred and a new damage hunt is recommended for this area.

WAC 232-28-278 2000-2002 Deer general seasons and 2001 special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Branched Antler Restrictions:

- The sentence "Applies to all hunters during any open season" should be changed to: "Applies to all hunters during any general season," for clarity.

Under "Youth and Disabled hunters":

- The subtitle "Eastern Washington Mule Deer" was changed to "Eastern Washington Deer" because any deer, whether whitetail or mule deer is legal.
- A new hunting season for youth and disabled hunters was added allowing youth and disabled to take any whitetail during modern firearm deer season in

GMUs 204, 209, 215, and any deer in GMUs 209-248, 260 and 269.

Under Advanced Hunter Education Graduate Seasons:

- The GMUs were changed from 127-142 to 130-142 and the legal deer was changed from "Antlerless Only" to "Whitetail, Antlerless Only" to correct an oversight. This is the same restriction as last year. The 127 unit was dropped from AHE to prevent an overlap with late archery deer.

Under "Hunters 65 and over Disabled or Youth Seasons":

- GMU 127 was deleted from the Eastern Washington Mule Deer Seasons to focus pressure on GMU 142 where damage is severe.
- The legal deer for GMU 142 was changed from "Any Mule Deer" to "Mule deer, 3 pt. min. or antlerless." This change was made to be consistent with the antler point requirement for whitetail deer in the same unit.

Under Early Archery Mule Deer:

- Game Management Units open September 1-30 were changed from "101 through 127, 204 through 247, 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372" to "101 through 127, 204, 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372." The September 1-15 early archery mule deer seasons were changed from "GMUs 130 through 154, 162 through 178, 181, 186, 248, 254, 266, 269, 272, 278, 284, 381, 382" to "130 through 154, 162 through 178, 181, 186, 209 through 242, 248, 254, 266, 269, 272, 278, 284, 381, 382." The September 16-30 archery mule deer seasons were changed from "130 through 154, 162 through 178, 248, 254, 266, 269, 272, 278, 284, 381, 382" to "130 through 154, 162 through 178, 209 through 242, 248, 254, 266, 269, 272, 278, 284, 381, 382." These changes were made to allow archers to take antlerless mule deer in GMUs 209 through 242 during the period September 16-30.
- Eliminated the Bangor Submarine Base from the open hunting area for persons of disability because the Navy will not allow hunting on the Base this year.

Under Early Archery Eastern Washington Whitetail Deer:

- The legal deer for GMUs 101 through 124, 204 through 284, was changed from "Any deer" to "Any whitetail Deer" to clarify the legal deer.
- In GMUs 127 through 154, 162 through 186, the legal deer was changed from "3 pt. min. or antlerless" to "Whitetail, 3 pt. min. or antlerless" to clarify the legal deer.

Under late Archery Deer Seasons:

- The ending date for Eastern Washington Mule Deer was errantly listed as December 15 for GMUs 209, 215, 233, 243, 250, 346, 352 the ending date should be December 8 as it was last year.
- Under Early Muzzleloader Deer Seasons, GMU 381 was added to the early Whitetail Deer seasons for any buck and Mule Deer for 3 pt. min. and in late

muzzleloader season Mule Deer 3 pt. min. or antlerless. This unit was opened to muzzleloaders for whitetail so mule deer were added to allow taking of whitetail or mule deer during this season.

- Under Special Deer Permit Hunting Seasons the Steptoe hunt special restrictions were changed from "Whitetail, Antlerless" to "Antlerless" to allow taking of antlerless mule deer.
- The permit level for Mayview was changed from 500 to 700 because of damage complaints.
- The boundary description for Prescott B was changed from "That portion of GMU 149 north of Hwy 261" to "That portion of GMU 149 north and east of Hwy 261" for clarification.
- The legal deer for Blue Mountains A and B was changed from whitetail, 3 pt. min or antlerless to any whitetail.

Under Modern Firearm Permit Hunts:

- Permit quotas for the following hunts were changed because of improved buck ratios and the opportunity to take more bucks, the changes are as follows:
 - Chewuch from 15 to 30
 - Pearygin from 15 to 35
 - Gardner from 15 to 25
 - Chiliwist from 5 to 25
 - Alta from 15 to 30
- The permit quota for Beezley East was changed from 200 to 300. This change was made because of recent damage complaints in the area.

Under Muzzleloader Only Deer Permit Hunts:

- The boundary description for Blue Mtns Foothills C was changed from "GMUs 149-154, 162-166" to "149, 154, 162-166," this was changed because there is no unit between 149 and 154.

Under Special Deer Permit Hunts for Hunters 65 or older:

- The boundary description was changed from "GMUs 145-149, 181" to "145, 149, 181," because there is no unit between 145 and 149.

Under Special Youth Deer Permit Hunts:

- The following letter designations were added to hunts to separate hunt opportunities, the changes are as follows:
 - Quilomene "D"
 - Umtanum "D"
 - Wind River "C"
 - Satsop "C"
 - Skookumchuck from "D" to "C"

The following changes to permit quotas were adjusted to reflect changes in hunter success and allocation for each user group. The ending dates were changed to prevent an overlap with late archery elk seasons.

- The hunt dates for Quilomene A were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 92 to 100.
- The hunt dates for Umtanum A were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 95 to 90.

- The hunt dates for Alkali A were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 89 to 80.
- The hunt dates for Alkali B were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 25 to 75.
- The hunt dates for Green River A were changed from Oct 7-13 to Oct 6-10 and permit level increased from 10 to 20.
- Added superscript a to the Green River hunt and added the footnote, Green River deer and elk permit hunters may hunt bear and cougar in GMU 485, during the permit season, with bear and cougar tags.
- Changed the asterisk to superscript b for both GMUs 504 and 554.
- Changed the asterisks for Pysht to superscript c.
- The legal deer for East Klickitat was changed from 3 pt min or antlerless to any deer.
- The Sinlahekin B and Pogue B Archery deer permit hunts were dropped because early archery deer seasons Sept. 16-30 were changed to include antlerless opportunity.
- Changed the footnote asterisks to letter footnotes for clarification.
- Under Muzzleloader Only Deer Permit Hunts the permit quota for Desert C was changed from 3 to 4.
- The permit quota for Quilomene B was changed from 15 to 11.
- The permit quota for Umtanum B was changed from 8 to 9.
- The permit quota for Alkali C was changed from 15 to 12.
- The permit quota for Alkali D was changed from 5 to 8.
- The hunt name Mason Lake was changed to "Mason Lake B."
- The hunt name Satsop was changed to "Satsop C."
- The legal deer for Blue Mtns. Foothills C was changed from Whitetail, 3 pt. min or antlerless to any whitetail.
- Under Archery Only Deer Permit Hunts the permit quota for Desert D was changed from 45 to 62.
- The Quilomene C and Umtanum C hunts were changed from Nov. 21-Dec. 8 to Nov. 23-Dec. 8, to avoid an overlap with modern firearm permit hunts.
- The permit quota for Quilomene C was changed from 146 to 126.
- The permit quota for Umtanum C was changed from 55 to 45.
- The hunt dates for Alkali E were changed from Nov 21 to Dec 8 to Nov 23 to Dec 8 and the permit level changed from 60 to 90. Date changed to prevent an overlap with modern firearm elk season.
- Under Special Permit Hunts for Hunters 65 or older the boundary description for the Blue Mtn Foothills D hunt was changed from GMUs 145-149, 163, 178, 181 to GMUs 145-149, 181.
- Under Special Youth Deer Permit Hunts the following permit hunts were deleted: East Okanogan B, West Okanogan B, Sinlahekin C, Pearygin B, Gardner B, Chiliwist B, Alta B, Big Bend B, Foster

- Creek, and Moses Coulee B. These permit hunts were replaced by general antlerless opportunity for youth in modern firearm deer seasons.
- The letter "D" was added after Quilomene and Umtanum hunts. The letter "C" was added after Wind River, Satsop, and Skookumchuck hunts for clarification.

WAC 232-28-279 2000-2002 Elk general seasons and 2001-2002 special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

- The year 2000 should be 2001 in the Bag Limit section.
- Under Elk Tag Areas the last sentence, "The Northwest, Blue Mountains..." was deleted. This sentence no longer applies because all of eastern Washington is on tag area.
- GMU 371 (Alkali) was dropped from the spike only GMUs because the unit is not open in general seasons.
- The Harvest Report Card section was deleted because it is now covered in another WAC.
- Added GMU 371 (Alkali) as a permit only unit in eastern Washington, for clarification.
- The "Hunting Method" for archery was modified to read, "Bow and arrow only as defined by WAC 232-12-054," for clarification.
- In Early Archery Elk Seasons, the first entry (GMUs 101 through 109, 121 through 142, 243, 247, 249, 250, 334) was changed to GMUs 101 through 142, 243, 247, 249, 250, 334.
- The legal elk for GMUs 113-117 in the Early Archery Elk Season was changed from any bull to any elk. These corrections were made because elk transplants to northeast Washington (GMU 117) have been successful, the elk have settled, and we now can open the season to any elk for archers.
- Under Early Archery Elk Seasons for western Washington, the open GMUs were changed for 3 pt. min. or antlerless from "407, 448, 501 through 673, 684, and Long Island," to "407, 408, 501 through 505, 550, 554, 558, 560, 572, 654, 660, 663, 667 through 673, 684 and Long Island."
- Under the Early Archery Elk seasons for western Washington, the open GMUs were changed for 3 pt. min. from "460, 466, 510, 513, 516, 601, 602, 603, 612 through 648, 624 through 633, 638 through 651, 652, 653, 658, 666, 681" to "460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 612 through 618, 624 through 633, 638 through 651, 652, 653, 658, 666, 681." This changes was made to drop antlerless opportunity in early archery elk seasons in GMUs 506, 520 and 530.
- In Late Archery Elk Seasons, GMUs 101, 105, 121 through 127 was changed to GMUs 101, 105, 117 through 127.
- Also in Late Archery Elk Seasons, the listing for GMU 117 was deleted because it was incorporated in the listing above.

- Under western Washington Late Archery Elk Seasons, the open units for 3 pt. min. were changed from "506, 520, 530, 603, 612, 615, 638, 648, and 652" to "603, 612, 615, 638, 648, and 652."
- Added GMUs 506, 520, 530 to 3 pt. min. or antlerless, Nov. 21-Dec. 2, 2001, Nov. 20-Dec. 1, 2002. Added GMUs 506, 520, 530 to 3 pt. min. hunts Dec. 3-15, 2001, and Dec. 2-15, 2002. These changes were made to allow archers to take antlerless elk Nov. 21-Dec. 2, 2001 and Nov. 20-Dec. 1, 2002 instead of during early seasons that may be subject to access restrictions.
- The "Hunting Method" for muzzleloader was modified to read, "Muzzleloader only as defined by WAC 232-12-051," for clarity.
- Under Early Muzzleloader Elk Seasons change the legal elk from antlerless to spike or antlerless in "That part of GMU 368..." This was made because the unit is already open to spike bull hunting at this time.
- Under Western Washington Early Muzzleloader Elk Seasons GMU 501 was listed under both the 3 pt. min. and 3 pt. min. or antlerless seasons. It should be dropped from the 3 pt. min. season.
- Under Late Eastern Washington Muzzleloader Elk Seasons the following hunt was added: GMUs 101, 105, 121, that part of GMU 124 west of Hwy 395, Oct. 27-Nov. 4, 2001, Oct. 28-Nov. 3, 2002, open for any elk. This change was made to give all 3 user groups hunting opportunities in this area.
- In the Special Elk Hunts Open to Specified Tag Holders, the hunts in GMUs 127-142 and Grant, Adams, Douglas, Franklin, Okanogan, and Benton counties etc. should allow the EA, EM, or EF elk tag. This change allows all these user groups to hunt these areas.
- The two ML Area 941 hunts (one for muzzleloader and the other for archery) were proposed to be dropped but are now proposed to be open to help alleviate damage complaints.

The following corrections were made to the Special Elk Permit Hunting Seasons because of recent field survey information and hunter report success information. All the asterisks were changed to superscripts for ease of reading and clarification.

- The permit quota for Blue Creek A was changed from 4 to 3.
- In the Dayton A modern firearm bull permit hunt, the boundary description was changed from "Part of GMU 162 and 163***" to "GMU 162." This is not a change from last year.
- The permit quota for Mtn. View A was changed from 7 to 8.
- The West Bar A and B Spike bull permit hunts were deleted because of poor bull ratios in the Colockum herd.
- The permit quota for Peaches Ridge A was changed from 69 to 86.
- The permit quota for Observatory A was changed from 46 to 48, special restrictions changed from any bull to any elk, and GMU 371 was added to the

boundary description. Also, the permit hunt was moved to the Modern Firearm Elk permit hunts on the following page. This change was made to allow hunters to take any elk.

- The permit quota for Goose Prairie A was changed from 206 to 176.
- The permit quota for Bethel A was changed from 135 to 120.
- The permit quota for Rimrock A was changed from 108 to 103.
- The permit quota for Cowiche A was changed from 28 to 26.
- The permit hunt for Margaret A was changed from 19 to 18.
- The permit quota for Toutle A was changed from 85 to 90.
- The permit quota for Olympic A was changed from 13 to 21.
- The phrase "North and west of Jimmy Come Lately Creek and Grey Wolf River and" was deleted from the footnote.
- Under Modern Firearm Elk Permit Hunts, the date for the Three Forks hunt was changed from Oct 22-Nov 4 to Oct 27-Nov 4.
- The date for the Mount Spokane hunt was changed from Oct 22-Nov 4 to Oct 27-Nov 4.
- The date for the Blue Creek E hunt was changed from Oct 22-Nov 4 to Oct 27-Nov 4.
- The name Payton was changed to Dayton A and the dates for the hunt changed from Oct 22-Nov 4 to Oct 27-Nov 4, the permit quota changed from 75-100.
- The permit quota for Shushuskin was changed from 50 to 75.
- The permit quota for Malaga B was increased from 37 to 75.
- A new hunt Peshastin A was added Dec. 1-31, Any Elk, EF or EM tag, Elk Area 033 for 5 permits. This hunt is recommended for damage control.
- The hunt West Bar changed to West Bar A Oct. 22-31. A new hunt West Bar B was added Nov. 1-4, antlerless, EF or EM in GMU 330 for 10 permits.
- The permit quota for Umtanum A was changed from 440 to 400.
- A new hunt Cleman, Dec 9-31, Antlerless, EF or EM, ML Area 944, with 75 permits was added for damage control.
- The permit quota for Little Naches A was changed from 270 to 250.
- The permit quota for Nile was changed from 250 to 300.
- The permit quota for Bumping was changed from 500 to 530.
- The permit quota for Bethel B was changed from 250 to 275.
- The permit quota for Rimrock B was changed from 255 to 275.
- The permit quota for Cowiche B was changed from 160 to 180.
- The hunt Alkali A was deleted because this GMU was included in the Observatory hunt.

- The date for the Willapa Hills hunt was changed from Nov 8-12 to Nov 7-11.
- The Raymond C hunt permit quota changed from 10 to 15.
- The Raymond D hunt permit quota changed from 10 to 15.
- The year for the Raymond D hunt was added to correct an oversight.
- A new hunt Raymond E, Feb. 1-28, 2002, Antlerless, WF or WM, Part of GMUs 506 and 673, and 15 permits, was added for damage control.
- The Dungeness A hunt was changed from Nov 7-11 to Nov 28-Dec 2 and the permit quota changed from 9 to 6.
- The Dungeness B hunt was changed from Nov 7-11 to Dec 5-9, 3 pt min changed to antlerless, and permit quota changed from 4 to 6.
- A new hunt, Dungeness C was added. Dates Dec 12-16; Antlerless, WF or WM, Part of GMU 621, and 6 permits.
- The year 2002 was added to the Puyallup A hunt.
- The hunt "Minot" was changed to "North Minot" and the boundary changed from "Part of GMU 660" to "Elk Area 067."
- The year 2002 was added to the date Jan 15-23 for the Deschutes A hunt.
- Under Muzzleloader Bull Permit Hunts the permit quota for Mountain View B was changed from 2 to 1.
- The permit quota for Peaches Ridge B was changed from 9 to 11.
- Observatory B special restrictions changed from any bull to any elk and GMU 371 added to the hunt area and the hunt moved to the next table, Muzzleloader Permit Hunts.
- The permit quota for Goose Prairie B was changed from 26 to 22.
- The permit quota for Bethel C was changed from 18 to 17.
- The permit quota for Rimrock C was changed from 14 to 13.
- The Alkali hunt was deleted because it was combined with units in Observatory.
- The permit quota for Toutle C was changed from 16 to 15.
- The permit quota for the Olympic B hunt changed from 2 to 3.
- The Dungeness C hunt was deleted.
- The permit quota for Columbia A and B were increased from 40 to 50 in both hunts for damage control.
- The legal elk for West Bar C was changed from Spike Bull to Antlerless.
- The Alkali B hunt was deleted because GMU 371 was added to the Observatory hunt.
- The year 2001 was replaced by the year 2002 for the Mossyrock A, Randle A, and Boistfort hunts.
- A new hunt for Peshastin B was added after Malaga D as follows: Peshastin B, Aug. 18-Sept. 23, Antlerless, EM, Elk Area 033, 20 permits.

- The hunt name Minot Peak was changed to "North Minot B" and the boundary changed from "GMU 660***" to "Elk Area 067."
- The permit quota for Raymond A was increased from 10 to 15 for damage control.
- The two asterisk footnote below the table was changed from "That part of GMU 162 east of North Touchet Rd, outside National Forest." to superscript n "That part of GMU 162 east of North Touchet Rd excluding National Forest. Mostly private land, winter road closures in GMU 162."
- The three asterisk footnote "That part of GMU 660..." was deleted.
- Under Archery Bull Permit Hunts: (the title was changed to Archery Permit Hunts because some of the permit hunts are not restricted to bulls)
 - The permit quota for Dayton C was changed from 7 to 4.
 - The permit quota for Tucannon C was changed from 3 to 1.
 - The permit quota for Wenah D^a was changed from 3 to 2.
 - The permit quota for Mtn. View C was changed from 8 to 6.
 - The permit quota for Peaches Ridge C was changed from 53 to 88.
- The permit quota for Observatory C was changed from 28 to 40, special restrictions changed from any bull to any elk and GMU 371 was added to the hunt area.
- The permit quota for Goose Prairie C was changed from 138 to 267.
- The permit quota for Bethel D was changed from 87 to 100.
- The permit quota for Rimrock D was changed from 56 to 87.
- The permit quota for Cowiche D was changed from 22 to 20.
- The hunt "Alkali" was deleted because GMU 371 was added to the Observatory hunt.
- The permit quota for Margaret D was changed from 6 to 8.
- The permit quota for Toutle D was changed from 42 to 55.
- The permit quota for Olympic C was changed from 3 to 6.
- The year 2002 was added to the date for the Mashel B hunt to correct an error.
- The permit quota for Raymond B was changed from 10 to 15.
- The Raymond A hunt was dropped because it was replaced by a muzzleloader hunt.
- The Dungeness D hunt was deleted, as a result of negotiations with Pt. No Pt. Treaty Council.
- The hunt name "Puy-muck" was changed to "Tan-wax."
- Under Advanced Hunter Education Permit Hunts the South Bank A hunt was deleted.
- The single asterisk footnote "Firearm Restriction Area - Hunters may use only muzzleloader equipment" was deleted.

- The South Bank B hunt was deleted because it was replaced by Chehalis Valley.
- The two Skookumchuck hunts were labeled Skookumchuck A and Skookumchuck B for clarification.
- The permit quota for Centralia Mine A and B was reduced from 4 to 2 for each hunt because some of the hunt area will be mined.
- The boundary for Chehalis Valley D was changed from "GMU 667" to "Elk Area 066."
- The three asterisk footnote was deleted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 19, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 26, 2001

Debbie Nelson

for Russ Cahill, Chairman
Fish and Wildlife Commission

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-12 issue of the Register.

WSR 01-10-049

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 26, 2001, 4:40 p.m., effective June 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: To incorporate changes regarding the current mini and abbreviated reporting options.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-011 Forms—Registration statement for political committees.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 01-07-105 on March 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2001.

April 25, 2001
Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 00-22-050, filed 10/27/00)

WAC 390-16-011 Forms—Registration statement for political committees. The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for ((abbreviated)) mini campaign finance reporting is designated "C-1pc", revised ((11/00)) 6/01. Copies of this form are available at the Commission Office, 711 Capitol Way, Room ((403)) 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PERMANENT



711 CAPITOL WAY RM 206
PO BOX 48808
OLYMPIA WA 98504-0808
(360) 753-1111
TOLL FREE 1-877-601-2828

Political Committee Registration

C1 PC
(1100)

Committee Name (Show entire official name.)

Acronym:

Mailing Address

Telephone: ()

City

County

Zip + 4

Fax: ()

E-mail:

NEW OR AMENDED REGISTRATION?

- NEW. Complete entire form.
- AMENDS previous report. Complete entire form.

COMMITTEE STATUS

- Continuing (On-going; not established in anticipation of any particular campaign election.)
- _____ election year only. Date of general or special election: _____
(Year)

1. What is the purpose or description of the committee?

Bone Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support.

Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

Ballot Number FOR AGAINST

Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election-year only committees (not continuing committees): Is the committee supporting or opposing

- (a) one or more candidates? Yes No If yes, attach a list of each candidate's name, office sought and political party affiliation.
- (b) the entire ticket of a political party? Yes No If yes, identify the party.

2. Related or affiliated committees. List name, address and relationship.

Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.

ABBREVIATED REPORTING

Abbreviated Reporting is selected. No more than \$2,000 will be raised or spent and no more than \$200 in the aggregate will be accepted from any one contributor.

FULL REPORTING

Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

4. Campaign Manager's or Media Contact's Name and Address

Telephone Number:

()

5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)

Continued on attached sheet

Daytime Telephone Number:

()

6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

Continued on attached sheet

7. Campaign Bank or Depository

Branch

City

8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City

Hours [Two consecutive hours; see 8(a)]

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()

9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

- A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).

10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.
Committee Treasurer's Signature Date

Need campaign finance forms and instructions?

Please check one of the following boxes.

- I already have forms and instructions.
- I will get forms and instructions from my county elections office.

- I want the Public Disclosure Commission to mail me the proper forms and instructions.

Distribution of This Report:
ORIGINAL - Public Disclosure Commission
COPY - County Elections Office (Auditor)
COPY - Your own records

SEE INSTRUCTIONS ON REVERSE

PERMANENT

C1 PC
(11-00)**POLITICAL COMMITTEE
REGISTRATION**

Please consult PDC instruction manuals when completing this report.
 Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

Who Must File

Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.

When To File

Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)

File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.

Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the original to PDC at the above address. Send a copy to County Auditor (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.

"Officer" of a Political Committee – Definition

Officer of a political committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1pc registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

Contact PDC or County Elections Office for Instruction Manuals and Reporting Forms or look under the "Filer Assistance" menu category on PDC's Web Site: www.pdc.wa.gov



Political Committee Registration

C1 PC
(S/01)

Committee Name (Show entire official name.)		Acronym:
Mailing Address		Telephone: ()
City	County	Zip + 4
		Fax: ()
NEW OR AMENDED REGISTRATION?		COMMITTEE STATUS
<input type="checkbox"/> NEW. Complete entire form. <input type="checkbox"/> AMENDS previous report. Complete entire form.		<input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.) <input type="checkbox"/> election year only. Date of general or special election: _____ (Year)
1. What is the purpose or description of the committee?		
<input type="checkbox"/> Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list or specify here the names of the candidates you support		
<input type="checkbox"/> Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:		
Ballot Number FOR AGAINST _____ <input type="checkbox"/> <input type="checkbox"/>		
<input type="checkbox"/> Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:		
For single election-year only committees (not continuing committees): Is the committee supporting or opposing (a) one or more candidates? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a list of each candidate's name, office sought and political party affiliation. (b) the entire ticket of a political party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify the party:		
2. Related or affiliated committees. List name, address and relationship.		
3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.) If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.		
<input type="checkbox"/> MINI REPORTING Mini Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.		
<input type="checkbox"/> FULL REPORTING Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.		
4. Campaign Manager's or Media Contact's Name and Address		Telephone Number: ()
5. Treasurer's Name and Address (List deputy treasurers on attached sheet.)		<input type="checkbox"/> Continued on attached sheet Daytime Telephone Number: ()
6. Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."		<input type="checkbox"/> Continued on attached sheet
7. Campaign Bank or Depository		Branch City
8. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.		
Street Address, Room Number, City Hours [Two consecutive hours; see 8(a)]		
In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()		
9. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.		10. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee Treasurer's Signature Date
<input type="checkbox"/> A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).		
Need campaign finance forms and instructions? Please check one of the following boxes.		Distribution of This Report: ORIGINAL - Public Disclosure Commission COPY - County Elections Office (Auditor) COPY - Your own records
<input type="checkbox"/> I already have forms and instructions. <input type="checkbox"/> I will get forms and instructions from my county elections office.		<input type="checkbox"/> I want the Public Disclosure Commission to mail me the proper forms and instructions.

PERMANENT

C1 PC
(6/01)POLITICAL COMMITTEE
REGISTRATION

Please consult PDC instruction manuals when completing this report.
 Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

Who Must File

Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.

When To File

Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)

File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.

Continuing political committees using Mini Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the **original** to PDC at the above address. Send a **copy** to **County Auditor** (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.

"Officer" of a Political Committee – Definition

Officer of a political committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1pc registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

**Contact PDC or County Elections Office for Instruction Manuals
and Reporting Forms or look under the "Filer Assistance" menu category on PDC's
Web Site: www.pdc.wa.gov**

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

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

WSR 01-10-050

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 26, 2001, 4:40 p.m., effective June 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: To outline the circumstances and dollar thresholds under which a candidate and/or political committee is eligible to use a reporting option other than full reporting.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-105 Abbreviated campaign reporting—Eligibility.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 01-07-106 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Removed all reference to WAC 390-16-120.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2001.

April 25, 2001

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 86-04-071, filed 2/5/86)

WAC 390-16-105 ((Abbreviated)) Mini campaign reporting—Eligibility. (1) ((No)) A candidate or candidate's authorized committee ((and no political committee)), as those terms are defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.060 ((-)) through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, ((390-16-120)) and 390-16-125 when neither ((the)) aggregate contributions nor ((the)) aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed ((two)) three thou-

sand five hundred dollars and no contribution or contributions from any ((source)) person other than the candidate((& personal resources)) within such aggregate exceed ((s)) ((two)) three hundred dollars. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.

(2) A political committee, as that term is defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.060 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, ((390-16-120)) and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed three thousand five hundred dollars and no contribution or contributions from any person exceed three hundred dollars.

(3) ((No)) A continuing political committee, as that term is defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.060 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, ((390-16-120)) and 390-16-125 when neither ((the)) aggregate contributions nor ((the)) aggregate expenditures during a calendar year exceed ((two)) three thousand five hundred dollars and no contribution or contributions from any person exceed ((two)) three hundred dollars.

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

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

WSR 01-10-051

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 26, 2001, 4:40 p.m., effective June 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: To update this rule to reflect changes in WAC 390-16-105.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-111 Abbreviated campaign reporting—Special fund raising events.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 01-07-107 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Added reference to WAC 390-16-105 to assist filers. This additional language does not alter the rule's purpose or 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 0, Amended 1, Repealed 0.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2001.

April 25, 2001
Vicki Rippie
Executive Director

Effective Date of Rule: June 1, 2001

April 25, 2001
Vicki Rippie
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-16-150 Mini campaign reporting

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

WAC 390-16-111 ((Abbreviated)) Mini campaign reporting—Special fund raising events. The term "any person" as used in WAC 390-16-105 does not mean a fund raising activity conducted pursuant to RCW 42.17.067. Candidates and committees using ((abbreviated)) mini reporting as provided in chapter 390-16 WAC shall not be limited to receiving ((two)) three hundred dollars from a fund raising event provided that the payments from any person do not exceed ((two)) three hundred dollars from all fund raising ((events)) conducted during a campaign or calendar year as provided in WAC 390-16-105.

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 01-10-052 PERMANENT RULES PUBLIC DISCLOSURE COMMISSION

[Filed April 26, 2001, 4:40 p.m., effective June 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: To repeal this rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-16-150 Mini campaign reporting.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 01-07-108 on March 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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.

WSR 01-10-053

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 26, 2001, 4:41 p.m., effective June 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: To make the listing of the street address one of the options for reporting real property.

Citation of Existing Rules Affected by this Order: Amending WAC 390-24-200 Descriptions of real property.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 01-07-109 on March 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2001.

April 25, 2001
Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending Order 88-04, filed 9/29/88)

WAC 390-24-200 Descriptions of real property. (1) For the purposes of reporting real property as required by RCW 42.17.241 (1)(h)-(k), the filer shall list the street address of each parcel, ((if there is one. If there is no address, other sufficient descriptions of the property would be (a))) the assessor's parcel number, ((b))) the abbreviated legal description appearing on property tax statements, or ((e))) the complete legal description.

(2) Each property description shall be followed by the name of the county in which the property is located.

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

WSR 01-10-054

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 26, 2001, 4:41 p.m., effective June 1, 2001]

Date of Adoption: April 24, 2001.

Purpose: To incorporate changes regarding the current mini and abbreviated reporting options.

Citation of Existing Rules Affected by this Order:
Amending WAC 390-16-012 Forms—Registration statement
for candidates.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 01-07-110 on March 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2001.

April 25, 2001

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 00-22-051, filed 10/27/00)

WAC 390-16-012 Forms—Registration statement for candidates. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting ((or abbreviated campaign finance reporting)) is designated "C-1", revised ((4/1/00)) 6/01. Copies of this form are available at the Commission Office, 711 Capitol Way, Room ((403)) 206, P.O. Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PERMANENT



111 CAPITOL WAY NW 200
PO BOX 40000
Olympia WA 98544-0000
(360) 756-4111
TOLL FREE 1-877-661-2520

Candidate Registration

C1

(11.00)

Candidate's Name (Give candidate's full name.)		Telephone Numbers ()
Candidate's Committee Name (Do not abbreviate.)		()
Mailing Address		Fax Number ()
City	County	Zip + 4
1. What office are you running for?		Legislative District, County or City
		Position No.
		Do you now hold this office? Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Political party (if partisan office)		3. Date of general or special election
4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.		
<input type="checkbox"/> Option I MINI REPORTING In addition to my filing fee of \$_____, I will raise and spend no more than \$500, including any charges for the voter pamphlet. I will not accept more than \$200 in the aggregate from any contributor except myself.		
<input type="checkbox"/> Option II ABBREVIATED REPORTING I will raise and spend no more than \$2,000, including my filing fee and any charges for the voter pamphlet. I will not accept more than \$200 in the aggregate from any contributor except myself.		
<input type="checkbox"/> Option III FULL REPORTING I will use the Full Reporting System. I will file the frequent, detailed campaign reports required by law.		
5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet.		<input type="checkbox"/> Continued on attached sheet Daytime Telephone Number ()
6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer."		
<input type="checkbox"/> Continued on attached sheet		
7. Campaign Bank or Depository		Branch
8. Related or Affiliated Political Committees. List name, address and relationship.		City
<input type="checkbox"/> Continued on attached sheet 9. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday – two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays, by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.		
Street Address, Room Number, City		Hours [Two consecutive hours; see 9(a)]
In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()		
10. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge. Candidate's Signature		
		Date
Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes that apply.		
<input type="checkbox"/> I already have financial affairs and campaign disclosure forms and instructions. <input type="checkbox"/> I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms. <input type="checkbox"/> I will obtain all forms and instructions from my county elections office. <input type="checkbox"/> I want PDC to mail me: <input type="checkbox"/> the F-1 instruction booklet (which includes forms) <input type="checkbox"/> the appropriate campaign disclosure forms and instructions.		
Distribution of This Report: ORIGINAL - Public Disclosure Commission COPY - County Elections Office (Auditor) COPY - Your own records (Note: City candidates contact City Clerk to see if local filing is required.)		

SEE INSTRUCTIONS ON REVERSE

C1
(110q)**CANDIDATE
REGISTRATION**

Please consult PDC instruction manuals when completing this report.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

Who Must File

Candidates who seek

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.

When To File

Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she first does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the original to PDC at the above address. Send a copy to County Auditor (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign's records.

"Officer" of a Candidate's Committee – Definition

Officer of a candidate's authorized committee or officer of a candidate's committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

**Contact PDC or County Elections Office for Instruction Manuals
and Reporting Forms or look under the "Filer Assistance" menu category on PDC's
Web Site: www.pdc.wa.gov**

PERMANENT



Candidate Registration

C1
 (601)

Candidate's Name (Give candidate's full name.)

Telephone Numbers

()

()

Mailing Address

Fax Number

()

City

County

Zip + 4

E-Mail Address

1. What office are you running for?

Legislative District, County or City

Position No.

Do you now hold this office?

Yes

No

2. Political party (if partisan office)

3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

Option I MINI REPORTING: In addition to my filing fee of \$ _____, I will raise and spend no more than \$3,500, including any charges for inclusion in state and local voters-pamphlets. I will not accept more than \$300 in the aggregate from any contributor except myself.

Option II FULL REPORTING: I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.

5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet. Continued on attached sheet

Daytime Telephone Number

()

6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

Continued on attached sheet

7. Campaign Bank or Depository

Branch

City

8. Related or Affiliated Political Committees. List name, address and relationship.

Continued on attached sheet

9. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday – two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays, by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City

Hours [Two consecutive hours; see 9(a)]

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()

10. CERTIFICATION:

I certify that this report is true, complete and correct to the best of my knowledge.

Candidate's Signature

Date

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes that apply.

Distribution of This Report:

ORIGINAL – Public Disclosure Commission

COPY – County Elections Office (Auditor)

COPY – Your own records

(Note: City candidates contact City Clerk to see if local filing is required.)

- I already have financial affairs and campaign disclosure forms and instructions.
- I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.
- I will obtain all forms and instructions from my county elections office.
- I want PDC to mail me: the F-1 instruction booklet (which includes forms)
 the appropriate campaign disclosure forms and instructions.

SEE INSTRUCTIONS ON REVERSE

C1 <small>(501)</small>	CANDIDATE REGISTRATION
----------------------------	---------------------------

Please consult PDC instruction manuals when completing this report.
 Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

Who Must File**Candidates who seek**

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.

When To File

Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she first does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File

Send the **original** to PDC at the above address. Send a **copy** to County Auditor (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy as part of the campaign's records.

"Officer" of a Candidate's Committee – Definition

Officer of a candidate's authorized committee or officer of a candidate's committee includes the following persons:

- the treasurer,
- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee. (WAC 390-05-245)

**Contact PDC or County Elections Office for Instruction Manuals
 and Reporting Forms or look under the "Filer Assistance" menu category on PDC's
 Web Site: www.pdc.wa.gov**

PERMANENT

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

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

WSR 01-10-056
PERMANENT RULES

DEPARTMENT OF LICENSING

(Uniform Commercial Code)

[Filed April 27, 2001, 11:09 a.m., effective July 1, 2001]

Date of Adoption: April 27, 2001.

Purpose: Repeal all current rules and replace with new chapter 308-390 WAC to implement new revised article 9 of chapter 62A.9A RCW.

Citation of Existing Rules Affected by this Order: Repealing chapters 308-400 and 308-410 WAC; and adopting chapter 308-390 WAC.

Statutory Authority for Adoption: Chapter 62A.9, 60.11, 60.13, and 60.68 RCW.

Other Authority: Chapter 62A.9A RCW.

Adopted under notice filed as WSR 01-07-084 on March 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 44, Amended 0, Repealed 22.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 44, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 22.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 44, Repealed 22.

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 44, Repealed 22.

Effective Date of Rule: July 1, 2001.

April 27, 2001
 Alan E. Rathbun
 BPD Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-400-010

Authority and purpose.

WAC 308-400-020

Applicable statutes.

WAC 308-400-025

Filing of crop liens and processor and preparer liens for agricultural, dairy and commercial fish products.

WAC 308-400-030	Definitions.
WAC 308-400-053	Acceptance of documents for filing.
WAC 308-400-056	Return of acknowledgment.
WAC 308-400-058	Signature requirements.
WAC 308-400-059	Termination statement, statement of discharge lien termination statement and certificate of release.
WAC 308-400-060	Rejection of documents.
WAC 308-400-062	Incompatible actions.
WAC 308-400-080	Delegation of certification authority.
WAC 308-400-092	Overpayment of fees.
WAC 308-400-095	Fees.
WAC 308-400-100	Fees, forms and procedures—Filing processor and preparer liens for agricultural, dairy, or commercial fish products.
WAC 308-400-110	Forms, fees and procedures—Filing crop liens.
WAC 308-400-120	Forms, fees, and procedures—Filing federal liens.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-410-010	Purpose and authority.
WAC 308-410-020	Definitions.
WAC 308-410-030	Filing information available for review.
WAC 308-410-040	Application to become a user.
WAC 308-410-060	Contract for use.
WAC 308-410-070	Fees.

Chapter 308-390 WAC

**UNIFORM COMMERCIAL CODE,
REVISED ARTICLE 9**

NEW SECTION

WAC 308-390-100 General provisions. (1) These rules are adopted under the authority of Revised Article 9 of the Uniform Commercial Code, chapter 62A.9A RCW. The rules set forth in this chapter are effective with respect to financing statements filed on or after July 1, 2001, and to predecessor filings in effect immediately prior to that date.

(2) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:

- (a) Determine the legal sufficiency or insufficiency of a record.
- (b) Determine that a security interest in collateral exists or does not exist.
- (c) Determine that information in the record is correct or incorrect, in whole or in part.
- (d) Create a presumption that information in the record is correct or incorrect, in whole or in part.

NEW SECTION

WAC 308-390-101 Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule shall have the respective meanings given such terms in chapter 62A.9A RCW.

(1) "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the department of licensing.

(2) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(3) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(4) "Certified search" is a certified record of information maintained by the filing office.

(5) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

(6) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(7) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

(8) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

(9) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

(10) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

(11) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

(12) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(13) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(14) "On-line services" means the interactive internet application for filing and search functions.

(15) "Organization" means a legal person who is not an individual.

(16) "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

(17) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(18) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

(19) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

(20) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(21) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

(22) "UCC website" means the series of related internet web pages provided for on-line filing and search functions.

NEW SECTION

WAC 308-390-102 UCC record delivery and time of filing. UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is when the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(2) Express mail delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(4) Electronic mail and telefacsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number, are not accepted.

(5) Electronic filing. Financing statements may be entered on-line after July 1, 2001, as described in WAC 308-390-313 and 308-390-315. The time of filing of a financing statement delivered by direct on-line access or by web page data entry is the time that the filing office's information man-

agement system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

NEW SECTION

WAC 308-390-103 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.

NEW SECTION

WAC 308-390-104 Forms. Only the forms prescribed by RCW 62A.9A-521 and other forms approved by the filing office shall be accepted.

NEW SECTION

WAC 308-390-105 Fees. (1) The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format is \$13.28. If there are additional pages, the fee is \$1.00 for each additional page. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10.00.

(2) For an initial financing statement that indicates that it is filed in connection with a public-finance transaction or in connection with a manufactured-home transaction will be filed at the fee provided in subsection (1) of this section.

(3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$18.80. The fee for filing and indexing a UCC search request communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$15.00.

(4) UCC search—Copies. The fee for a UCC search and copies of all relevant documents is \$26.57.

(5) UCC search—Partial copies. The fee for a UCC search and copies of first pages only is \$20.00.

NEW SECTION

WAC 308-390-106 Expedited services. Expedited services are not provided.

NEW SECTION

WAC 308-390-107 Methods of payment. Filing fees and fees for public records services may be paid by the following methods:

(1) Cash. Payment in cash shall be accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks and money orders made payable to the department of licensing shall be accepted if they are drawn on a bank acceptable to the filing office.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

(4) Credit cards. The filing office shall accept payment by credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. This method of payment is accepted for on-line services only.

NEW SECTION

WAC 308-390-108 Overpayment and underpayment policies. (1) Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.

(2) Underpayment. Upon receipt of a document with an insufficient fee, a copy of the document shall be returned to the remitter as provided in WAC 308-390-204(2). A refund shall be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer's office. Warrants shall be redeemed within one hundred eighty days from date of issue and will not be reissued.

NEW SECTION

WAC 308-390-109 Bulk records. Bulk data from the UCC information management system shall be available in a format approved by the department. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Charges shall be determined by written agreement between the department and the purchaser.

NEW SECTION

WAC 308-390-200 Acceptance and refusal of records. The following filing requirements are in addition to those outlined in chapter 62A.9A RCW.

NEW SECTION

WAC 308-390-201 Multiple names. (1) To file multiple debtor names on a paper submittal, a filer must provide the additional names in boxes 2 or 11 only of the national UCC Financing Statement and box 7 only on the national UCC Financing Statement Amendment. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(2) To file multiple secured party names on a paper submittal, a filer must provide the additional names in box 12 only of the national UCC Financing Statement Addendum

and box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

NEW SECTION

WAC 308-390-202 Deadline for filing a continuation statement. (1) The first day on which a continuation may be filed is the date corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses, although filing by certain means may not be possible on the date if the filing office is not open on that date. The relevant lapse date for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

NEW SECTION

WAC 308-390-203 Acknowledgment. (1) If there is no ground for refusal of the document, an acknowledgment is prepared and sent to the address provided in box B of the national forms. If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the remitter by on-line response.

(2) The acknowledgment will show the financing statement as it was recorded. The filer shall be responsible for verifying that the information was recorded accurately. If an input error is detected, the filer must notify the filing office within ninety days of the date of filing and the record will be corrected as provided in WAC 308-390-401. If no objection to the department of licensing record is communicated by the filer within ninety days, the record will be deemed identical to the filing submitted.

NEW SECTION

WAC 308-390-204 Grounds for refusal. (1) In addition to the grounds listed in RCW 62A.9A-516 allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if:

(a) The record contains illegible information. The term "illegible" is not limited to refer only to written expressions on paper; it requires machine-readable transmission in all formats. Labels and imprints from an ink stamp are illegible.

(b) No address is given in the address field. As used in this section, address is deemed to include city and state.

(c) The information on the financing statement form is not machine-printed. Attachments to the form, however, may be handwritten.

(d) The filing officer is unable to decipher the information provided.

(2) Procedure upon refusal. If the filing officer finds grounds to refuse a financing statement, the filing officer shall return an image of the document to the remitter and shall refund the filing fee in the form of a warrant issued by the state treasurer's office.

(3) Multiple secured parties. If the record contains more than one secured party or assignee name or address and some names or addresses are missing, the grounds for refusal shall be applied to each secured party separately.

(4) Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

(5) Refusal errors. If, within ninety days of the date of the refusal notice, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the UCC record with the filing date and time the UCC record was originally tendered for filing. The filing officer shall also file a statement noting when and why the record was changed.

NEW SECTION

WAC 308-390-300 UCC information management system. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.

NEW SECTION

WAC 308-390-301 Primary data elements. The primary data elements used in the UCC information management system are the following:

(1) Identification numbers.

(a) Each initial financing statement is identified by its file number as described in RCW 62A.9A-519(b). Identification of the initial financing statement is permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

(b) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) Status of financing statement. In the information management system, each financing statement has a status of lapsed or unlapsed.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in RCW 62A.9A-515.

NEW SECTION

WAC 308-390-302 Names of debtors who are individuals. For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC record who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are entered in a field designated for name suffixes. In either case, they will be entered into the information management system exactly as received.

(4) Truncation—Individual names. Personal name fields in the UCC data base are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: 100 characters.
- (b) Middle name: 100 characters.
- (c) Last name: 100 characters.
- (d) Suffix: 10 characters.

NEW SECTION

WAC 308-390-303 Names of debtors that are organizations. This rule applies to the name of an organization who is a debtor or a secured party on a UCC record.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—Organization names. The organization name field in the UCC data base is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

NEW SECTION

WAC 308-390-304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under WAC 308-390-302.

NEW SECTION

WAC 308-390-305 Trusts. If the trust is named in its organic record(s), its full legal name, as set forth in such record(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC record that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under WAC 308-390-403.

NEW SECTION

WAC 308-390-306 Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the record shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

NEW SECTION

WAC 308-390-307 Amendment. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

(a) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

(b) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC records that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC records. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

(c) Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

(d) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

(e) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(f) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of

any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

NEW SECTION

WAC 308-390-308 Assignment of powers of secured party of record. (1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

NEW SECTION

WAC 308-390-309 Status of parties upon filing a continuation. (1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

NEW SECTION

WAC 308-390-310 Status of parties upon filing a termination. (1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

NEW SECTION

WAC 308-390-311 Correction statement. (1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

NEW SECTION

WAC 308-390-312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but

no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement lapsed and the financing statement will no longer be made available to a searcher unless unlapsed statements are requested by the searcher and the financing statement is still retrievable by the information management system.

NEW SECTION

WAC 308-390-313 XML records. (1) The Extensible Markup Language (XML format), as adopted by the International Association of Corporation Administrators, is adopted in this state for electronic transmission of UCC records. At the request of an authorized XML remitter, the filing officer shall identify which versions and releases of the XML format are acceptable to the filing office.

(2) Implementation guide. The filing office publishes an implementation guide that prescribes the use of the XML format. The guide shall be available to the public upon request.

NEW SECTION

WAC 308-390-314 EDI documents. Electronic data interchange (EDI) of UCC records using ANSI X12 154 standards is not an accepted form of electronic transmission.

NEW SECTION

WAC 308-390-315 Direct on-line (non-XML) filing and search procedures. (1) Direct on-line filing and search services are available to any person with internet access to the UCC website. On-line services require payment by credit card or an ACH account number as provided in WAC 308-390-107.

(2) Record filing procedures. Initial financing statements and amendments may be filed via the UCC website that allows entry of the information permitted on the national forms. A record which is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper document submitted to the filing office, except that attachments may not be submitted. Instructions on how to file are provided on the website.

(3) Search request procedures. A certified search naming a particular debtor may be obtained via the UCC website. A request that is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper search request submitted to the filing office. Copies of individual financing statements may be ordered on-line, but will not be displayed or transmitted on-line. Copies will be deposited in the U.S. Postal Service within two business days following receipt of the request. Instructions on how to request a certified search are provided on the website.

NEW SECTION

WAC 308-390-400 Filing and data entry procedures. This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC record. Except as provided in these rules, data are transferred from a

UCC record to the information management system exactly as the data are set forth in the record or search request. No effort is made to correct errors of any kind.

NEW SECTION

WAC 308-390-401 Errors of the filing officer. The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The record shall be preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

NEW SECTION

WAC 308-390-402 Notice of bankruptcy. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

NEW SECTION

WAC 308-390-403 Data entry of names. A record should designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

(1) Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

(2) Individual names. The filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

NEW SECTION

WAC 308-390-500 Search requests and reports. General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor, the name of the secured party, and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

NEW SECTION

WAC 308-390-501 Search requests. Search requests shall contain the following information:

(1) Name searched. A customer's search request should state the full correct name of the debtor or the name variant to be searched and must specify whether the debtor is an indi-

vidual or an organization. A search request will be processed using the name in the exact form it is submitted.

(2) Fee. The appropriate fee shall be enclosed, payable by a method described in WAC 308-390-107.

(3) Search request with filing. If a filer requests a search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC document, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC document is filed.

NEW SECTION

WAC 308-390-502 Rules applied to search requests.

Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) No distinction is made between upper and lower case letters.

(3) Punctuation marks and accents are disregarded.

(4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unlapsed financing statements and exactly match the name requested, as modified.

NEW SECTION

WAC 308-390-503 Optional information. A UCC search request must be submitted on an approved form and may contain any of the following information:

(1) The request may limit the records requested by limiting them by the city of the debtor, the date of filing (or a range of filing dates), or specific file number(s). A report

created by the filing officer in response to such a request shall contain the statement:

"A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(2) The request may ask for copies of all pages or of first pages only of UCC documents identified on the primary search response.

(3) The request may ask for a listing of all financing statements and notices that include a named secured party in a specific city and state. Copies may not be requested.

(4) The request may ask for records of lien notices only, or by type of lien.

(5) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

(6) Instructions to return results by express mail will be honored if the remitter includes a prepaid way-bill or account number and the requested mode is available to the filing office.

NEW SECTION

WAC 308-390-504 Search responses. Reports created in response to a search request shall include the following:

(1) Filing officer. Identification of the filing officer and the certification of the filing officer required by RCW 62A.9A-523.

(2) Report date. The date the report was generated.

(3) Name searched. Identification of the name searched.

(4) Certification date. The certification date and time for which the search is effective.

(5) Identification of initial financing statements. Identification of each unlapsed initial financing statement or lien filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

(6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.

(7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.

NEW SECTION

WAC 308-390-505 Transition. For five years after the on-line search application is made available, a person may browse the UCC data base at no cost for the purpose of identifying debtor names to be searched. Instructions on how to use the browse function are provided on the UCC website. The noncertified response to a debtor name browse will include whether or not an exact name match occurred and if so, in what city the debtor resides. A data browse may not reveal all filings against the debtor searched, or may reveal filings against other debtors, and the searcher bears the risk of relying on the uncertified inquiry.

NEW SECTION

WAC 308-390-600 Other lien notices. Notices of certain liens are filed in the UCC office and are included in search reports.

NEW SECTION

WAC 308-390-601 Agricultural liens. Agricultural liens are filed in the same manner as an initial financing statement. The filer shall designate the statement as an agricultural lien in box 5. The lien shall be indexed by debtor name and will be revealed by searches as provided in WAC 308-390-504.

NEW SECTION

WAC 308-390-602 Preparer or processor lien. (1) A producer or commercial fisherman may authenticate a record evidencing a preparer or processor lien using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by adding the following statutory requirements prescribed in RCW 60.13.040:

(a) Designate the statement as a preparer or processor lien by marking "Non-UCC Filing" (not AG-lien) in box 5 and naming the type of lien in box 8.

(b) Identify name and address of the preparer, processor, or conditioner to be charged with the lien in box 1.

(c) Identify name and address of the lien holder in box 3.

(d) Describe the agricultural product or fish to be charged with the lien in box 4.

(e) State the amount of the debt and the date on which payment was due in box 10 of the Addendum.

(2) Where to file. File in the department of licensing as provided in WAC 308-390-102.

(3) Fee. The fees are the same as provided in WAC 308-390-105.

(4) Duration. The lien lapses five years after the date of filing unless continued as provided in WAC 308-390-202.

(5) Mechanics of search. All liens and financing statements are revealed in a search as provided in WAC 308-390-504.

NEW SECTION

WAC 308-390-603 Notice of liens in favor of a governmental body. Records of certain governmental liens are maintained by the filing office under statutes other than the UCC and are treated in a manner substantially similar to UCC records. These liens are included on all searches as provided in WAC 308-390-504.

- (1) Notice of Federal Tax Lien, RCW 60.68.045
- (2) Criminal Profiteering Lien, RCW 9A.82.120-140
- (3) Department of Justice Lien, RCW 60.68.015

Date of Adoption: April 30, 2001.

Purpose: (1) Identify who may apply for special license plates and what is required to do so.

(2) To meet the criteria set forth in Governor Locke's Executive Order 97-02.

(3) Add one new section to chapter 308-96A WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-066, 308-96A-067, 308-96A-068; and amending WAC 308-96A-065, 308-96A-070, 308-96A-071, 308-96A-072, 308-96A-073, 308-96A-074, 308-96A-175, 308-96A-176, 308-96A-550, and 308-96A-560.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.335, 46.16.276.

Adopted under notice filed as WSR 01-04-017 on January 29, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 10, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 10, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 30, 2001

G. F. McDougall

for Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

WAC 308-96A-065 ((Disposition of)) Personalized license plates. ((1) If the owner(s) of a vehicle displaying personalized license plates sells the vehicle to a wrecker or accepts a total loss claim from his or her insurance company and chooses not to retain the salvage, the owner must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration.

((2) If the owner(s) of a vehicle with personalized license plates sells, trades or otherwise transfers ownership of the vehicle, he or she may transfer the plates to another vehicle within thirty days; or turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a notarized/certified release of interest for the plates. The new owner must make application to the department within twenty-five days, including payment of the original personalized license plate fee.) (1) **What is a personalized license plate?** Personalized license plates are plates reflecting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570 and 46.16.580.

(2) **Are there any restrictions on the use of letters and numbers on personalized license plates?** Personalized license plates may be issued with one to seven characters. Motorcycles and motorcycle trailers can have up to six characters. The letters "I" and "O" and the numbers "1" (one) and "0" (zero) may not be issued as single-digit plates.

(3) **When may the department deny an application for or cancel personalized plates?**

(a) The department may deny an application for personalized license plates or cancel personalized license plates previously issued if it determines the plate configuration to be:

- (i) Offensive to good taste and decency;
- (ii) Potentially misleading;
- (iii) Vulgar, profane or sexually suggestive in nature;
- (iv) A racial, ethnic, lifestyle or gender slur;
- (v) Related to alcohol or to illegal activities or substances;

(vi) Blasphemous;

(vii) Derogatory;

(viii) Slanderous;

(ix) A duplication of license plate or decal numbers provided in chapter 46.09, 46.10 or 46.16 RCW; or

(x) Contrary to the department's mission to promote highway safety.

(b) If the personalized license plates are canceled due to one or more reasons specified in subsection (3) of this section, the vehicle owner may:

(i) Apply for a refund for the fee paid under RCW 46.16.585 and 46.16.606 for such license plates; or

(ii) Instead of a refund, apply for and upon approval be issued personalized license plates with a different configuration without payment of additional personalized license plate fees.

(c) The department may cancel personalized license plates if they are:

(i) Not renewed by the owner within forty-five days of the vehicle expiration; or

(ii) Removed from a vehicle and not transferred to a replacement vehicle within thirty days; or

(iii) Transferred to a new owner who does not make proper application for the plates within twenty-five days.

(4) **If my registration for personalized license plates has elapsed, how do I get them reinstated or reissued?**

(a) If you are an owner of a personalized license plate and do not renew it within forty-five days, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(b) If you purchase a vehicle with a personalized plate and do not transfer the ownership of the personalized plate

within twenty-five days, you forfeit ownership of the plate. The department will make that personalized plate available to the first applicant for that plate configuration.

(c) If you are the owner of a personalized license plate who does not transfer the plate as described in subsection (4)(b) of this section, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(5) **Can I transfer my personalized license plate?** Yes, if you are the owner(s) of a vehicle with personalized license plates and sell, trade or otherwise transfer ownership of the vehicle, you may transfer the plates to another vehicle within thirty days; (the personalized license plates may be transferred at any vehicle licensing office or through a vehicle dealer if the owner wishes to transfer a plate to a dealer-purchased vehicle) or transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a notarized/certified release of interest for the plates. The new owner must make application to the department within twenty-five days, including payment of the original personalized license plate fee.

(6) **How do I dispose of my personalized vehicle license plates?**

(a) You may turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

(b) If your vehicle has personalized license plates and is sold to a wrecker or you accept a total loss claim from your insurance company and you choose not to retain the salvage, you must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from all registered owner(s) relinquishing the right to that personalized license plate.

(7) **Will I ever have to replace my personalized vehicle license plate?** Yes, the personalized license plates are subject to the seven-year vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

WAC 308-96A-070 Amateur radio operator special license plates. ((1) Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (F.C.C.). These plates are in lieu of regular issue license plates. The department may issue only one set of these plates at any one time carrying these call letters.

(2) The amateur radio operator shall attach a copy of his or her current F.C.C. license to the application for these plates. The operator must notify the department when the F.C.C. license is cancelled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator shall send a copy of the new F.C.C. license to the department. If the F.C.C. license has not been renewed the department may cancel the amateur radio operator license plates.

(3) The amateur radio operator license plates shall be displayed on a motor vehicle owned by the amateur radio

~~operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991.~~

~~(4) In addition to all other license fees required by law, each applicant for amateur radio operator license plates shall pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.~~

~~(5) The effective date of the plate cancellation is the date the F.C.C. license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid F.C.C. license and paying the five-dollar fee for a new plate.) (1) Who may apply for Amateur radio operator vehicle special license plate(s)? Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.~~

~~(2) What documents are required to receive an amateur radio operator vehicle special license plate? In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.~~

~~(3) How will the amateur radio operator license plates be displayed? The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.~~

~~(4) Are there any special fees required to obtain the amateur radio operator license plates? In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.~~

~~(5) When are the amateur radio operator special license plates canceled? The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate.~~

~~(6) Will I ever have to exchange my amateur radio operator special license plates? Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.~~

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

WAC 308-96A-071 Military affiliate radio system special license plates. ((1)) Any person having a valid Military Affiliate Radio System station license (MARS) may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department may issue only one set of these plates at any one time carrying these call letters.

~~(2) An applicant for MARS license plates shall attach a copy of his or her current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been cancelled or expires, and whether or not he or she has renewed the license. If the license has been renewed, the MARS station license holder shall send a copy of the new MARS license to the department. If the MARS station license has not been renewed the department may cancel the MARS license plates.~~

~~(3) The MARS license plates shall be displayed on a motor vehicle owned by the MARS station license holder.~~

~~(4) In addition to all other license fees required by law, each applicant for MARS license plates shall pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.~~

~~(5) The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate.) (1) Who may apply for the military affiliate radio system station special license plates? Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.~~

~~(2) Can a MARS special license plate be issued for my motorcycle? No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.~~

~~(3) What documents are required to receive MARS special license plates? In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.~~

~~(4) Are there any special fees required to obtain the MARS license plates? In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the~~

plate and an additional five dollars any time the plates are transferred to another vehicle.

(5) When are the MARS license plates canceled? The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate.

(6) Will I ever have to exchange my MARS license plates? Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 98-01-151, filed 12/22/97, effective 1/22/98)

WAC 308-96A-072 Square dancer license plates.

((1)) The registered owner or lessee of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of a dancer.

(2) Square dancer license plates may be issued pursuant to RCW 46.16.233 for vehicles required to display two license plates. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) A special license plate fee of thirty-five dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued through December 31, 1997. The special license plate fee is forty dollars effective with square dancer license plates issued January 1, 1998, and thereafter.) ((1)) **Who may apply for square dancer license plates?** The registered owner of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of square dancers.

(2) What vehicles may display square dancer license plates? Square dancer license plates may be issued for vehicles required to display two license plates under RCW 46.16.233. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) Are special license fees required for square dancer license plates? A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) Will I ever have to exchange my square dancer license plates? Yes, the department has determined that all license plates be replaced on a seven-year rotation schedule.

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

(e) Currently registered in Washington; and

(d) Operated primarily as a collector vehicle may apply to the department for a special horseless carriage license plate to be used in lieu of regular issue license plates. The department, upon approval of application, shall issue a horseless carriage plate for this vehicle.

(2) The horseless carriage license plate must be displayed on the vehicle for which it was issued and must stay with that vehicle upon transfer of ownership of the vehicle. The owner shall display the single plate on the rear of the vehicle.

(3) In addition to all other license fees required by law, the applicant shall pay an additional license fee of thirty-five dollars for this horseless carriage license plate.) ((1)) **Who may apply for a horseless carriage license plate?**

(a) The owner(s) of any motor vehicle which is:

- (i) At least forty years old; and
- (ii) Capable of being operated upon the highway; and
- (iii) Currently registered in Washington; and

(iv) Operated primarily as a collector vehicle may apply to the department for a special horseless carriage license plate to be used in lieu of regular issue license plates.

(2) How is a horseless carriage license plate displayed? The horseless carriage license plate must be displayed on the rear of the vehicle for which it was issued. The horseless carriage license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(3) What additional fees are required to obtain a horseless carriage license plate? In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this horseless carriage license plate.

(4) Will I ever have to replace my horseless carriage license plates? No, the horseless carriage license plates are exempt from the seven-year vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

WAC 308-96A-074 ((Vehicles over thirty years old))

Antique vehicle—Collector vehicle license plates. ((1))

The owners of any motor vehicle which is:

- (a) At least thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and

(d) Operated primarily as a collector vehicle may apply to the department for a special collector vehicle license plate. The department, if satisfied the application is in order, shall issue a collector vehicle license plate for this vehicle.

(2) The collector vehicle license plate must be displayed on the vehicle for which it was issued and must stay with that vehicle upon transfer of ownership of the vehicle. The owner shall display the single plate on the rear of the vehicle.

(3) Instead of a collector vehicle license plate, the owner may be authorized to display a Washington state issued vehicle license plate designated for use in the year of the vehicle's manufacture. This plate must be displayed on the vehicle for

~~which it was issued but may be retained by the owner if the vehicle ownership changes. The owner shall display the single plate on the rear of the vehicle.~~

(4) In addition to all other license fees required by law, the applicant shall pay an additional license fee of thirty-five dollars for this collector vehicle license plate described in subsections (2) and (3) of this section.) (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate. The plate has Washington printed at the top and the words "Collector Vehicle" to the right of the numbers. The smaller size collector vehicle license plate is available for motorcycles and the owner must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) At least thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle may be issued a collector vehicle license plate.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for use in the year of the vehicle's manufacture. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue.

This plate must be displayed on the vehicle for which it was issued and may be retained by the owner if the vehicle ownership changes. The owner must display the single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle.

(6) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department may require the certificate of ownership be submitted if that vehicle is not already assigned a title purpose only number.

(7) **Will I ever have to replace my collector vehicle license plate?** No, the collector vehicle license plates are exempt from the seven-year vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

WAC 308-96A-175 Ride-sharing vehicles. ((1) The owner of a passenger motor vehicle primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1) may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates shall make application on a form approved by the department and pay all fees required pursuant to chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner shall then provide:

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list shall be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(2) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(3) In order to transfer license plates to another vehicle, the owner shall make:

(a) Application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Payment of a five dollar license plate transfer fee and appropriate licensing fees.

(4) When special ride-share license plates are removed from or transferred to another vehicle, the owner shall:

(a) Purchase replacement license plates; and

(b) Pay vehicle excise tax for the remaining license registration period for the vehicle.

(5) When a ride-sharing vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-sharing vehicle, the new owner shall:

(a) Apply for a certificate of ownership under chapter 46.12 RCW;

(b) Apply for commuter ride-sharing exemption; and

(c) Pay all required fees and taxes including the special license plate fee.

(6) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles shall:

(a) Recertify that the vehicle is used as a commuter ride-sharing vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(b) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration.

PERMANENT

renewal-)) (1) When may the department issue a ride share special license plate? Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list must be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(c) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(2) Can the ride-share license plate be transferred to another vehicle? To transfer license plates to another vehicle, the owner must make:

(a) Application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay a five dollar license plate transfer fee and any other appropriate licensing fees.

(3) What happens when I remove or transfer special ride-share plates from my vehicle? When you remove or transfer special ride-share license plates from one vehicle to another, you must:

(a) Purchase replacement license plates if the vehicle will be operated on public highways; and

(b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(4) What happens when the ride-share vehicle is sold or transferred to another person?

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ownership under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) Will I ever have to replace my ride-share vehicle license plate? Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 98-09-024, filed 4/8/98, effective 5/9/98)

WAC 308-96A-176 Special transportation needs ((ride-sharing)) for ride-share vehicles. ((1) Private, non-profit transportation providers furnishing ride sharing for persons with special transportation needs under chapter 81.66 RCW, may be issued special ride share license plates under RCW 46.16.023 for passenger motor vehicles. The transportation provider shall make application for special ride share license plates on a form approved by the department. The application shall include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(e) Payment for the special ride-share license plate fee as provided in RCW 46.16.023.

(2) For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motorhome;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motorhome; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motorhome.

(3) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plates fee and vehicle excise tax abated for the remaining license registration period for the vehicle, from which exemption is being removed, shall be collected. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted shall be due and payable to the department of revenue. An application for exemption for the vehicle on which the special license plates are to be transferred must be filed pursuant to subsection (1) of this section

~~with payment of the license plate transfer fee provided in RCW 46.16.023(2).~~

~~(4) Upon application for registration renewal, the transportation provider must recertify that the vehicle is still being used to provide transportation for persons with special transportation needs to continue to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to ride sharing vehicle registered owners for filing with registration renewal applications.~~) (1) **Who may request application for special transportation needs for ride-share vehicles?** Private, nonprofit transportation providers furnishing ride share for persons with special transportation needs under chapter 81.66 RCW may be issued special ride-share license plates under RCW 46.16.023 for passenger motor vehicles. The transportation provider must make application for special ride-share license plates on a form approved by the department. The application must include:

~~(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;~~

~~(b) Payment of all fees required under chapter 46.12 RCW; and~~

~~(c) Payment for the special ride-share license plate fee as provided in RCW 46.16.023.~~

(2) What is a passenger motor vehicle? For purposes of this section, a passenger motor vehicle is defined as:

~~(a) A motor vehicle titled with a use class of PAS, but does not include a motor home;~~

~~(b) A bus with a seating capacity of fifteen or less including the driver;~~

~~(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus-type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motor home; and~~

~~(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motor home.~~

(3) What happens when a transportation provider removes the special ride-share license plate or transfers the plate to another vehicle?

~~(a) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plate fee, vehicle registration fee and abated RTA vehicle excise tax if necessary must be collected if the vehicle will continue to be operated on public highways. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted will be due and payable to the department of revenue.~~

~~(b) If the special license plates are to be transferred to another vehicle, a new application for exemption must be filed as required under subsection (1) of this section with payment of the license plate transfer fee provided in RCW 46.16.023(2).~~

(4) What is required to retain my ride-share exemption when I renew my registration? When applying for

~~registration renewal, the transportation provider must recertify that the vehicle is being used to provide transportation for persons with special transportation needs to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to registered owners of ride-share vehicles for filing with registration renewal applications.~~

NEW SECTION

WAC 308-96A-177 Replacement of license plates.

(1) What license plates are required to be replaced? Vehicles that have license plates seven years or older that include:

(a) Standard issue;

(b) Collegiate;

(c) HAM/MARS(the department will replace the plates with the same configuration);

(d) Personalized(the department will replace the plates with the same configuration);

(e) Ride share;

(f) Disabled persons;

(g) Disabled veterans;

(h) Pearl Harbor survivors;

(i) Purple heart;

(j) Stadium;

(k) Square dancer;

(l) Consular;

(m) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds and under;

(n) Prisoner of war.

(2) What license plates are exempt from the replacement requirement?

(a) Prorated vehicles over 16,000 pounds;

(b) Commercial vehicles with declared gross weight over 26,000 pounds;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Exempt plates issued to government agencies; and

(e) Medal of honor.

(3) When are license plates required to be replaced?

License plates are required to be replaced every seven years. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

AMENDATORY SECTION (Amending WSR 98-01-151, filed 12/22/97, effective 1/22/98)

WAC 308-96A-550 Vehicle special collegiate license plates. ((1) The department shall approve an application for special collegiate license plate series pursuant to RCW 46.16.301 (1)(d), as it existed before amendment by section 5, chapter 291, Laws of 1997, from an institution of higher education after determining the following criteria is satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design. The plates shall consist of numbers, letters, or figures or any combination thereof not exceeding seven positions that do not conflict with existing license plates. The plate design must provide at least four positions to accommodate serial numbering. A license plate shall not be approved that may carry

~~connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.~~

(b) The special collegiate license plate is designed so that it can be readily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration or in lieu of any other special, personalized or exempt license plate.

(c) The special collegiate license plate may be issued to all applicants regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(2) The institution shall provide a design including color and dimension specifications of the requested special collegiate license plate series requested with their application. The department shall approve or disapprove the design based on compatibility with the basic license plate's design. A collegiate license plate series shall not be approved that may carry connotations offensive to good taste or decency or which may be misleading.

(3) When ownership of a vehicle, issued collegiate license plates, is sold, traded, or otherwise transferred, the owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1). If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate shall be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund shall not be made for the unexpended registration period.

(4) Upon the loss, defacement, or destruction of one or both collegiate license plates the owner shall make application for new collegiate or other license plate and pay the fees pursuant to RCW 46.16.270. New collegiate license plates shall be issued bearing the next available license plate number.) (1) **What are the criteria for establishing collegiate license plates?** The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324. The following criteria must be satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.

(b) The plates will consist of numbers, letters, or figures or any combination thereof not exceeding seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to ille-

gal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(f) The plate must be designed so that it can be easily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. The design must be approved by the department based on compatibility with the basic license plate design.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to the registered owner of the vehicle regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to obtain the same license plate number if my plate is lost, defaced, or destroyed?** Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270. New collegiate license plates will be issued bearing the next available license plate number.

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

AMENDATORY SECTION (Amending WSR 98-01-151, filed 12/22/97, effective 1/22/98)

WAC 308-96A-560 Special vehicle license plates—Criteria for continued issuance. What criteria are used to discontinue issuing special vehicle license plates? Except those license plates issued under RCW 46.16.301, 46.16.305 and 46.16.324 the department may discontinue issuing special vehicle license plates after determining that less than five

hundred special license plates in the approved configuration are purchased annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-066	Denial or cancellation of personalized license plates.
WAC 308-96A-067	Reissuance or reinstatement of personalized license plates.
WAC 308-96A-068	Issuance of personalized license plates.

WSR 01-10-084
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 1, 2001, 10:43 a.m.]

Date of Adoption: May 1, 2001.

Purpose: To adopt a new rule on member business loans made by Washington state-chartered credit unions.

Statutory Authority for Adoption: RCW 31.12.426(1), 31.12.516(2), 43.320.040.

Adopted under notice filed as WSR 01-05-072 on February 15, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 17, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 1, 2001

John L. Bley

Director

Chapter 208-460 WAC

MEMBER BUSINESS LOANS

NEW SECTION

WAC 208-460-010 What is a member business loan?

- (1) **Definition of MBL.** "Member business loan" or "MBL" includes any loan, line of credit, letter of credit, or any unfunded commitment to make a loan, where the borrower intends to use the proceeds for any of the following purposes:
- (a) Commercial;
 - (b) Corporate;
 - (c) Investment property;
 - (d) Business venture; or
 - (e) Agricultural.

(2) **Exemptions.** The following are not member business loans:

(a) A business purpose loan fully secured by a lien on a one to four family dwelling that is the member's primary residence;

(b) A business purpose loan fully secured by shares or deposits in the credit union making the extension of credit or in other credit unions, or by deposits in other financial institutions;

(c) One or more business purpose loans to a member or any associated member which in the aggregate do not exceed the amount of 49,999 dollars. The entire amount of such a loan that exceeds this figure, or that causes the aggregate to exceed this figure, is a MBL;

(d) A business purpose loan where a federal or state agency (or any political subdivision of a state) fully insures repayment, or fully guarantees repayment, or provides an advance commitment to purchase in full; or

(e) A loan granted by a corporate credit union to another credit union.

(3) **Other definitions.** Certain other terms used in this chapter are defined in WAC 208-460-170.

NEW SECTION

WAC 208-460-020 What member business loans are prohibited? (1) Who is ineligible to receive a member business loan? You may not grant a member business loan to the following:

(a) Your chief executive officer (typically this individual holds the title of president or treasurer/manager);

(b) Any assistant chief executive officers (e.g., assistant president, vice-president, or assistant treasurer/manager);

(c) Your chief financial officer (comptroller); or

(d) Any associated member or immediate family member of anyone listed in (a) through (c) of this subsection.

(2) **Equity agreements/joint ventures.** You may not grant a member business loan if any additional income received by the credit union or senior management employees is tied to the profit or sale of the business or commercial endeavor for which the loan is made.

(3) **Loans to directors.** A credit union may not grant a member business loan to a director unless the board of direc-

tors approves granting the loan and the director is recused from the decision-making process.

NEW SECTION

WAC 208-460-030 What are the requirements for MBL development and construction lending? Unless the director grants a waiver, a credit union that makes MBL development or construction loans is subject to the following requirements:

(1) The aggregate of all such loans may not exceed fifteen percent of net worth. To determine the aggregate, you may exclude any portion of a loan that is:

(a) Secured by shares or deposits in the credit union making the extension of credit or in other credit unions, and by deposits in other financial institutions; or

(b) Insured or guaranteed, or subject to an advance commitment to purchase, by any federal or state agency (or any political subdivision of a state);

(2) The borrower on such loans must have a minimum of:

(a) Thirty percent equity interest in the project being financed if the loan is for land development; and

(b) Twenty-five percent equity interest in the project being financed if the loan is for construction or for a combination of development and construction;

(3) The funds for such loans may be released only after on-site inspections, documented in writing, by qualified personnel and according to a preapproved draw schedule and any other conditions as set forth in the loan documentation; and

(4) The credit union may not make such loans unless it utilizes the services of an individual with at least five years direct experience in development and construction lending.

NEW SECTION

WAC 208-460-040 How do you implement a member business loan program? The board of directors must adopt specific member business loan policies and review them at least annually. The credit union must utilize the services of an individual with at least two years direct experience with the type of lending the credit union will be engaging in, except as required by WAC 208-460-030(4).

Credit unions do not have to hire staff to meet the requirements of this section; however, credit unions must ensure that the expertise is available. A credit union can meet the experience requirement through various approaches. For example, a credit union can use the services of a credit union service organization, an employee of another credit union, an independent contractor, or other third parties. However, the actual decision to grant a loan must reside with the credit union.

NEW SECTION

WAC 208-460-050 What must your member business loan policy address? At a minimum, your member business loan policy must address the following:

(1) The types of MBL you will make;

(2) Your trade area;

(3) The maximum amount of your assets, in relation to net worth, that you will invest in MBL;

(4) The maximum amount of your assets, in relation to net worth, that you will invest in a given type of MBL;

(5) The maximum amount of your assets, in relation to net worth, that you will loan to a member or associated members, subject to WAC 208-460-070;

(6) The qualifications and experience of personnel (minimum of two years) involved in making and administering the loans;

(7) A requirement for analysis and documentation of the ability of the borrower to repay the loan;

(8) Receipt and periodic updating of financial statements and other documentation, including tax returns;

(9) Documentation sufficient to support each request to extend credit, or increase an existing loan or line of credit, except where the board of directors finds that the required documentation is not generally available for a particular type of loan and states the reasons for those findings in the credit union's written policy. At a minimum, the documentation must include the following:

(a) Balance sheet;

(b) Cash flow analysis;

(c) Income statement;

(d) Tax data;

(e) Analysis of leveraging; and

(f) Comparison with industry average or similar analysis;

(10) Collateral requirements, including:

(a) Loan-to-value ratios;

(b) Determination of value;

(c) Determination of ownership;

(d) Steps to secure various types of collateral; and

(e) How often the credit union will reevaluate the value and marketability of collateral;

(11) The interest rates and maturities of the loans;

(12) General MBL procedures which include:

(a) Loan monitoring;

(b) Servicing and follow-up; and

(c) Collection;

(13) Identification of those individuals prohibited from receiving member business loans; and

(14) Guidelines for purchase and sale of member business loans and loan participations, if the credit union engages in that activity.

The division recognizes that all of the provisions of the policy may not apply to every MBL.

NEW SECTION

WAC 208-460-060 What are the collateral and security requirements? Unless the director grants a waiver:

(1) All member business loans must be secured by collateral in accordance with this section, except the following:

(a) A credit card line of credit granted to nonnatural persons that is limited to routine purposes normally made available under such lines of credit; and

(b) A loan made by a credit union where the loan and the credit union meet each of the following criteria:

(i) The amount of the loan does not exceed one hundred thousand dollars;

(ii) The aggregate of unsecured MBL under (b) of this subsection does not exceed ten percent of the credit union's net worth;

(iii) The credit union has a net worth of at least seven percent; and

(iv) The credit union submits reports to the division of credit unions with its NCUA 5300 reports, providing figures and other detail as may be requested by the director to demonstrate compliance with (b) of this subsection;

(2) In the case of a member business loan secured by collateral on which the credit union will have a first lien, you may grant the loan with a LTV ratio in excess of eighty percent only where the value in excess of eighty percent is:

(a) Covered through acquisition of private mortgage or equivalent type insurance provided by an insurer acceptable to the credit union; or

(b) Insured or guaranteed, or subject to advance commitment to purchase, by any federal or state agency (or any political subdivision of a state).

In no case may the LTV ratio exceed ninety-five percent;

(3) In the case of a member business loan secured by collateral on which the credit union will have a second or lesser priority lien, you may not grant the loan with a LTV ratio in excess of eighty percent; and

(4) In the case of member business loans secured by the same collateral:

(a) On which the credit union will have a first lien as well as other lesser priority liens, you may grant the loans with a LTV ratio in excess of eighty percent only if subsection (2)(a) or (b) of this section is satisfied. In no case may the LTV ratio exceed ninety-five percent; and

(b) On which the credit union will have lesser priority liens but no first lien, you may not grant the loans with a LTV ratio in excess of eighty percent.

NEW SECTION

WAC 208-460-070 How much may a member or associated members borrow? Unless the director grants a waiver for a higher amount, the aggregate amount of member business loans to a member or associated members may not exceed the greater of:

(1) Fifteen percent of the credit union's net worth; or

(2) One hundred thousand dollars.

NEW SECTION

WAC 208-460-080 How do you calculate the aggregate fifteen percent limit? (1) Step 1. Calculate the numerator by adding together the amount of the member business loans to the member and associated members (if any). From this amount, subtract any portion:

(a) Secured by shares or deposits in the credit union making the extension of credit or in other credit unions, or by deposits in other financial institutions; or

(b) Insured or guaranteed, or subject to an advance commitment to purchase, by any federal or state agency (or any political subdivision of a state).

(2) Step 2. Divide the numerator by net worth.

NEW SECTION

WAC 208-460-090 What waivers are available? You may seek a waiver for a type of member business loan in the following areas:

(1) Development and construction loan requirements under WAC 208-460-030;

(2) Loan-to-value ratios under WAC 208-460-060;

(3) Maximum loan amount to a member or associated members under WAC 208-460-070; and

(4) Appraisal requirements under Section 722.3 of NCUA rules.

NEW SECTION

WAC 208-460-100 How do you obtain a waiver? (1)

To obtain a waiver under WAC 208-460-090, a credit union must submit its request to the director. The waiver request must contain the following:

(a) A copy of your member business loan policy;

(b) The higher limit sought (if applicable);

(c) An explanation of the need to raise the limit (if applicable);

(d) Documentation supporting your ability to manage this activity; and

(e) An analysis of the credit union's prior experience making member business loans, including, as a minimum:

(i) The history of loan losses and loan delinquency;

(ii) Volume and cyclical or seasonal patterns;

(iii) Diversification;

(iv) Concentrations of credit to a member and associated members in excess of fifteen percent of net worth;

(v) Underwriting standards and practices;

(vi) Types of loans grouped by purpose and collateral; and

(vii) The qualifications of personnel responsible for underwriting and administering member business loans.

(2) The director will:

(a) Review the information you provided in your request;

(b) Evaluate the level of risk to your credit union;

(c) Consider your credit union's historical CAMEL composite and component ratings;

(d) Notify you whenever your waiver request is deemed complete; and

(e) Notify you of the action taken within forty-five calendar days of receiving a complete request.

(3) In connection with a waiver request under WAC 208-460-090 (1) through (3):

(a) The director will provide a copy of the waiver request to Region VI of the NCUA and will consult and seek to work cooperatively with Region VI in making his or her decision on the request;

(b) The waiver is not effective until the director approves it;

(c) If you do not receive notification within forty-five calendar days after the date the complete request was received by the director, the waiver request is deemed approved by the director; and

(d) The director will promptly notify Region VI of the NCUA of his or her decision on the request.

(4) In connection with a waiver request under WAC 208-460-090(4):

(a) If the director approves the request, the director will promptly forward the request to Region VI of the NCUA for decision under NCUA rules at 12 C.F.R. 723.12;

(b) The waiver is not effective until the regional director of the NCUA approves it in accordance with NCUA rules at 12 C.F.R. 723.12; and

(c) The credit union may appeal the regional director's decision in accordance with NCUA rules at 12 C.F.R. 723.13.

NEW SECTION

WAC 208-460-110 How do I classify member business loans so as to reserve for potential losses? Nondelinquent member business loans may be classified based on factors such as the adequacy of analysis and supporting documentation. You must classify potential loss loans as either substandard, doubtful, or loss. The criteria for determining the classification of loans are:

(1) **Substandard.** A substandard loan is inadequately protected by the current sound worth and paying capacity of the obligor or of the collateral pledged, if any. The loan must have a well-defined weakness or weaknesses that jeopardize the liquidation of the debt. It is characterized by the distinct possibility that the credit union will sustain some loss if the deficiency is not corrected. Loss potential, while existing in the aggregate amount of substandard loans, does not have to exist in individual loans classified substandard;

(2) **Doubtful.** A loan classified doubtful has all the weaknesses inherent in one classified substandard, with the added characteristic that the weaknesses make collection or liquidation in full, on the basis of currently existing facts, conditions, and values, highly questionable and improbable. The possibility of loss is extremely high, but because of certain important and reasonably specific pending factors which may work to the advantage and strengthening of the loan, its classification as an estimated loss is deferred until its more exact status may be determined. Pending factors include: Proposed merger, acquisition, or liquidation actions; capital injection; perfecting liens on collateral; and refinancing plans; and

(3) **Loss.** A loan classified loss is considered uncollectible and of such little value that its continuance as a loan is not warranted. This classification does not necessarily mean that the loan has absolutely no recovery or salvage value, but rather, it is not practical or desirable to defer writing off this basically worthless asset even though partial recovery may occur in the future.

NEW SECTION

WAC 208-460-120 How much must I reserve for potential losses? The following schedule sets the minimum amount you must reserve for classified member business loans:

Classification	Amount Required
Substandard	10% of outstanding balance unless other factors (for example, history of such loans at the credit union) indicate a greater or lesser amount is appropriate.
Doubtful	50% of the outstanding balance.
Loss	100% of the outstanding balance.

NEW SECTION

WAC 208-460-130 What is the aggregate member business loan limit? The aggregate limit on the amount of a credit union's member business loans is the lesser of:

- (1) One and three quarters times the credit union's net worth; or
- (2) Twelve and one quarter percent of the credit union's total assets.

NEW SECTION

WAC 208-460-140 Are there any exceptions to the aggregate MBL limit? (1) Credit unions that meet any one of the following four criteria qualify for an exception from the aggregate member business loan limit in WAC 208-460-130:

- (a) Credit unions that have a low-income designation;
- (b) Credit unions that participate in the Community Development Financial Institutions program;
- (c) Credit unions that are chartered for the purpose of making member business loans, as supported by documentary evidence, such as the credit union's charter, bylaws, business plan, field of membership, board minutes and loan portfolio; and
- (d) Credit unions that have a recent history of primarily making member business loans, established by the fact that the outstanding balance of member business loans comprises:
 - (i) At least twenty-five percent of the outstanding balance of the credit union's loans; or
 - (ii) The largest portion of the outstanding balance of the credit union's loans.

Such facts must be evidenced in an NCUA call report or any equivalent documentation, such as financial statements, for a period within two years before the date of application. For example, a credit union qualifies for the exception under (d)(ii) of this subsection if, based on the outstanding balance of a credit union's loans, the credit union's loan portfolio is comprised of twenty-three percent member business loans, twenty-two percent first mortgage loans, twenty-two percent new automobile loans, twenty percent credit card loans, and thirteen percent total other real estate loans.

(2) Unless the director gives his or her prior consent, a credit union granted an exception from the aggregate MBL limit may not make MBL in excess of the greater of:

- (a) Twelve and one quarter percent of the credit union's total assets; or
- (b) Three times the credit union's net worth.

NEW SECTION

WAC 208-460-150 How do I obtain an exception? (1) The exception under WAC 208-460-140 (1)(a) and (b) is effective upon written notice to the director of such designation or participation.

(2) To obtain an exception under WAC 208-460-140 (1)(c) or (d), a credit union must submit its request to the director. An exception is not effective until it is approved by the director. The exception request must include documentation demonstrating that the credit union meets the criteria for one of the exceptions. The exception does not expire unless revoked for safety and soundness reasons by the director.

(3) The director will promptly notify Region VI of the NCUA of his or her decision on the request.

NEW SECTION

WAC 208-460-160 What are the recordkeeping requirements? You must separately identify member business loans in your records and in the aggregate on your financial reports.

NEW SECTION

WAC 208-460-170 Definitions. For purposes of this chapter, the following definitions apply:

(1) The "amount" of a MBL includes:

- (a) Any unfunded commitment to make the loan;
- (b) The outstanding balance of the loan; and
- (c) Any undisbursed proceeds of the loan.

(2) A person is "associated" with another if they have a shared ownership, investment, or other pecuniary interest in a business or commercial endeavor.

(3) A "business purpose" loan means a loan where the borrower intends to use the proceeds for any of the purposes listed in WAC 208-460-010(1).

(4) "Development or construction loan" is a financing arrangement for acquiring real property or rights to real property, including land or structures, with the intent to develop or improve it for:

- (a) Residential housing for sale;
- (b) Income property;
- (c) Commercial use;
- (d) Industrial use; or
- (e) Similar uses.

(3) "Immediate family member" is a spouse or other family member living in the same household.

(4) "Loan-to-value ratio" or "LTV ratio" is derived by dividing:

(a) The amount of all member business loans by the credit union and loans by other lenders secured by an item of collateral; by

(b) The market value of the item of collateral.

(5) "Member business loan" or "MBL" is defined in WAC 208-460-010.

(6) "NCUA" means the National Credit Union Administration.

(7) "Net worth" is retained earnings as defined under Generally Accepted Accounting Principles. Retained earn-

ings normally includes undivided earnings, regular reserves and any other appropriations designated by management or regulatory authorities. Net worth does not include the allowance for loan and lease losses.

WSR 01-10-087**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 1, 2001, 11:55 a.m.]

Date of Adoption: May 1, 2001.

Purpose: Chapter 16-557 WAC provides for the marketing order under which the Washington Asparagus Commission is established. The marketing order includes provisions on the goals and objectives of the commission, obligations of the commission, membership and representation on the commission's board, and the grower assessment for funding the commission's activities. This amendment changes the representation on the Asparagus Commission's board in District II and District III which reflects a change in production of asparagus in those districts.

Citation of Existing Rules Affected by this Order: Amending WAC 16-557-020.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Adopted under notice filed as WSR 01-02-094 on January 3, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 1, 2001

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 95-17-116 (Order 5078), filed 8/23/95, effective 9/23/95)

WAC 16-557-020 Asparagus commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh,

elected as provided in this section, one member shall be an affected handler processor, as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) Effective January 1, 2002, for the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have ((two)) three board members, being positions three, ((and)) four((,)) and five, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have ((two)) one board member((s)), being position ((s)) ((five and six)), and shall include the counties of Columbia and Walla Walla.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of asparagus and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

(5) **Nomination and election of board members.** For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area and all affected handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or affected handler may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers. At the inception of this order, nominations may be made at the issuance hearing.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. Nominating petitions for producers shall be signed by not less than five affected producers of the district from which such a candidate will be elected. Nomination petitions for handlers, fresh and processed shall be signed by not less than three affected handlers. The final date for filing nominations which shall not be less than twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area main-

tained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may receive thirty-five dollars or an amount as provided for in RCW 43.03.230 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "asparagus board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or

employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act.

(m) To bring actions or proceedings, upon joining the director as a party, for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer, and handler and by regular news service.

(c) In accordance with RCW 42.30.080, the board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 01-10-104
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 1, 2001, 3:37 p.m.]

Date of Adoption: May 1, 2001.

Purpose: Chapter 388-472 WAC, Client rights and responsibilities and necessary supplemental accommodations, this revision is being done to meet the requirements of the WAC migration of Title 388 WAC. WAC 388-200-1050, 388-200-1300 and 388-200-1350 are being repealed and were rewritten as a part of the client rights and responsibilities chapter, chapter 388-472 WAC. WAC 388-472-0005 was rewritten in the same writing style as the remainder of the chapter. All of chapter 388-472 WAC meets the standards of Executive Order No. 97-02, for regulatory improvement.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-200-1050, 388-200-1300 and 388-200-1350; and amending WAC 388-472-0005.

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

Adopted under notice filed as WSR 01-07-051 on April [March] 16, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 1, 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 5, Amended 1, Repealed 3.

Effective Date of Rule: Thirty-one days after filing.

April 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

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

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

(1) ((A person who applies for or receives public assistance has)) If you apply for or receive benefits you have the right to:

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

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

((b) File an application on the same day, during regular business hours, that the person contacts the department. A client has the right to get a receipt when leaving an application or other materials with the department;

(e) Have an application promptly accepted and promptly acted upon;

(d) Ask that the application be processed without delay if the person is pregnant, in need of immediate medical care, experiencing an emergency such as having no money for food, or facing an eviction. If a pregnant client requests an interview, she has the right to have one within five working days;

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

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

(ii) Food stamps will be authorized within thirty days if the person is eligible. If the person is eligible and has little or no money, food stamps will be authorized within five days;

(f) Be fully informed, in writing, of all legal rights and responsibilities in connection with public assistance;

(g) Have information kept private. The department may share some facts with other agencies for efficient management of federal and state programs;

(h) For cash and medical assistance programs, ask the department not to collect child support if the absent parent may harm the person or person's child;

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

(j) Get a written notice, in most cases, at least ten days before the department makes changes to lower or stop benefits;

(k) Ask for a fair hearing if the person does not agree with the department about a decision. Without affecting the right to a fair hearing, the person can also ask a supervisor or administrator to review an employee decision or action;

(l) Have interpreter or translator services at no cost or undue delay;

(m) Refuse to speak to a fraud early detection (FRED) investigator from the division of fraud investigations. The person does not have to let an investigator into the home. The person may ask the investigator to come back at another time. Such a request will not affect the person's eligibility for benefits;

(n) For medical assistance programs only: A person applying for or receiving medical assistance, limited casualty programs, medical care services, or children's health services has the same rights as cash assistance clients; and

(o) Receive help from the department to register to vote.

(2) A client is responsible for:

- PERMANENT**
- (a) Reporting any changes to the department within ten days for all cash and food assistance programs and twenty days for all medical assistance programs;
 - (b) Giving all the facts needed to determine eligibility;
 - (c) Giving the department proof of any facts for which proof is needed;
 - (d) For most cash or medical assistance programs related to children, cooperating with the department to get child support or medical care support unless it can be shown that harm to the person or child may occur;
 - (e) For cash or medical assistance programs, applying for and taking any benefits from other programs, if eligible;
 - (f) Completing reports and reviews when asked to do so;
 - (g) Seeking and taking a job or training if required; and
 - (h) For medical assistance programs only, showing the medical identification card or other adequate department generated notification of eligibility to the medical care provider.
- (3) Clients will be screened and provided with necessary supplemental accommodation as specified under WAC 388-200 (300)
- (c) Give us a written request for benefits using a form or alternative method designated by us. You have the right to get a receipt when leaving an application or other materials with us;
 - (d) Ask that the application be processed without delay if you are pregnant, in need of immediate medical care, experiencing an emergency such as having no money for food, or facing an eviction. If you are pregnant and request an interview, you have the right to have one within five working days;
 - (e) Get a written decision in most cases within thirty days.
 - (i) Medical and some disability decisions may take forty-five to sixty days. Pregnancy medical will be authorized within fifteen working days.
 - (ii) Food assistance will be authorized within thirty days if you are eligible. If you are eligible and have little or no money, food assistance will be authorized within five days.
 - (f) Have information you give us kept private. We share some facts with other agencies for efficient management of federal and state programs;
 - (g) For cash and medical assistance programs, ask us not to collect child support if the absent parent may harm you or your child;
 - (h) For some cash assistance programs, ask for extra money to help in an emergency, such as an eviction or a utility shutoff;
 - (i) Get a written notice, in most cases, at least ten days before we make changes to reduce or end your benefits;
 - (j) Ask for a fair hearing if you do not agree with us about a decision. You can also ask a supervisor or administrator to review our decision or action without affecting your right to a fair hearing;
 - (k) Have interpreter or translator services provided at no cost to you and without delay;
 - (l) Refuse to speak to a fraud investigator. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. Such a request will not affect your eligibility for benefits;

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

- (n) Receive help from us to register to vote.
- (2) You are responsible to:
- (a) Report any changes to us within:
- (i) Ten days for all cash and food assistance programs; and
- (ii) Twenty days for all medical assistance programs.
- (b) Give all the facts needed to determine eligibility;
- (c) Give us proof of any facts for which proof is needed;
- (d) For most cash or medical assistance programs related to children, cooperate with us to get child support or medical care support unless you show that cooperation may harm you or your child;
- (e) Apply for and get any benefits from other agencies or programs prior to getting cash or medical assistance from us;
- (f) Complete reports and reviews when asked to do so;
- (g) Get a job or training if required;
- (h) Show your medical identification card or other notification of eligibility from us to your medical care provider; and
- (i) Cooperate with the quality assurance review process.
- (3) You will be screened for and provided necessary supplemental accommodation services as described in this chapter.

NEW SECTION

WAC 388-472-0010 What are necessary supplemental accommodation services? Necessary supplemental accommodation (NSA) services are services provided to you if you have a mental, neurological, physical or sensory impairment or other problems that prevent you from getting program benefits in the same way that an unimpaired person would get them.

- NSA services include but are not limited to:
- (1) Arranging for or providing help to complete and submit forms to us;
 - (2) Helping you give or get the information we need to decide or continue eligibility;
 - (3) Helping you request continuing benefits;
 - (4) If you miss an appointment or deadline, contacting you about the reason before we reduce or end your benefits;
 - (5) Explaining to you the reduction in or ending of your benefits (see WAC 388-418-0020);
 - (6) If we know you have a person who helps you with your applications, notifying them when we need information or when we are about to reduce or end your benefits;
 - (7) Assisting you with requests for fair hearings;
 - (8) Providing protective payments if needed, according to WAC 388-265-1250; and
 - (9) On request, reviewing our decision to terminate, suspend or reduce your benefits.

NEW SECTION

WAC 388-472-0020 How does the department decide if I am eligible for NSA services? When you, as head of

household, apply for benefits either in person or by phone, we screen you to decide if you meet NSA requirements. We explain NSA services to you during the screening.

(1) We identify you as NSA if you:

- (a) Say you need NSA services in order to have equal access to our programs and services;
- (b) Have or claim to have a mental impairment;
- (c) Have a developmental disability;
- (d) Are disabled by alcohol or drug addiction;
- (e) Are unable to read or write in any language; or
- (f) Are a minor not residing with your parents.

(2) We identify you as NSA if we observe you to have cognitive limitations, whether or not you have a disability, which may prevent you from understanding the nature of NSA services or affect your ability to access our programs. Cognitive limitations are limitations in your ability to communicate, understand, remember, process information, exercise judgement and make decisions, perform routine tasks or relate appropriately with others.

NEW SECTION

WAC 388-472-0030 How can I get NSA services?

(1) After we screen you for NSA eligibility and initially identify your case as NSA, we mark your case file with a uniform NSA identifier.

(2) After you are initially identified as NSA, we complete an assessment to confirm your NSA designation.

(3) If the assessment confirms your NSA designation, we develop an accommodation plan that specifies the services we will provide to you to improve your access to our programs and services.

(4) If you are designated as NSA according to WAC 388-472-0020 (1) and (2), we include all the NSA services listed in WAC 388-472-0010 in your accommodation plan.

(5) Based on your request or a change in your needs, the NSA designation and the accommodation plan may be assessed and changed.

(6) Even if you are eligible to receive NSA services you may refuse NSA services.

NEW SECTION

WAC 388-472-0040 What are the department's responsibilities in giving NSA services to me?

(1) All of our staff are continually responsible to identify you as possibly NSA eligible and assist you with NSA services.

(2) We provide a grace period to continue your financial, food or medical assistance when:

(a) We stop a benefit because we are unable to tell if you continue to qualify; and

(b) You provide proof you still qualify for the benefit within the twenty days right after the benefit stops. We restore lost benefits as follows:

(i) We reopen your medical assistance from the first of the month; and

(ii) We recalculate your cash and food assistance and issue you the correct amount without taking away any benefits as long as you were eligible to receive them.

NEW SECTION

WAC 388-472-0050 What if I don't accept or follow through the program requirements because I'm not able to or I don't understand them? (1) We consider how your limitation or impairment affects your ability to accept and follow through on all program requirements. This can include, but is not limited to, your actions in failing to:

- (a) Follow through with medical treatment;
- (b) Follow through with referrals to other agencies;
- (c) Provide timely income reports;
- (d) Maintain employment;
- (e) Participate in food assistance employment and training; or
- (f) Participate in the WorkFirst program.

(2) If we decide your limitation was the cause of your refusal to accept or failure to follow through on these requirements, we will find that you have good cause and we will not take any adverse action.

(3) Following a finding of good cause not to have followed through with the requirement, we will review your accommodation plan to assure that all services necessary to enable you to meet the program requirements are being provided to you.

(4) If we are unable to accommodate your condition so that you are able to participate in program requirements, we will waive program requirements.

(5) If participation in program requirements is not waived, you must cooperate with program requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-200-1050	Department and client responsibilities.
WAC 388-200-1300	Necessary supplemental accommodation services (NSA).
WAC 388-200-1350	Dispute resolution for clients needing supplemental accommodations.



WSR 01-10-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-52—Filed April 18, 2001, 2:47 p.m., effective April 18, 2001, 12:01 a.m.]

Date of Adoption: April 12, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-28500Y and 232-28-61900T.

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 number of wild upper Columbia/Snake River spring chinook listed under the Endangered Species Act allowed to be taken has been taken. Upper Columbia spring chinook are listed as "endangered"; Snake River spring chinook are listed as "threatened." There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 18, 2001, 12:01 a.m.

April 12, 2001
 J. P. Koenings
 Director
 by Larry Peck

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. April 18, 2001:

WAC 220-56-28500Y	Shad—Areas and seasons. (01-28)
WAC 232-28-61900T	Exceptions to statewide rules. (01-28)

WSR 01-10-004
EMERGENCY RULES
DEPARTMENT OF ECOLOGY

[Order 01-01—Filed April 19, 2001, 3:17 p.m.]

Date of Adoption: April 19, 2001.

Purpose: To adopt a new rule (chapter 173-167 WAC) establishing criteria for providing drought-related assistance in the forms of grants and loans to public entities needing assistance to continue agricultural activities, provide public drinking water supplies, and aid in the survival of fish and wildlife; the rule also establishes criteria for leasing or buying water for fish.

Statutory Authority for Adoption: RCW 43.27A.090(11).

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 drought emergency exists in the state. This emergency poses a potential threat to public health in its possible effects on drinking water supplies, and a potential threat to the general welfare of the public in its likely effects on irrigated agriculture and on those fish and wildlife which, in the judgement of federal and state authorities, are in danger of extinction.

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 9, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 19, 2001
 Tom Fitzsimmons
 Director

Chapter 173-167 WAC

DROUGHT PREPAREDNESS FUNDING FOR AGRICULTURAL, MUNICIPAL AND UTILITY, AND FISH AND WILDLIFE NEEDS, AND FOR PURCHASING AND LEASING WATER FOR FISH

NEW SECTION

WAC 173-167-010 Purpose. The legislature in 1999 enacted Ch. 379, Laws of 1999, now codified as RCW

43.83B.430, which created, in part, the drought preparedness account and authorized the department of ecology to expend funds from that account for the purposes of drought preparedness. The purpose of this emergency rule is to establish criteria under which those funds can be made available to achieve the stated legislative purpose of drought preparedness.

NEW SECTION

WAC 173-167-020 Authority. This regulation is promulgated by the department of ecology under authorities provided in chapter 43.21A RCW, consistent with the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 173-137-030 Definitions. As used in this chapter:

(1) "Ecology" is the Washington state department of ecology.

(2) "Normal water supply," for the purpose of eligibility for assistance under this chapter is:

(a) That amount of water put to beneficial use during the irrigation season for the irrigation of one or more crops, using reasonably efficient practices, including reasonable conveyance losses, under a valid water right permit or certificate, or a supported registered water right claim; or

(b) That amount or flow of water required for normal operations of fish hatchery, fish rearing, or fish passage facilities. Such facilities, where required by law, must be operating under a valid water right permit or certificate, or under a supported registered water right claim; or

(c) The flow of water that is critically necessary to maintain instream habitat conditions for existing fish populations, as determined by ecology in concert with the state department of fish and wildlife.

(3) "Previously established activities" include, but are not limited to:

(a) The irrigation of a specified number of acres, using reasonably efficient practices, under a valid water right permit or certificate, or a supported registered water right claim.

(b) The delivery of water by public entities through existing supply systems to present populations, areas, and/or facilities for purposes that are nonagricultural and not related to preservation or enhancement of fish or wildlife.

(c) Those fish-management activities presently employed to maintain or restore the fish resource.

(4) "Reasonably efficient practices" are those practices including, but not limited to, methods of conveyance, use, and disposal of water which are reasonable and appropriate under the circumstances to bring about water use efficiency as determined by an area-specific application of criteria identified by ecology, which may include, among others:

(a) Efficient practices used in the area;

(b) Standards of reasonable efficiency existing at the time the conveyance facilities were built;

(c) Cost of improvements and impacts of the costs of upgrading facilities on the continued use of water by an appropriator;

(d) Changes in water use practices and technology; and

(e) Impact of alternative water use practices on other water uses, instream flows, and the environment.

(5) "Supported registered water right claim" is a registered water right claim which includes sufficient evidence to allow ecology to make a tentative determination of the extent and validity of the claimed water right. Applications made for funding assistance under this chapter must incorporate, either by reference or inclusion, necessary information to enable ecology to make an informed determination with respect to the claim.

(6) "Utility" means any publicly-owned drinking water supply system other than a municipality.

NEW SECTION

WAC 173-167-040 Funding assistance—General criteria. Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate drought conditions which may affect public health and safety, including, but not limited to, conditions affecting drinking water supplies, agricultural activities, and survival of fish and wildlife. The general criteria under which funds will be provided are:

(1) Public bodies eligible to receive emergency funds are defined in RCW 43.83B.050 as "... the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington."

(2) The public body applying for emergency funds must be receiving, or have been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions, for the previously established activity for which they seek funding assistance, and must be experiencing, or expected to experience, undue hardship as a result.

(3) Funding assistance will be for acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the adequate provision of drinking water to the citizens of the state, continuation of irrigated agriculture and the survival of the state's fish and wildlife resources, with particular emphasis on fish stocks or wildlife species which have been identified as threatened or endangered by the state department of fish and wildlife, the federal national marine fisheries service, or the federal fish and wildlife service.

(4) Funding assistance will be available only for projects or measures undertaken in response to drought conditions and not to defray costs of normal water supply operations.

(5) Funding assistance may be in the form of a grant or a combination loan and grant.

(6) Grants, or combination loans and grants, may be used as matching funds in cases where federal, local, or other funds are also available.

(7) Loans for agricultural water supply facilities shall be approved using the criteria set forth in WAC 173-170-080(6), Agricultural water supply facilities.

(8) Funding assistance to alleviate drought conditions will be provided under the following formula:

(a) No single entity will receive more than ten percent of the total funds available for drought relief. Should funds be available after July 1, 2001, ecology shall lift the cap restriction and make available additional funding consistent with the provisions of this section.

(b) A combination loan and grant may be made for up to one hundred percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for twenty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty-one to seventy-five percent of its normal seasonal water supplies.

(d) The grant or grant portion of a combination loan and grant may be made for up to forty percent of total eligible project costs if the public body being provided funds is receiving, or is forecast to receive, fifty percent or less of normal seasonal water supplies.

(e) A grant or the grant portion of a combination loan and grant may be amended to increase the grant up to forty percent of eligible project costs if drought conditions as defined in this chapter change after a grant has been signed for twenty percent of eligible project costs, provided:

(i) That the grantee qualifies for the higher grant as defined in (d) of this subsection; and

(ii) That the original grant agreement has not been terminated or closed out.

(f) The grant or grant portion of a combination loan and grant, once signed by all parties, may not be reduced despite any subsequent improvement in water supply conditions.

(9) Eligibility conditions for each proposed project or measure are:

(a) The proposed project or measure must be for a beneficial use involving a previously established activity or purpose, except in the case of assistance provided for fish and wildlife.

(b) The proposed project or measure must assist in alleviating a water shortage.

(c) The public body receiving the grant or loan must satisfy ecology as to its ability to complete the project or measure.

(d) The public body receiving a loan must satisfy ecology as to its ability to repay the loan.

(e) Water derived from the project or measure must be put to beneficial use as a substitute for water not available because of a drought.

(f) Water derived from the project or measure must not be used to irrigate new lands.

(g) The proposed project or measure must not adversely affect existing rights, including both instream and out-of-stream rights.

(h) All required permits and approvals for the proposed project or measure must be obtained by the applicant prior to a loan or grant agreement being signed.

(10) Eligible measures that may be funded include the means for implementing water conservation procedures, acquiring alternate water sources, or transferring water rights, provided that the proposed measure represents an additional

cost to the applicant as the result of drought conditions, and is not a substitute for normal water supply costs.

(a) Types of eligible measures for implementing water conservation procedures include, but are not limited to:

(i) Irrigation scheduling programs and activities, including the necessary personnel to accomplish such activities.

(ii) Implementation of water reduction programs and activities, including the necessary personnel to accomplish such activities.

(iii) Implementation of regional water conservation programs by multiple entities.

(iv) Education programs.

(b) Types of eligible measures for acquiring alternate water sources or transferring water rights include, but are not limited to:

(i) Water purchase or leasing costs.

(ii) Repair or replacement costs.

(iii) Power costs.

(11) Priority will be given to proposed projects which need additional water supplies. Need will be measured by:

(a) The short-term and long-term effects, in the absence of drought relief, that the water shortage would have on agricultural crops, or on a municipality's or utility's ability to provide drinking water in its service area, or on the survival of fish or wildlife populations.

(b) The capability and reliability of the proposed project to provide an emergency water supply to the applicant.

(c) The percent of water shortage experienced or forecast for each applicant.

(12) Priority will also be given to proposed measures which:

(a) Are the most effective in achieving long-term reductions (conservation) in water requirements and/or which are the more efficient use of available supplies.

(b) Present no, or minimal, overall environmental impacts, including any detrimental effects to wetlands. Any such impacts should be identified to the best extent possible by the applicant at the time of application.

(13) Preference will be given to public bodies which are implementing activities in response to drought conditions which are in addition to the activities to be conducted with funding assistance applied for under this chapter; such activities may include, but are not limited to, water conservation plans, water system efficiency improvements, and other drought contingency actions.

(14) A municipality or utility requesting funding assistance under this chapter must have developed and be following a water shortage response plan.

(15) Ecology, and all state and local agencies that are affected by the proposed project or measure, in keeping with the emergency nature of these provisions, will process the respective application(s) and provide a decision(s) to the applicant in an expeditious manner.

(16) To expedite the implementation of drought relief projects and measures, ecology can approve funding assistance without compliance with requirements for:

(a) Notice of publication.

(b) The State Environmental Policy Act.

NEW SECTION

WAC 173-167-050 Funding assistance—Agricultural projects. (1) Eligible projects that may be funded for drought relief of irrigated agriculture include, but are not limited to:

- (a) Pumps and accessories.
- (b) Discharge lines.
- (c) Pipelines.
- (d) Canals and laterals with control structures.
- (e) Lining of leaky canals.
- (f) Diversion structures.
- (g) Reregulating reservoirs.
- (h) Measuring devices.
- (i) Modifying an existing source or deepening an existing well.
- (j) Developing an emergency or alternate water source.
- (k) Replacement water sources, including purchasing or leasing water or water rights to be used during the drought period.
- (2) Local improvement districts (LIDs) may be formed to allow funding of on-farm water conservation projects. These projects may include, but are not limited to, conversion from rill to sprinkler or drip irrigation, conversion of sprinkler to drip irrigation, and construction of water reuse ponds.

NEW SECTION

WAC 173-167-060 Funding assistance—Municipalities and utilities projects. (1) Eligible projects that may be funded for drought relief for municipalities and utilities include, but are not limited to:

- (a) Modifying an existing source or deepening an existing well.
- (b) Developing an emergency or alternate water source.
- (c) Replacement water sources, including purchasing or leasing water or water rights to be used during the drought period.
- (d) Constructing an emergency intertie to another approved public water supply.
- (e) Transmission pipelines.
- (f) Diversion structures.
- (g) Pumps and accessories.
- (h) Source meters.
- (i) Leak detection and repair.

NEW SECTION

WAC 173-167-070 Funding assistance—Fish and wildlife projects. (1) Eligible fish hatchery or other fish rearing facility projects that may be funded for protection from drought conditions include, but are not limited to:

- (a) Purchase and installation of water-reuse pumps.
- (b) Modifying hatchery intake and outlet structures.
- (c) Modifying stream channels adjacent to a hatchery to assure passage to the facility.
- (d) Provision and maintenance of oxygen levels in off-site holding ponds by purchase and installation of bottled gas (using air stones), or oxygen generation systems, or mechanical aeration.

(2) Eligible projects that may be funded to protect instream fish habitat and assist in fish survival during drought conditions include, but are not limited to:

- (a) Augmentation of instream flows through transfers of diversionary surface and ground water rights.
- (b) Augmentation of instream flows through temporary withdrawals of ground waters.
- (c) Stream channel modification such as trenching, sandbagging, or berthing to protect spawning gravels or to provide migratory channels for fish passage.
- (d) Capture and relocation of stranded fish.
- (e) Modification to existing wells and aeration towers.
- (f) Drilling new wells.
- (g) Installation and removal of temporary fish collection weirs.

(3) The department of fish and wildlife and any potentially affected Indian tribes will be consulted to verify eligibility, needs, and nature of all proposed fish-related projects and measures.

(4) Eligible projects that may be funded to protect aquatic and/or upland wildlife species and assist in fish survival during drought conditions include, but are not limited to:

- (a) Temporary diversion of stream flow to critical bird nesting habitat or wetland habitat populated by priority species, as identified by the state department of fish and wildlife.
- (b) Temporary impoundment of water in existing wetland habitat populated by priority species, as identified by the state department of fish and wildlife.
- (c) Temporary diversion of streamflow to upland water-ing devices.
- (d) Any diversion or impoundment of water described in (a) through (c) of this subsection shall be done in a manner that does not detrimentally affect fish populations listed under the federal endangered species act.

NEW SECTION

WAC 173-167-080 Criteria for buying or leasing water for fisheries. (1) Ecology may lease or purchase valid water rights to alleviate drought conditions affecting the state's fish resources. Water rights which are leased or purchased under the authority of this rule must be located in an area receiving, or having been forecast to receive, less than seventy-five percent of its normal seasonal water supplies.

(2) Priority consideration for purchasing and leasing water rights will be given to water rights identified as being most likely to contribute to the survival of threatened or endangered fish stocks by the Washington department of fish and wildlife, potentially affected Indian tribes, and the federal national marine fisheries and fish and wildlife services. To the fullest possible extent, purchasing and leasing water rights will also be based on consideration of the following priorities:

- (a) The water right to be purchased or leased:
 - (i) Has sufficient documentation to allow ecology to make a tentative determination as to its extent and validity;
 - (ii) Has a sufficiently early priority date to ensure it will provide a benefit for restoring and protecting fish;
 - (iii) Was put to use in the previous year;

- (iv) Will provide the relatively greatest benefit for restoring and protecting fish;
 - (v) Will provide benefits in addition to restoring and protecting fish, such as meeting water quality requirements; and
 - (vi) Is reasonably priced within the context of the local market for water.
- (b) Lease or purchase of the water right would:
- (i) Receive a broad level of support among interested parties;
 - (ii) Be accomplished with partial funding from other sources;
 - (iii) Require minimal administrative costs; and
 - (iv) Would provide the longest possible period of benefit for fish.
- (3) Ecology will not purchase or lease:
- (a) Water rights for water which will not increase streamflow in the year 2001; or
 - (b) Water rights which are subject to regulation to protect minimum flows established under chapter 90.22 RCW and chapter 173-500 WAC during the period for which ecology is seeking to enhance fish benefits.

NEW SECTION

WAC 173-167-090 Requests for funding—Contracts—Applications. (1) The ecology headquarters office, water resources program, will administer funding assistance in accordance with the provisions of this chapter. For applications or information regarding funding assistance, contact Ray Newkirk, Water Resources Program, Department of Ecology, by mail at P.O. Box 47600, Olympia, WA 98504-7600, by phone at (360) 407-6630, or by e-mail at rnew461@ecy.wa.gov. For information regarding ecology buying or leasing water rights, contact Peggy Clifford, Water Resources Program, Department of Ecology, by mail at P.O. Box 47600, Olympia, WA 98504-7600, by phone at (360) 407-7262, or by e-mail at pcli461@ecy.wa.gov.

(2) Copies of statutes and regulations cited in this chapter may be obtained from the ecology headquarters office at P.O. Box 47600, Olympia, WA 98504-7600, and on the internet at: <http://www.ecy.wa.gov/programs/wr/rules/rul-home.html>.

**WSR 01-10-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-57—Filed April 20, 2001, 11:07 a.m.]

Date of Adoption: April 19, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000K; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: State/tribal allocation balances have been reached or softshell molt is occurring for Dungeness crab harvest in Marine Areas 7, 8-1, 8-2, 9, 10 and 12. Closure of the recreational crab fisheries in Marine Areas 4, 5, 6, 11 and 13 on the historical softshell closure date is necessary because the actual softshell period is unknown. Test results indicate crab are through the molt in a portion of Area 8-2. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 19, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000L Personal use fishery—Exceptions to permanent seasons and areas. Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein;

(2) Effective 7:00 a.m. April 21, 2001, until further notice, it is lawful to fish for crab for personal use including pot gear, in that portion of Marine Area 8-2 south and east of a line from Camano Head to Sandy Point on Whidbey Island on Fridays, Saturdays, Sundays and Mondays.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000K

Personal use fishery—Allocation closure. (01-45)

WSR 01-10-007
EMERGENCY RULES
STATE TOXICOLOGIST
[Filed April 20, 2001, 1:56 p.m.]

Date of Adoption: April 20, 2001.

Purpose: Judges in Renton District Court and Bellevue Municipal Court have ruled that the thermometers used in the simulators on breath test instruments do not have sufficient accuracy to meet the existing WAC standard of thirty four degrees plus or minus 0.2 degrees centigrade, which impacts the admissibility of the breath test result. Other courts may follow suit. All parties have stipulated that the limitations of the thermometer do not affect the accuracy of the results of the breath test.

In light of the ruling from Renton, the acceptable variance specified in the WAC for the temperature of the simulator at the time of the test is being expanded to be plus or minus 0.3 degrees centigrade. This permits the continued use of the current instrument standard of plus or minus 0.2 degrees centigrade at the time of the test, and recognizes the limits of accuracy of the thermometer. An additional provision requires the thermometers to be certified at least annually.

These provisions are intended to address the concerns of the courts on the admissibility of breath alcohol test results, and to permit all future tests to be considered as evidence provided they meet these and the existing requirements of the administrative code.

Citation of Existing Rules Affected by this Order: Amending WAC 448-13-040.

Statutory Authority for Adoption: RCW 46.61.506.

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 courts' interpretation of the administrative code provisions regarding the acceptable range for the simulator temperature has effectively made all breath test results past and present inadmissible in these and other courts. The inability of the state to obtain this important evidence in the serious crime of driving under the influence (DUI) impacts public safety significantly and constitutes an emergency. Some supporting considerations regarding the need for having an admissible test in place are listed below:

a. It allows the subject, if intoxicated, to be removed from the highway, reducing risk of harm to themselves and other road users.

b. It collects objective numerical evidence of the degree of a person's alcohol consumption, which in turn determines the severity of the penalty applied if they are convicted.

c. It assists with ensuring the appropriate finding of guilt or innocence in a charge of DUI and leads to appropriate sanctions, including substance abuse assessment, counseling, and treatment, to deter future offending.

d. It provides an indication to a substance abuse counselor or treatment provider of the extent of alcohol consumption behavior indulged in by the person, which assists with

the development of an appropriate assessment and treatment plan.

e. It provides the ability to prove the absence of alcohol in an apparently impaired individual and is critical to the formation of probable cause to invoke the implied consent provision for a blood draw to prove the presence of drugs.

Perceived problems with the WAC that result in the widespread suppression of breath tests significantly harms both the public and the defendant.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 19, 2001
Barry K. Logan, Ph.D.
State Toxicologist

NEW SECTION

WAC 448-13-035 Simulator thermometer certification. The ability of the simulator to provide a reference ethanol vapor concentration is a function of its temperature. The thermometers used in the simulators shall be certified on an annual basis to have an accuracy of within plus or minus 0.1 degree centigrade. Such certification shall be made using a reference thermometer traceable to standards maintained by the National Institute of Standards and Testing (NIST), or its successor.

AMENDATORY SECTION (Amending WSR 99-06-048, filed 3/1/99, effective 4/1/99)

WAC 448-13-040 Administration of breath test on the DataMaster. The following method for performing a breath test is approved by the state toxicologist pursuant to WAC 448-13-130 and includes the following safeguards to be observed by the operator prior to the test being performed. It must be determined that: (1) The person does not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test; and (2) the subject does not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the person that he or she has any foreign substances in mouth. A test mouthpiece is not to be considered a

foreign substance for purposes of this section. If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove this prior to conducting the breath test. If the subject declines, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

~~((The temperature of the solution in the simulator p)) Prior to the start of the test ((must be)) the operator must verify that the thermometer, certified per WAC 448-13-035, indicates that the temperature of the simulator solution is thirty-four degrees centigrade plus or minus ((0.2)) 0.3 degrees centigrade. During the test the person will be required to provide at least two valid breath samples. A refusal to provide a valid breath sample at any point during the test will constitute a refusal. The results of the test will be provided in the form of a printout on a breath test document. These results will indicate the grams of alcohol per two hundred ten liters of breath.~~

**WSR 01-10-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-60—Filed April 23, 2001, 3:56 p.m., effective April 23, 2001, 12:01 a.m.]

Date of Adoption: April 20, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-0100R; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. The mainstem Columbia River season is an experimental commercial fishery using tangle nets, and is part of a BPA funded study. Fishers participating in this fishery were drawn by a lottery system. Impacts in all of these fisheries are consistent with the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River Compact hearings of January 25, 2001, and April 20, 2001, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 23, 2001, 12:01 a.m.

April 20, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000S Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Mainstem Columbia River

Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Dates: 12:01 a.m. April 23, 2001 through 12:00 a.m. May 18, 2001.

Gear: Two 75 fathom shackles of 3 1/2 inch mesh to 5 inch mesh. Gear for each individual fisher must match the permit issued to the fisher.

Allowable Sale: Adipose fin-clipped salmon, shad.

Sanctuaries: Grays River, Elokomin-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal, Sandy.

Other: A WDFW or ODFW staff person must be on board at all times during the fishery. Each person participating in the fishery will have a permit issued by Oregon Department of Fish and Wildlife.

Only those persons listed below may participate in the fishery:

1. Tim Heuker
2. Mike Heuker
3. Bernie Heuker
4. Dan Heuker
5. Rod Knight
6. Douglas Kayser
7. Randy Anderson
8. Mark Thander
9. John Kallunki
10. Jon Blair Peterson

- 11. Delwin Barendse
- 12. Daniel Stephan
- 13. Thomas Tarabochia
- 14. Vince Tarabochia
- 15. Lance Gray
- 16. Steve Gray
- 17. Charles Yeager
- 18. Gene Elliott
- 19. Kenneth Wirkkala
- 20. Joe L. Tarabochia

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough and Knappa Slough

Gear: 8-inch maximum mesh

Dates: 7 PM April 23 to 7 AM April 24, 2001

7 PM April 30 to 7 AM May 1, 2001

7 PM May 2 to 7 AM May 3, 2001

7 PM May 7 to 7 AM May 8, 2001

7 PM May 9 to 7 AM May 10, 2001

7 PM May 14 to 7 AM May 15, 2001

7 PM May 16 to 7 AM May 17, 2001

7 PM May 21 to 7 AM May 22, 2001

7 PM May 23 to 7 AM May 24, 2001

7 PM May 28 to 7 AM May 29, 2001

7 PM May 30 to 7 AM May 31, 2001

7 PM June 4 to 7 AM June 5, 2001

7 PM June 6 to 7 AM June 7, 2001

7 PM June 11 to 7 AM June 12, 2001

7 PM June 13 to 7 AM June 14, 2001

Gear: Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Allowable Sale: Salmon, sturgeon, shad

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westery to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

a) Tongue Point and South Channel

Gear: 8-inch maximum mesh

Dates: 7 PM April 24 to 5 AM April 25, 2001

7 PM May 1 to 5 AM May 2, 2001
 7 PM May 3 to 5 AM May 4, 2001
 7 PM May 8 to 5 AM May 9, 2001
 7 PM May 10 to 5 AM May 11, 2001
 7 PM May 15 to 5 AM May 16, 2001
 7 PM May 17 to 5 AM May 18, 2001
 7 PM May 22 to 5 AM May 23, 2001
 7 PM May 24 to 5 AM May 25, 2001
 7 PM May 29 to 5 AM May 30, 2001
 7 PM May 31 to 5 AM June 1, 2001
 7 PM June 5 to 5 AM June 6, 2001
 7 PM June 7 to 5 AM June 8, 2001
 7 PM June 12 to 5 AM June 13, 2001

Gear: Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000R

Columbia River gillnet seasons below Bonneville. (01-25)

WSR 01-10-022

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-63—Filed April 23, 2001, 3:58 p.m.]

Date of Adoption: April 23, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100Y; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Allows platform and hook and line fish to be sold, and sets another period of commercial fishing. The fishery catches are expected to remain within the allocation and guidelines of the 2001 Management Agreement and will be consistent with the biological opinion.

Rule is consistent with action of the Columbia River Compact on April 20, 2001. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 23, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-32-05100Y Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, Drano Lake and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. April 21 to 6:00 p.m. May 31, 2001

a) Open Areas: SMCRA 1F, 1G, 1H, Wind River, Drano Lake, Klickitat River

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets can be used in Drano Lake.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

2) Open Periods: 6:00 a.m. April 26 to 6:00 p.m. April 28, 2001

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gill nets.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

4) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right

angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. May 31, 2001:

WAC 220-32-05100Y	Columbia River salmon seasons—Above Bonneville Dam.
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**WSR 01-10-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-61—Filed April 23, 2001, 4:00 p.m., effective April 25, 2001, 12:01 a.m.]

Date of Adoption: April 23, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28500A and 232-28-61900A; amending WAC 220-56-285 and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The upriver spring chinook run size has been upgraded from the preseason forecast of 364,600 fish to 440,000. Because of the increased run size additional sport fishing opportunity for hatchery spring chinook is possible. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 25, 2001, 12:01 a.m.

April 23, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-28500A Shad—Areas and seasons.
Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. April 25, 2001 through 11:59 p.m. April 29, 2001, it is lawful to take, fish for, or possess shad in those waters of the Columbia River from the Buoy 10 line upstream to 600 feet below the fish ladder at Bonneville Dam.

NEW SECTION

WAC 232-28-61900A Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 25, 2001 through 11:59 p.m. April 29, 2001, in those waters of the Columbia River from the Buoy 10 line upstream to 600 feet below the fish ladder at Bonneville Dam, daily limit six chinook, no more than two of which may be adults, and all of which must be adipose fin clipped, minimum size is 12 inches and two hatchery steelhead, minimum size 20 inches.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. April 30, 2001:

WAC 220-56-28500A	Shad—Areas and seasons.
WAC 232-28-61900A	Exceptions to statewide rules—Columbia River.

**WSR 01-10-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-65—Filed April 24, 2001, 4:17 p.m.]

Date of Adoption: April 24, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-95-018 and 220-95-022.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These emergency rules implement the beginning of the 2001-2002 license reduction program, and are interim until the adopted 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 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 24, 2001
J. P. Koenings

Director
by Larry Peck

NEW SECTION

WAC 220-95-01800B 2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility. Notwithstanding the provisions of WAC 220-95-018, only persons who possessed a 2000 salmon gill net—Puget Sound license, a 2000 salmon purse seine license, or a 2000 salmon reef net license issued pursuant to RCW 77.65.160, and are eligible to possess the same license in 2001 are eligible to participate in the 2001-2002 Puget Sound salmon license economic adjustment assistance program.

NEW SECTION

WAC 220-95-02200C 2001-2002 Puget Sound salmon license economic adjustment assistance program application. Notwithstanding the provisions of WAC 220-95-022, effective immediately until further notice persons may make application to participate in all phases of the 2001-2002 Puget Sound salmon license economic adjustment assistance program. Applications received through 5:00 p.m., May 11, 2001 will be eligible for Phase 1 of the program. Applications received after that date will be ranked for Phase 2 and 3 of the program. In order to be considered, applications must be complete and must be submitted to the department's licensing division on a department offer form.

WSR 01-10-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-56—Filed April 25, 2001, 11:33 a.m., effective May 1, 2001, 12:01 a.m.]

Date of Adoption: April 25, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-124, 220-56-195, and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules codify the recreational fisheries negotiated during the North of Falcon/Pacific Fisheries Management Council meetings completed April 6, 2001. This emergency regulation change provides interim rules until the permanent rule process can be completed. There is insufficient time between the end of the North of Falcon/Pacific Fisheries Management Council process and the beginning of fisheries to allow for completion of the permanent rule process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2001, 12:01 a.m.

April 25, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-12400G Unlawful provisions—Hood-sport hatchery. Notwithstanding the provisions of WAC 220-56-124, effective July 1, 2001 until further notice the daily limit in these waters is 4 salmon, not more than 2 of which may be chinook greater than 24 inches in length, and chum salmon must be released.

NEW SECTION

WAC 220-56-19500H Closed areas—Saltwater salmon angling. Notwithstanding the provisions of WAC 220-56-195, effective July 1, 2001 through July 31, 2001 the following waters of Catch Record Card Area 7 are open to salmon angling: Those waters bounded by a line running from the Salmon Bank Buoy, then true west from the Salmon Bank Buoy to the Area 7 boundary, then southwesterly following the U.S./Canada International Boundary to its junc-

ture with Area 6, then following the Area 6/7 boundary in a southeasterly direction to the Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List No. 16340, referenced as Y"R" on National Ocean Service Chart No. 18400-1 dated 1997-09-30), then in an east north easterly direction along a line drawn from the Rosario Strait Traffic Lane Entrance Lighted Buoy R to Smith Island until it intersects with a line drawn true south from Salmon Bank Buoy, and then true north from this point of intersection to the Salmon Bank Buoy.

NEW SECTION

WAC 232-28-62100B Puget Sound salmon seasons.

Notwithstanding the provisions of WAC 232-28-621, effective 12:01 a.m. May 1, 2001 until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5 through 13 except as provided for in this section:

In all fisheries provided for in this section the minimum size for chinook is 22 inches and there is no minimum size for other salmon.

(1) Catch Record Card Area 5 -

(a) Open July 1 until further notice, daily limit of 2 salmon, not more than 1 of which may be a chinook salmon. Release chum and wild coho salmon.

(2) Catch Record Card Areas 6 -

(a) Closed until further notice.

(3) Catch Record Card Area 7:

(a) Open July 1 until further notice - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(4) Catch Record Card Area 8-1:

(a) Closed until further notice

(5) Catch Record Card Area 8-2:

(a) Closed until further notice, except:

(b) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, July 1 until further notice. Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(6) Catch Record Card Area 9:

(a) Closed until further notice, except:

(b) Open May 1 until further notice while fishing from the Hood Canal Bridge Fishing pontoon - Daily limit of 2 salmon not more than one of which may be a chinook salmon, except release chinook starting July 1 and until further notice.

(c) Open May 1 until further notice while fishing from the Edmonds Public Fishing Pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(7) Catch Record Card Area 10:

(a) Open July 1 until further notice. - Daily limit of 2 salmon except release chinook and chum salmon, and:

(i) During the period July 1 until further notice, Elliott Bay east of a line from West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open July 20 through July 22, 2001 and open July 27 through July 29, 2001 - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum.

(ii) During the period July 1 until further notice, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 1 until further notice, 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 - Open. Daily limit of 2 salmon. Chinook salmon may be retained in the daily limit.

(b) Open May 1 until further notice while fishing from the Elliott Bay public fishing pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier - Open. Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(8) Catch Record Card Area 11:

(a) Open June 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) Open July 1 until further notice - Daily limit of 2 salmon, release pink salmon.

(c) Open May 1 until further notice while fishing from the Dash Point Dock, Point Defiance Boathouse Dock, Les Davis Pier, Des Moines Pier and the Redondo Pier - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) Open July 1 until further notice waters south of Ayock Point - Daily limit of 4 salmon, not more than 2 of which may be a chinook salmon and release chum salmon.

(10) Catch Record Card Area 13:

(a) Open May 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(b) Open July 1 until further notice - Daily limit of 2 salmon, release wild coho.

(c) Open May 1 until further notice while fishing from the Fox Island Public Fishing Pier - Daily limit of 2 salmon, not more than one of which may be a chinook salmon, except release wild coho salmon starting July 1 until further notice.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

WSR 01-10-040

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-64—Filed April 25, 2001, 3:32 p.m.]

Date of Adoption: April 24, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100K and 220-69-24000U; and amending WAC 220-52-051, 220-52-075, and 220-69-240.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2001 State/Tribal Puget Sound Shrimp Harvest Management Plan requires adoption of the harvest seasons and the prohibition on night time fishing contained in this emergency rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of fishing. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 24, 2001
Evan Jacoby
for Jeff P. Koenings
Director

NEW SECTION

WAC 220-52-05100L Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species except spot shrimp from 8:00 a.m. May 1, 2001 until further notice, with the following exceptions: Marine Fish-Shellfish Catch and Reporting Areas 23A and 23B will remain closed until 8:00 a.m. on June 11, 2001.

(b) All waters of Crustacean Management Regions 1A, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species from 8:00 a.m. on June 11, 2001 until further notice.

(c) It is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 26B except in those waters south of the 47 degrees 40.00

minutes latitude line (which is approximately 200 yards north of Skiff Point).

(i) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1; those waters of Catch Area 26B south of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2; all waters of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3; those waters easterly of a line projected from West Point to Alki Point.

(d) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected 335 degrees true from the Dungeness lighthouse), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday.

(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 Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1 (e) above.

(g) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(h) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island

to Point Colville, shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open 8:00 a.m. on May 1 until further notice.

(b) Crustacean management area 3 - Open effective immediately until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(iii) Closed in waters shallower than fifty fathoms from April 16 through July 15

(f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island until 8:00 a.m. on July 10.

(6) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

NEW SECTION

WAC 220-52-07500C Additional Puget Sound shrimp pot fishery hauling requirement. Notwithstanding the provisions of WAC 220-52-075, effective immediately until further notice, vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear must include the following additional information in their daily telephone harvest report:

(a) The vessel operator's first and last name, and

(b) The total number of pot pulls. The total number of pot pulls is defined as the total number of pots fished multiplied by the number of times those pots were checked.

NEW SECTION

WAC 220-69-24000V Puget Sound shrimp dealer reporting - required information. Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for the original receiver of shrimp, other than ghost shrimp, taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday.

(2) For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice (360) 466-4345 extension 245, or facsimile (360) 466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

(3) For purpose of shrimp pot catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-05100K

Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (01-51)

WAC 220-69-24000U

Puget Sound shrimp dealer-reporting-required information. (01-51)

WSR 01-10-041

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-59—Filed April 25, 2001, 3:35 p.m., effective April 26, 2001, 12:01 a.m.]

Date of Adoption: April 24, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-36000H; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1 and 3 and Washington Department of Health has certified clams from this beach to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 26, 2001, 12:01 a.m.

April 24, 2001

Evan Jacoby
for Jeff P. Koenings
Director

NEW SECTION

WAC 220-56-36000H Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. April 26 through 11:59 a.m. April 27, 2001, between 12:01 a.m. to 11:59 a.m. only, razor clam digging is allowed in all of Razor Clam Area 1 and that portion of Razor Clam Area 3 that is between the Copalis River and the southern boundary of the Quinault Indian Nation and that portion that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County).

(2) Effective 12:01 a.m. April 27 through 11:59 a.m. April 27, 2001, between 12:01 a.m. to 11:59 a.m. only, razor clam digging is allowed in that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the Copalis River.

(3) Effective 12:01 a.m. April 29 through 2:00 p.m. April 29, 2001, between 12:01 a.m. to 2:00 p.m. only, razor clam digging is allowed in all of Razor Clam Areas 1 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian

Nation and that portion that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County).

(4) 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 2:01 p.m. April 29, 2001:

WAC 220-56-36000H	Razor clams—Areas and seasons.
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WSR 01-10-046

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-67—Filed April 26, 2001, 1:32 p.m., effective May 1, 2001]

Date of Adoption: April 25, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2001 forecast for upriver spring chinook returning to the Snake River is 206,700, with 29,300 of that total representing wild spring chinook. On April 20, 2001, the combined run size estimate for the Columbia River system was upgraded from a preseason forecast of 364,600 fish, to a midseason forecast of 440,000 fish. There are sufficient numbers of harvestable fish, within allowable impacts to wild fish, to open this Snake River fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Mak-**

EMERGENCY

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2001.

April 25, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900B Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619, effective May 1, 2001 through May 31, 2001, in those waters of the Snake River, Texas Rapids (above the mouth of the Tucannon River) upstream to Red Wolf Bridge at Clarkston:

- (a) Daily limit of two hatchery chinook salmon, minimum size 12 inches in length.
- (b) Night Closure in effect.
- (c) Barbless hooks required.
- (d) Closed waters - within 400' of the base of any dam; within a 200' radius upstream of the fish ladder exit above Lower Granite Dam; and within an area 1,200' downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100' out into the river from said river bank.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2001:

WAC 232-28-61900B Exceptions to statewide rules—Snake River.

WSR 01-10-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-68—Filed April 27, 2001, 11:13 a.m., effective May 7, 2001]

Date of Adoption: April 27, 2001.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900C; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Leavenworth Hatchery spring chinook are predicted to return at an estimated run size level of 11,000 fish. The brood stock requirement for the hatchery is 1,000, leaving an excess of 10,000 fish available for harvest. Hatchery spring chinook returning to the Icicle River

will have separated from wild fish. Thus the fishery is expected to have insignificant impacts on the listed spring chinook population. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 7, 2001.

April 27, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900C Exceptions to statewide rules—Icicle River. (Chelan County) Notwithstanding the provisions of WAC 232-28-619, effective May 7, 2001 through July 22, 2001 in those waters of Icicle River from 500 feet downstream of the Leavenworth Hatchery barrier dam to stream mouth daily limit of two chinook salmon greater than 12 inches in length. Night closure and non-buoyant lure restrictions are in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 23, 2001:

WAC 232-28-61900C Exceptions to statewide rules—Icicle River. (Chelan County)

WSR 01-10-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-70—Filed April 27, 2001, 3:16 p.m., effective May 1, 2001, 12:01 a.m.]

Date of Adoption: April 27, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000Q; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. These rules 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 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2001, 12:01 a.m.

April 27, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-24-02000Q Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-020, effective immediately until further notice is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 1, 2001 through June 30, 2001. Unlawful to retain coho. No more than 4 spreads per line beginning June 1, 2001. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(6) The Cape Flattery Commercial Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3 and 4 must be landed before fishing south of Cape Falcon, Oregon.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2001:

WAC 220-24-02000Q Commercial salmon troll.

WSR 01-10-067
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Employment and Assistance Programs)
(Office of Refugee and Immigrant Assistance)

[Filed April 27, 2001, 4:36 p.m.]

Date of Adoption: April 27, 2001.

Purpose: To amend WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements, to bring it into compliance with new WAC 388-466-0130 Refugee medical assistance.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-400-0035.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.08A.320, and 74.20A.310.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: In response to change in federal and state law and in order to continue to meet federal refugee funding requirements.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-400-0035 Refugee medical assistance—

Summary of eligibility requirements. (1) To be eligible for refugee medical assistance (RMA), ((persons)) you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled ((them; and)) you;

(b) Meet the immigration status requirements of WAC 388-466-0005((.));

(2) Except for a person who is not eligible under subsection (3) of this section, a person is eligible for RMA if the person:

(a) Receives);

(c) Meet monthly income standards up to two hundred percent of Federal Poverty Level (FPL). Spenddown is available for applicants whose income exceeds two hundred percent of FPL (see WAC 388-519-0110);

(d) Receive refugee cash assistance (RCA); or

((b)) (e) Be eligible for, but choose((s)) not to apply for or receive RCA.

((3) Persons))

(2) You are not eligible to receive RMA if ((they)) you are:

(a) Eligible for Medicaid;

(b) ((Are)) Not eligible for RCA because ((they)) you have not met the employment and training requirements of WAC ((388-466-0015)) 388-466-0150; or

((c)) A full-time student((s)) in institution((s)) of higher education unless the educational activity is part of a department-approved employability plan.

((4)) (3) Refugee families, including families with children who are United States citizens, ((will be)) are treated as single assistance units according to chapter 388-408 WAC.

((5) A person))

((4) If you are meeting the requirements of this section ((is)), you are eligible for RMA only during the eight-month period beginning in the first month ((the person)) you entered the United States (see WAC 388-466-0130).

((6)) (5) A recipient of ((RCA and)) RMA ((who becomes ineligible for RCA due to an increase in income)) whose earned income goes above the income standard remains eligible for ((extended)) RMA benefits until the end of the ((eighth month period following entry into the United States)) RMA eligibility period.

((7) A person will have his or her eligibility for RMA determined based on the rules for the medically needy program if the person is:

(a) Not eligible for Medicaid; or

(b) Not eligible for RCA because of excess income, unless the person is eligible for extended RMA under subsection (6) of this section))

(6) A refugee recipient of Medicaid, whose eligibility ended due to excess earned income, is transferred to RMA without eligibility determination for the remainder of the RMA eligibility period.

WSR 01-10-005
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LOTTERY
 (Lottery Commission)
 [Memorandum—April 20, 2001]

AMENDED 2001 MEETING AND STUDY SESSION SCHEDULE
LOTTERY COMMISSION

Please take note and publish the following Year 2001 amended meeting and study session for the Washington State Lottery Commission:

May 17 and 18	Vancouver, Washington
July 26 and 27	Everett, Washington
September 20 and 21	Spokane, Washington
November 15 and 16	Yakima, Washington

WSR 01-10-008
RULES COORDINATOR
OLYMPIC COLLEGE
 [Filed April 20, 2001, 2:17 p.m.]

Please consider this letter as notice [of] the appointment of Gwendolyn A. Garrett as the contact for the Code Reviser's Office. Ms. Garrett is a secretary senior in the president's office. Her contact information is as follows: Ms. Gwendolyn A. Garrett, President's Office, Olympic College, 1600 Chester Avenue, Bremerton, WA 98337-1699, phone (360) 475-7103, fax (360) 475-7104.

Karl K. Jonietz
 President

WSR 01-10-009
RULES COORDINATOR
WASHINGTON SCHOOL
FOR THE DEAF
 [Filed April 20, 2001, 2:18 p.m.]

Pursuant to RCW 34.05.312, Chuck McCarthy is (re)designated as the rules coordinator for the Washington School for the Deaf.

The office and mailing address for the Rules Coordinator is: Chuck McCarthy, Financial Operations Administrator, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661.

Leonard E. Aron
 Superintendent

WSR 01-10-010
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 20, 2001, 4:33 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN-206: File Copy Reduction Project.

Subject: File copy reduction project.

Effective Date: January 10, 2001.

Document Description: The Vancouver and Olympia field offices, through quality processes, ran a test using fifteen various forms and determined that there is minimal need for file copies of fourteen of the forms. This CN provides DCS staff with background information and instructions about working without these file copies.

To receive a copy of the interpretive or policy statement, contact Martha Dickens, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5217, TDD (360) 753-9122, fax (360) 586-3274, e-mail mdickens@dshs.wa.gov.

April 18, 2001
 Martha Dickens

WSR 01-10-011
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed April 20, 2001, 4:34 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN-207: Federal Certification Changes.

Subject: Federal certification changes.

Effective Date: February 5, 2001.

Document Description: The Federal Office of Child Support Enforcement (OCSE) announced changes affecting several kinds of child support collection measures. Based on these changes, updated guidelines regarding passport denials, administrative offset, and bankruptcy notifications are provided for staff in this CN.

To receive a copy of the interpretive or policy statement, contact Martha Dickens, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5217, TDD (360) 753-9122, fax (360) 586-3274, e-mail mdickens@dshs.wa.gov.

April 18, 2001
 Martha Dickens

MISC

WSR 01-10-012
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed April 20, 2001, 4:35 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN-208: Imaging Washington State Support Orders.

Subject: Imaging Washington state support orders.

Effective Date: March 9, 2001..

Document Description: Beginning Monday, March 12, 2001, the DCS Central Registry Unit no longer provides paper copies of support orders. Instead, imaged orders are available for staff to use on the Intranet. This CN provides instructions about how to access and use imaged support orders.

To receive a copy of the interpretive or policy statement, contact Martha Dickens, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5217, TDD (360) 753-9122, fax (360) 586-3274, e-mail mdickens@dshs.wa.gov.

April 18, 2001
Martha Dickens

WSR 01-10-017
RULES COORDINATOR
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed April 23, 2001, 12:11 p.m.]

This is to apprise you of the fact that Linda K. Harrison, legal services manager, has been appointed hearings officer for the Office of Superintendent of Public Instruction (OSPI). She replaces Ben Gravely in this capacity.

Mike Bigelow
Associate Superintendent
Budget and School Business Services

WSR 01-10-019
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
[Memorandum—April 18, 2001]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **change of time and place for their regular May board meeting**. The date remains the same. This meeting is open to the public.

Original Meeting Date	Time
Wednesday, May 9, 2001 Room A155 - Pierce College at Puyallup 1601 39th Avenue S.E., Puyallup, WA 98374	12:30 p.m.

New Meeting Date	Time
Wednesday, May 9, 2001 Room 244 - Brouillet Library/ Science Building Pierce College Puyallup 1601 39th Avenue S.E., Puyallup, WA 98374	1:00 p.m.

WSR 01-10-024
PROCLAMATION
OFFICE OF THE GOVERNOR
[Filed April 23, 2001, 4:36 p.m.]

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session; and

WHEREAS, state operating, transportation and capital budgets, including bonds, and measures necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to transportation, including reforms and efficiencies, regional governance, projects and investments, the Tacoma Narrows bridge, revenue, and bonds; and

WHEREAS, work also remains to be done to pass legislation affecting the primary election system, accountability for student achievement, school safety - including anti-bullying policy, splitting the Department of Community, Trade and Economic Development, shorelines rule implementation, the siting of certain sexual predators at McNeil Island, post-retirement employment, medical coverage for the disabled who work and welfare simplification;

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at twelve o'clock noon on Wednesday, April 25, 2001 for a period of not more than thirty days for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 22nd day of April, A.D., two thousand one.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Sam Reed

Secretary of State

WSR 01-10-025**NOTICE OF PUBLIC MEETINGS****BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—April 24, 2001]

The board of trustees of Bellingham Technical College will meet on Friday, April 27, 2001, 9:30 p.m. to 10 p.m., at the Hampton Inn, 3985 Bennett Avenue, Bellingham, WA, in a special session to evaluate and discuss qualifications of presidential finalists and narrow the pool to two candidates. Action may be taken, if necessary, as a result of board discussion. Call 738-3105 ext. 334 for information.

WSR 01-10-035**POLICY STATEMENT****MARINE EMPLOYEES' COMMISSION**

[Filed April 25, 2001, 9:50 a.m.]

On behalf of the Marine Employees' Commission, following are the Notice of Adoption of Policy Statements for a number of recently adopted policies. The majority of them were adopted April 28, 2000.

Kathy Marshall
Administrator

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 01-11 issue of the Register.

WSR 01-10-036
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES

[Memorandum—April 19, 2001]

The time and place of regular meetings for the Electrical Board for 2001 will be held on the following dates in January, April, July, and October 2001 commencing at 9:00 a.m.

Dates and locations are as follows:

January 25, 2001	Tumwater L&I 7273 Linderson Way S.W.
April 26, 2001	Attorney General's Office Conference Center 4224 6th Avenue S.E. Lacey 98504
July 26, 2001	Tumwater L&I 7273 Linderson Way S.W.
October 25, 2001	Tumwater L&I 7273 Linderson Way S.W.

Maps of meeting locations will be mailed to those interested in attending. Persons with disabilities needing assistance should call (360) 902-5249.

WSR 01-10-037
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—April 23, 2001]

The May 31, 2001, Workforce Training and Education Coordinating Board meeting will be held at the Yakima County District #3, 128 North 2nd Street, Yakima, WA 98901, from 8:30 a.m. - 4:30 p.m. The July 26-27, 2001, Workforce Training and Education Coordinating Board retreat will be held at the WestCoast Silverdale Hotel, 3073 N.W. Bucklin Hill Road, Silverdale, WA 98383, from noon on July 26, 2001, to 1:00 p.m. on July 27, 2001.

If you have any questions, please call (360) 753-5677.

WSR 01-10-042
RULES COORDINATOR
WASHINGTON STATE SCHOOL

FOR THE BLIND

[Filed April 26, 2001, 8:48 a.m.]

Pursuant to RCW 34.05.312, Dr. Dean O. Stenehjem, Superintendent, is designated as the rules coordinator for the Washington State School for the Blind.

The office and mailing address for the rules coordinator is Dr. Dean O. Stenehjem, Superintendent, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661.

Dean O. Stenehjem, Ed.D.
Superintendent

WSR 01-10-043
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD

[Memorandum—April 25, 2001]

R.A.P. SITE VISIT:	July 18, 2001 (Site to be determined) 1:00 p.m. to 5:00 p.m.
MEETING NOTICE:	July 19, 2001 Notaras Lodge 13 Canna North Soap Lake, WA 98851 8:00 p.m. to 5:00 p.m.
R.A.P. SITE VISIT:	July 20, 2001 (Site to be determined) 9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

WSR 01-10-055
PROCLAMATION
OFFICE OF THE GOVERNOR
[April 26, 2001]

WHEREAS: An Energy Supply Alert was proclaimed on January 26, 2001 due to several factors, which include low precipitation to feed hydropower, shut down of electrical power generating plants in California for unscheduled maintenance or repair, the failure of California's attempt to restructure the regulation of electricity, increased competition for natural gas supplies, and unprecedented high wholesale electrical power rates throughout the western United States; and

WHEREAS: Shortages of electricity have caused physical disruptions and rolling blackouts to ration energy in California, causing nearly debilitating harm to the public and businesses there. The crisis in California threatens the supply and price of electricity in Washington and other parts of the West Coast, and could affect the solvency of businesses in Washington. We must take all steps necessary to avoid a crisis of the proportions experienced by California, a crisis that directly threatens the very foundations of the entire California economy, vital public services, and the health, safety and general welfare of the public.

WHEREAS: The Bonneville Power Administration and private electrical power generating companies and utilities in Washington are undertaking extraordinary measures to mitigate the electricity shortage and its impacts by conserving electricity, using electricity reserves by drawing down reservoirs beyond normal, raising prices, and other measures.

WHEREAS: Utilities continue to face unprecedented financial difficulties, and could continue to alleviate their problems with temporary generators and alternative fuels. Several large businesses have ceased operations due to the cost of electricity, putting hundreds of people out of work. Public facilities have ceased operations due to inability to pay current and projected power expenses. Conservation efforts by the public and government have been quite successful, but insufficient to solve the problem alone.

WHEREAS: Without action, citizens of Washington, beginning with vulnerable people of limited means, may be unable to afford power for basic heating, lighting and cooking needs, threatening their health, safety and general welfare.

WHEREAS: Vital public services remain at risk, and immediate steps must be taken to alleviate social and economic impacts to people and property. We must operate all electrical generating capacity necessary to avoid jeopardizing the public health, safety and general welfare while doing everything possible to minimize the impact on fish and our environment.

NOW, THEREFORE: I, Gary Locke, Governor of the state of Washington, find that vital public services, particularly affordable electrical power, remain at risk, and there contin-

ues to exist a situation that threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized; and therefore find that an energy supply alert continues to exist within this state. I have obtained the prior approval of the joint committee on energy and utilities, and with that approval hereby extend for an additional sixty days the state of energy supply alert proclaimed under Chapters 43.06 and 43.21G RCW on January 26, 2001. I further direct all state and local governmental agencies to fully comply with all orders that may accompany this proclamation or that may be issued pursuant to this proclamation as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of this energy supply crisis. This proclamation applies statewide.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 26th day of April, A.D., Two Thousand one.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Steve Excell

Assistant Secretary of State

WSR 01-10-079
POLICY STATEMENT
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Filed May 1, 2001, 8:00 a.m.]

Subject: Workforce Training and Education Coordinating Board sets eligible training provider standards.

Effective Date: July 1, 2001.

Document Description: This policy statement informs training providers on procedures that will be used for determining training provider eligibility.

On March 28, 2001, the board, on behalf of the governor, adopted a policy that establishes the governor's procedure for determining training provider eligibility. The procedure will be used to determine the eligibility of training providers to receive Workforce Investment Act Title I-B Individual Training accounts and to train dislocated workers receiving additional unemployment insurance benefits under the state's training benefits program during the time period beginning on July 1, 2001, and ending on June 30, 2001.

Background: The Governor's Executive Order 99-02 designates the Workforce Training and Education Coordinating Board (WTECB) to develop criteria for eligible training providers under Title I of P.L. 105-220 (the Workforce Investment Act) and standards for measuring and reporting eligible provider performance and cost information. Under the state's training benefits program, a program must meet criteria for performance developed by the Workforce Train-

ing and Education Coordinating Board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220. The performance management for continuous improvement workgroup, including representatives of local workforce development councils and training providers, assisted board staff in developing the procedures. The board distributed draft policy papers to the local workforce development councils and training providers for comment. The procedure includes three sections: (1) State required performance levels; (2) definitions of performance measures and methodology; (3) application, data submittal, denials, and appeal procedure.

State Required Performance Levels: The procedure states that in order to be eligible, a program must meet or exceed each of the following minimum performance floors: A completion rate of 20% (completion defined as percentage of all exiters from the applicable provider program who successfully complete that program); an employment rate of 45% (employment defined as percentage of all exiters from the applicable program who obtained unsubsidized employment during the third quarter after program exit); an earnings level of \$2,813 in a calendar quarter (median earnings during the third quarter after exit of all participants who exited the applicable program with earnings in unsubsidized employment).

In addition, the program must achieve an average of 100% of the following performance targets: A completion rate of 30%; an employment rate of 60%; and an earnings level of \$3,538 in a calendar quarter. The average shall be calculated by dividing actual performance on each measure, for which there is sufficient data, by the target for that measure, adding the results together, and dividing by the number of measures for which there is sufficient data.

If a program meets or exceeds the minimum performance floors but does not achieve an average of 100% of the performance targets, then the program's actual performance on each measure shall be adjusted by a mathematical regression model that takes into account some of the demographic characteristics of the program participants and one or more economic characteristics of the county or counties in which the participants reside. If the application of the adjustment models result in a program's average performance meeting or exceeding 100% of the performance targets, and the program meets or exceeds each of the minimum performance floors (without regression adjustment) then the program shall be determined to have satisfied the state required performance levels.

Eligible training providers must report data on program participants to the WTECB. WTECB will calculate performance using administrative records. Providers may submit supplemental data on performance in limited situations.

The full text of the procedure can be accessed at www.wa.gov/wtb/etp.pdf. For a paper copy of the procedure, please contact Barbara Mix, Workforce Training and Education Coordinating Board, 128 10th Avenue S.W., P.O. Box 43105, Olympia, WA 98504-3105.

May 1, 2001
Bryan Wilson
Associate Director

WSR 01-10-085

AGENDA

DEPARTMENT OF NATURAL RESOURCES

[Filed May 1, 2001, 11:15 a.m.]

DEPARTMENT OF NATURAL RESOURCES RULE MAKING AGENDA MAY 2001 THROUGH DECEMBER 2001

WAC Chapter or Section	Purpose of rule being developed or amended
WAC 332-30-139	Address residential uses on state-owned aquatic lands.
WAC 332-xx	Administrative cost recovery for right-of-way transactions.
WAC 332-10-010, 332-10-020, 332-10-030, 332-10-060	Housekeeping amendments - consistency with RCW.
WAC 332-10-070	Housekeeping amendments - consistency with RCW.
WAC 332-10-080, 332-10-090, 332-10-100, 332-10-105, 332-10-110, 332-10-130	Housekeeping amendments - consistency with RCW.
WAC 332-10-090 and 332-10-170	To achieve WAC internal and RCW consistency.
WAC 332-10-100 and 332-10-105	Consistency with RCW.
WAC 332-10-110	Clarifying the petition process for an administrative decision.
WAC 332-10-120	Consistency with RCW.
WAC 332-10-130	Consistency with RCW.
WAC 332-10-140	Clarifying applicability to the Board of Natural Resources and to DNR.

Dave Dietzman
Rules Coordinator

WSR 01-10-086

NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum—May 1, 2001]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for May 17, 2001, has been canceled and rescheduled for Thursday, May 24, 2001, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 01-10-088**DEPARTMENT OF AGRICULTURE**

[Filed May 1, 2001, 11:58 a.m.]

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF AGRICULTURE
STATE OF WASHINGTON**

In the matter of the Washington Strawberry Commission's request To amend the marketing order established in WAC 16-555 by Adding a position on the Commission representing District 3)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
)	AND FINAL DECISION
)	
)	
)	

The above titled matter came to public hearing at the Natural Resources Building, Room 259, 1111 Washington Street SE, Olympia, WA 98504, beginning at 10:00 a.m.. The hearing officer was William E. Brookreson, Deputy Director, Washington State Department of Agriculture. In attendance at the hearing were Norval Johansen, Manager for the Strawberry Commission and agency staff, Deborah Anderson.

FINDINGS OF FACT

The Director, having reviewed the complete record, hereby adopts the following Findings of Fact:

1. The Washington Strawberry Commission submitted a request to the Director of Agriculture to amend the Strawberry marketing order in chapter 16-555 WAC. The proposed amendment adds a position to the Commission representing District 3 (Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason and Thurston Counties).
2. According to the Commission, District 3 produced more strawberries than District 1 and almost as much as District 2, which are both, represented by two positions. In 1999 District 1 had 19 growers who produced 7,226,483 pounds of strawberries; District 2 had 17 growers producing 1,040,003 pounds of strawberries; and District 3 had 24 growers producing 3,675,026 pounds of strawberries.
3. A notice of the hearing was published in the Washington State Register on March 7, 2001, and was sent to all Strawberry growers on a list maintained by the Washington Strawberry Commission. Notice was also published in the Olympian on March 17 and 18, 2001.
4. Norval Johansen, representing the Strawberry Commission, testified in support of the amendment. The Department received one letter from two producers in Whatcom County also in support of the proposed amendment.
5. The 10-day period to file objections to a recommended decision of the Director was waived as provided in RCW 15.65.110.

CONCLUSIONS OF LAW

The Director adopts the following conclusions:

1. The procedures to amend the marketing order follow the provisions and terms of chapter 15.65 RCW, Washington State Agricultural Enabling Act of 1961.

2. The proposed amendment to add a new position on the board of the Strawberry Commission in District 3 (District 3 representing Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason and Thurston Counties) will tend to effectuate one or more of the declared policies of chapter 15.65 RCW, Washington State Agricultural Enabling Act of 1961 with respect to the Strawberry Commission.

3. Through the public hearing process it was determined that there is sufficient support for the proposed amendment to add a new position representing District 3 on the Commission and to submit the proposal to a referendum vote of the growers.

4. In accordance with RCW 15.65.110, the Director may in his discretion waive the 10-day period to file objections to a recommended decision and issue a final decision.

FINAL DECISION

It is hereby the Director's final decision that the Strawberry Commission's request to amend the Commission's marketing order established in WAC 16-555, by adding a new position representing District 3, be accepted and submitted to a referendum of the growers for final approval.

DATED at Olympia, Washington this 26th day of April 2001.

James M. Jesernig, Director
Washington State Department of Agriculture

WSR 01-10-089**DEPARTMENT OF AGRICULTURE**

[Filed May 1, 2001, 11:59 a.m.]

OFFICIAL NOTICE ON REFERENDUM TO CHANGE REPRESENTATION ON THE ASPARAGUS COMMISSION IN DISTRICT 2 AND DISTRICT 3

Pursuant to chapter 15.65 RCW, I, Jim Jesernig, Director of Agriculture for the State of Washington, hereby give notice that a referendum of asparagus producers was conducted on the following matter:

Shall District 2's representation (Adam, Franklin and Grant Counties) be increased from two to three positions; and District 3's representation (Columbia and Walla Walla Counties) be decreased from two to one position on the Washington Asparagus Commission?

The referendum, as certified on April 24, 2001, was approved by 93 percent of the asparagus producers with 94 percent of the production of those voting. A total of 34 percent of the eligible producers voted in the referendum.

The Washington Asparagus Commission requested the change in representation to reflect a change in production of asparagus in Districts 2 and 3.

Dated this 26th day of April 2001.

James M. Jesernig
Director of Agriculture

WSR 01-10-091
RULES COORDINATOR
HUMAN RIGHTS COMMISSION

[Filed May 1, 2001, 2:43 p.m.]

Mary Clogston, Legislative and Regulatory Coordinator, will serve as the rules coordinator for the Human Rights Commission.

Ms. Clogston can be contacted at 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490, phone (360) 586-5765, fax (360) 586-2282, and e-mail mclogston@hum.wa.gov.

If you have questions or require additional information, please contact (360) 753-2558.

Sue Jordan
Executive Director

WSR 01-10-119
DEPARTMENT OF ECOLOGY

[Filed May 2, 2001, 11:01 a.m.]

**Fiscal Year 2002 Total Maximum Daily Load (TMDL)
Priority List**

Public Comments Invited on Water Cleanup List:

The Washington Department of Ecology (ecology) wants your comments on a list of priority water bodies we have tentatively chosen for water cleanup planning this year. Ecology organizes water cleanup efforts through geographic areas called water quality management areas (WQMA) choosing watersheds in each of our four regions each year. To help us select which waters to cleanup, we met with groups in communities within these WQMAs in these regions last fall.

The criteria for making these selections included the severity of the pollution, potential harm to human and aquatic health, impaired beneficial uses, such as agriculture, drinking water and fish habitat, and the potential for local support for water cleanup activities. In addition, the presence of threatened and endangered fish species significantly influenced our choices.

The water cleanup list will be finalized in July. Ecology reviews and responds to your comments by August 2001.

Please address your comments on the above priority list by June 6, 2001, to Ron McBride, Ecology, P.O. Box 47600, Olympia, WA 98504-7600, rmcb461@ecy.wa.gov, phone (360) 407-6469, or fax (360) 407-6426.

The entire list of water bodies we chose from can be viewed on our website: <http://www.wa.gov/ecology/wq/303d/>

The following pages contain the proposed list of water bodies we plan to begin work on in 2002. The list shows each water body and the parameters of concern. The last page lists definitions of pollution problems.

*The projects shown below are the best estimate of our capacity at this time. Ecology's budget has yet to be set for the next biennium. Actual fiscal and staffing levels may result in fewer projects. In addition, as we are working in a

geographic region (WRIA), projects may be expanded into additional waterbodies if we find they need work.

TMDL Projects to be Initiated in State FY2002

WRIA	Primary Location	Water Body	Pollution Problems (see page 3 for definitions)
1	Whatcom Co	Lake Whatcom	Dissolved Oxygen and Fecal Coliform
1	Whatcom Co	Whatcom Creek	Fecal Coliform, Temperature, pH (Partnership with City of Bellingham)
9	King Co	Green River	Chromium, Fecal Coliform, Dissolved Oxygen, and Temperature – (Technical Assistance to King County-DNR)
11	Thurston Co	Nisqually/McAllister Creeks	Fecal Coliform and Dissolved Oxygen
13	Thurston Co	Henderson Inlet, Woodland/Woodard/Dobbs/Libby Creeks	Fecal Coliform, pH, Dissolved Oxygen, Temperature
15	Kitsap Co	Sinclair and Dyes Inlets	Toxics, Fecal Coliform, Zinc, PCBs (Partnership with US Navy)
23	Thurston-Lewis Co	Upper Chehalis River	Fecal Coliform
24	Pacific Co	Willapa River	Temperature
32	Garfield Co	Walla Walla & Touchet Rivers & Mill Creek	Temperature; DDT; DDE; Chlordane; Dieldrin; Heptachlor; Heptachlor Epoxide; Hexachlorobenzene; Fecal Coliform; pH
45	Chelan Co	Wenatchee River Basin	Dissolved Oxygen; Fecal Coliform; Temperature; pH
45	Chelan Co	Mission Creek	Pesticides; DDT; DDE; Guthion
47	Chelan Co	Lake Chelan/Roses Lake	PCB; 4,4 DDE; DDT
Many	Several	Columbia River	Total Dissolved Gas
Special Toxics		Listing Verifications (re-sampling)	
1 & 2	Whatcom Co	Georgia Straight [Strait]	Metals, Organics, Bioassay
7	Snohomish Co	Snohomish River	Copper, Mercury
7	Snohomish Co	Skykomish River	Copper, Lead, Silver
8	King Co	Kelsey Creek	DDT, Dieldrin, Heptachlor, Epoxide
8	King Co	Chambers Creek	PCBs
8	King Co	Bear-Evans Creeks	Mercury
8	King Co	May Creek	Copper, Lead, Zinc
9	King Co	Springbrook (Mill) Creek	Cadmium, Chromium, Copper, Mercury, Zinc
9	King Co	Green River	Chromium

WRIA	Primary Location	Water Body	Pollution Problems (see page 3 for definitions)
9	King Co	Springbrook (Mill) Creek	Cadmium, Chromium, Copper, Mercury, Zinc
10	Pierce Co	White (Stuck) River	Copper, Mercury
10	Pierce Co	Puyallup River	Arsenic
15	Kitsap Co	Eagle Harbor	Arsenic
15	Kitsap Co	Dyes/Sinclair Inlets and Port Washington Narrows	Metals, Organics, Arsenic
15	Kitsap Co	Port Orchard, Agate, and Rich Passages	Arsenic
25	Wahkiakum Co	Lower Columbia River	Bis (2-ethylhexyl) Phthalate, Arsenic
26	Cowlitz Co	Cowlitz River	Arsenic
27/28	Clark Co	Columbia River	Arsenic
31	Klickitat Co	Columbia River	Arsenic
34	Whitman Co	Palouse River	Chromium
37	Yakima Co	Lower Yakima River	Mercury, Silver, Arsenic
38	Yakima Co	Naches River	Silver
54/57	Spokane Co	Spokane River	Chromium, Arsenic
61	Stevens Co	FDR Lake	Arsenic

TMDL projects that may be started if additional funds become available

WRIA	Primary Location	Water Body	Pollution Problems (see page 3 for definitions)
1	Whatcom Co	Silver Creek	Dissolved Oxygen and Fecal Coliform
1	Whatcom Co	Drayton Harbor	Fecal Coliform and Dissolved Oxygen
58	Ferry Co	Sherman Creek	Temperature
46	Chelan Co	Entiat River	Temperature

WRIA (Water Resource Inventory Area) are large watersheds

Definitions of Pollution Problems: Although not necessarily agents of disease, **fecal coliform** bacteria indicate the presence of disease-carrying organisms, which live in the same environment as the fecal coliform bacteria.

A certain minimum amount of **dissolved oxygen** must be present in water for aquatic life to survive.

Temperature is important because it governs the kinds of aquatic life that can live in a stream. For instance, streams must be cooler than 64 degrees Fahrenheit for salmon to successfully spawn.

pH is a term used to indicate the alkalinity or acidity of a substance as ranked on a scale from 1.0 to 14.0. Neutral pH is 7.0. Acidity increases as the pH gets lower.

PCB - Highly persistent organic chemicals used primarily in electrical equipment (e.g. transformers). Banned from production in mid-1970s. Accumulates in fish tissue.

DDT, DDE, Pesticides (Chlordane, Dieldrin, Heptachlor, Heptachlor Epoxide, Hexachlorobenzene) - Highly persistent organic chemicals. Harm aquatic organisms. Accumulate in fish tissue.

Toxics and Metals (zinc) - can persist in sediments and be present in water. Shown to have adverse effects on aquatic organisms.

Sediments - can smother fish eggs, change the aquatic organisms and habitat, and interfere with fish migration, feeding and spawning.

Phosphorus serves as a nutrient or "fertilizer" for algae and aquatic plants. Too much algae cause aesthetic problems and reduce oxygen levels in lakes and streams.

**WSR 01-10-133
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH**

[Filed May 2, 2001, 11:38 a.m.]

Title of Interpretive Statement: Planning Requirements for Systems Physically Consolidating with Other Public Water Systems.

Section: WAC 246-290-020(2).

Issuing Entity: Alan Rowe, Operations Manager, Division of Drinking Water.

Description of Subject Matter: This statement clarifies what planning requirements under WAC 246-290-100 or 246-290-105 will apply to public water systems (PWSs) that are undergoing physical restructuring (consolidation with another regulated PWS). These are PWSs that specifically intend to meet the conditions of WAC 246-290-020(2) such that they may be deregulated once they are consolidated with the other regulated PWS. These planning requirements will be the same for PWSs applying for drinking water state revolving fund (DWSRF) loans to restructure physically and consolidate with another regulated PWS.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47829, Olympia, WA 98504-7829, (360) 236-3562.

Effective Date: April 17, 2001.

**WSR 01-10-134
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH**

[Filed May 2, 2001, 11:40 a.m.]

Title of Interpretive Statement: Requirements for Sources in Hydraulic Connection to Surface Water.

Section: WAC 246-290-640(4).

Issuing Entity: Alan Rowe, Operations Manager, Division of Drinking Water.

Description of Subject Matter: Once a potential ground water under the direct influence of surface water (GWI) source is determined or presumed to be in "hydraulic connection" to a surface water (SW), the purveyor is required to provide disinfection treatment, unless the purveyor chooses to

modify the source to mitigate SW influence. During this period of unknown risk to public health, the regulations do not specify a schedule to initiate disinfection. This statement provides direction to staff and stakeholders regarding how long disinfection may be deferred, and what requirements and recommendations apply while awaiting source modifications or installation of treatment facilities.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47829, Olympia, WA 98504-7829, (360) 236-3562.

Effective Date: March 30, 2001.

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

AMD = Amendment of existing section
 A/R = Amending and recodifying a section
 DECOD = Decodification of an existing section
 NEW = New section not previously codified
 OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 PREP = Preproposal comments
 RE-AD = Readoption of existing section
 RECOD = Recodification of previously codified section
 REP = Repeal of existing section
 RESCIND = Rescind of existing section
 REVIEW = Review of previously adopted rule
 SUSP = Suspending an existing section

Suffixes:

-C = Continuance of previous proposal
 -E = Emergency action
 -P = Proposed action
 -S = Supplemental notice
 -W = Withdrawal of proposed action
 -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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4-25-410	AMD-P	01-07-033	16-202-1023	NEW-P	01-06-052	16-238-070	NEW-P	01-09-075
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16-202-1019	NEW-P	01-06-052	16-238-030	NEW-P	01-09-075	16-470-912	NEW-P	01-07-096
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Table of WAC Sections Affected

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16-516-170	NEW-P	01-04-088	51- 11-1438	AMD	01-03-010	51- 42-1109	NEW	01-02-098
16-516-170	NEW	01-09-028	51- 11-1439	NEW	01-03-010	51- 42-1110	NEW	01-02-098
16-550-040	AMD	01-05-047	51- 11-1443	NEW	01-03-010	51- 42-1111	NEW	01-02-098
16-555-020	AMD-P	01-05-132	51- 11-1454	AMD	01-03-010	51- 42-1112	NEW	01-02-098
16-557-020	AMD-P	01-02-094	51- 11-1512	AMD	01-03-010	51- 42-1113	NEW	01-02-098
16-557-020	AMD	01-10-087	51- 11-1513	AMD	01-03-010	51- 42-1114	NEW	01-02-098
16-602	PREP	01-04-008	51- 11-1521	AMD	01-03-010	51- 42-1115	NEW	01-02-098
16-602-005	REP-P	01-08-087	51- 11-1530	AMD	01-03-010	51- 42-1116	NEW	01-02-098
16-602-010	REP-P	01-08-087	51- 11-1531	AMD	01-03-010	51- 42-1117	NEW	01-02-098
16-602-020	REP-P	01-08-087	51- 11-1532	AMD	01-03-010	51- 42-1118	NEW	01-02-098
16-602-025	AMD-P	01-08-087	51- 11-1701	REP	01-03-010	51- 42-1119	NEW	01-02-098
16-602-026	AMD-P	01-08-087	51- 11-2000	REP	01-03-010	51- 42-1120	NEW	01-02-098
16-602-027	REP-P	01-08-087	51- 11-2001	REP	01-03-010	51- 42-1121	NEW	01-02-098
16-602-030	REP-P	01-08-087	51- 11-2002	REP	01-03-010	51- 42-1122	NEW	01-02-098
16-602-040	REP-P	01-08-087	51- 11-2003	REP	01-03-010	51- 42-1123	NEW	01-02-098
16-602-045	REP-P	01-08-087	51- 11-2004	REP	01-03-010	51- 42-1124	NEW	01-02-098
16-602-050	AMD-P	01-08-087	51- 11-2005	REP	01-03-010	51- 42-1126	NEW	01-02-098
51- 11-0101	AMD	01-03-010	51- 11-2007	REP	01-03-010	51- 42-1301	NEW	01-02-098
51- 11-0201	AMD	01-03-010	51- 11-2008	REP	01-03-010	51- 44-0103	AMD	01-02-096
51- 11-0502	AMD	01-03-010	51- 11-2009	REP	01-03-010	51- 44-0105	NEW	01-02-096
51- 11-0503	AMD	01-03-010	51- 11-99902	AMD	01-03-010	51- 44-0200	AMD	01-02-096
51- 11-0504	AMD	01-03-010	51- 11-99903	AMD	01-03-010	51- 44-1007	AMD	01-02-096
51- 11-0505	AMD	01-03-010	51- 11-99904	AMD	01-03-010	51- 44-1102	NEW	01-02-096
51- 11-0530	AMD	01-03-010	51- 13-101	AMD	01-02-099	51- 44-1109	AMD	01-02-096
51- 11-0601	AMD	01-03-010	51- 13-301	AMD	01-02-099	51- 44-2500	AMD	01-02-096
51- 11-0602	AMD-W	01-07-073	51- 13-302	AMD	01-02-099	51- 44-5200	AMD	01-02-096
51- 11-0604	AMD	01-03-010	51- 13-303	AMD	01-02-099	51- 44-6100	AMD-W	01-05-031
51- 11-0605	AMD	01-03-010	51- 13-304	AMD	01-02-099	51- 44-6300	AMD-W	01-05-031
51- 11-0625	AMD	01-03-010	51- 13-503	AMD	01-02-099	51- 44-7900	AMD	01-02-096
51- 11-0626	AMD	01-03-010	51- 40-0200	AMD	01-02-095	51- 44-8000	AMD-W	01-05-031
51- 11-0627	AMD	01-03-010	51- 40-0310	AMD	01-02-095	51- 44-8102	NEW-S	01-05-031
51- 11-0628	AMD	01-03-010	51- 40-0313	AMD	01-02-095	51- 45-10100	NEW-W	01-05-031
51- 11-0630	AMD	01-03-010	51- 40-0403	AMD-W	01-05-028	51- 46-001	REP-W	01-05-029
51- 11-0701	AMD	01-03-010	51- 40-0804	AMD-W	01-05-028	51- 46-002	REP-W	01-05-029
51- 11-1001	AMD	01-03-010	51- 40-0902	AMD	01-02-095	51- 46-003	REP-W	01-05-029
51- 11-1002	AMD	01-03-010	51- 40-1003	AMD	01-02-095	51- 46-007	REP-W	01-05-029
51- 11-1003	AMD	01-03-010	51- 40-1004	AMD	01-02-095	51- 46-008	REP-W	01-05-029
51- 11-1004	AMD	01-03-010	51- 40-1103	AMD-W	01-05-028	51- 46-0100	REP-W	01-05-029
51- 11-1005	AMD	01-03-010	51- 40-1104	AMD	01-02-095	51- 46-0101	REP-W	01-05-029
51- 11-1006	AMD	01-03-010	51- 40-1105	AMD	01-02-095	51- 46-0102	REP-W	01-05-029
51- 11-1007	AMD	01-03-010	51- 40-1106	AMD	01-02-095	51- 46-0103	REP-W	01-05-029
51- 11-1008	AMD	01-03-010	51- 40-1202	NEW	01-02-095	51- 46-0200	AMD	01-02-097
51- 11-1009	AMD	01-03-010	51- 40-1203	AMD	01-02-095	51- 46-0205	REP-W	01-05-029
51- 11-1132	AMD	01-03-010	51- 40-1505	NEW-W	01-05-028	51- 46-0215	REP-W	01-05-029
51- 11-1201	REP	01-03-010	51- 40-1600	NEW-W	01-05-028	51- 46-0218	REP-W	01-05-029
51- 11-1210	REP	01-03-010	51- 40-1616	AMD-W	01-05-028	51- 46-0300	REP-W	01-05-029
51- 11-1312	AMD	01-03-010	51- 40-1700	NEW-W	01-05-028	51- 46-0301	REP-W	01-05-029
51- 11-1313	AMD	01-03-010	51- 40-1800	NEW-W	01-05-028	51- 46-0310	REP-W	01-05-029
51- 11-1322	AMD	01-03-010	51- 40-1900	NEW-W	01-05-028	51- 46-0311	REP-W	01-05-029
51- 11-1323	AMD	01-03-010	51- 40-2000	NEW-W	01-05-028	51- 46-0313	REP-W	01-05-029
51- 11-1331	AMD	01-03-010	51- 40-2100	NEW-W	01-05-028	51- 46-0314	REP-W	01-05-029
51- 11-1334	AMD	01-03-010	51- 40-2106	NEW-W	01-05-028	51- 46-0316	REP-W	01-05-029
51- 11-1401	AMD-W	01-07-073	51- 40-2200	NEW-W	01-05-028	51- 46-0392	REP-W	01-05-029
51- 11-1410	AMD	01-03-010	51- 40-2300	NEW-W	01-05-028	51- 46-0400	REP-W	01-05-029
51- 11-1411	AMD	01-03-010	51- 40-2900	AMD	01-02-095	51- 46-0402	REP-W	01-05-029
51- 11-1412	AMD	01-03-010	51- 40-2929	AMD-W	01-05-028	51- 46-0412	REP-W	01-05-029
51- 11-1414	AMD	01-03-010	51- 40-3102	AMD	01-02-095	51- 46-0413	REP-W	01-05-029
51- 11-1415	AMD	01-03-010	51- 40-31200	AMD	01-02-095	51- 46-0500	REP-W	01-05-029
51- 11-1416	NEW	01-03-010	51- 42-0405	NEW	01-02-098	51- 46-0501	REP-W	01-05-029

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51- 46-0505	REP-W	01-05-029	51- 56-001	NEW-W	01-05-029	72-171-240	AMD-P	01-09-019
51- 46-0507	REP-W	01-05-029	51- 56-002	NEW-W	01-05-029	72-171-242	NEW-P	01-09-019
51- 46-0509	REP-W	01-05-029	51- 56-003	NEW-W	01-05-029	72-171-244	NEW-P	01-09-019
51- 46-0512	REP-W	01-05-029	51- 56-007	NEW-W	01-05-029	72-171-400	REP-P	01-09-019
51- 46-0513	REP-W	01-05-029	51- 56-008	NEW-W	01-05-029	72-171-410	AMD-P	01-09-019
51- 46-0514	REP-W	01-05-029	51- 56-0100	NEW-W	01-05-029	72-171-420	REP-P	01-09-019
51- 46-0515	REP-W	01-05-029	51- 56-0200	NEW-W	01-05-029	72-171-430	REP-P	01-09-019
51- 46-0516	REP-W	01-05-029	51- 56-0300	NEW-W	01-05-029	72-171-500	AMD-P	01-09-019
51- 46-0517	REP-W	01-05-029	51- 56-0400	NEW-W	01-05-029	72-171-510	AMD-P	01-09-019
51- 46-0518	REP-W	01-05-029	51- 56-0500	NEW-W	01-05-029	72-171-512	NEW-P	01-09-019
51- 46-0519	REP-W	01-05-029	51- 56-0600	NEW-W	01-05-029	72-171-514	NEW-P	01-09-019
51- 46-0520	REP-W	01-05-029	51- 56-0700	NEW-W	01-05-029	72-171-550	NEW-P	01-09-019
51- 46-0521	REP-W	01-05-029	51- 56-0800	NEW-W	01-05-029	72-171-600	REP-P	01-09-019
51- 46-0522	REP-W	01-05-029	51- 56-0900	NEW-W	01-05-029	72-171-601	NEW-P	01-09-019
51- 46-0523	REP-W	01-05-029	51- 56-1300	NEW-W	01-05-029	72-171-605	NEW-P	01-09-019
51- 46-0524	REP-W	01-05-029	51- 56-1400	NEW-W	01-05-029	72-171-610	REP-P	01-09-019
51- 46-0525	REP-W	01-05-029	51- 56-1500	NEW-W	01-05-029	72-171-620	REP-P	01-09-019
51- 46-0600	REP-W	01-05-029	51- 56-201300	NEW-W	01-05-029	72-171-630	REP-P	01-09-019
51- 46-0603	AMD	01-02-097	51- 57-001	NEW-W	01-05-029	72-171-640	REP-P	01-09-019
51- 46-0604	REP-W	01-05-029	51- 57-002	NEW-W	01-05-029	72-171-650	AMD-P	01-09-019
51- 46-0608	REP-W	01-05-029	51- 57-003	NEW-W	01-05-029	72-171-700	REP-P	01-09-019
51- 46-0609	REP-W	01-05-029	51- 57-007	NEW-W	01-05-029	72-171-710	NEW-P	01-09-019
51- 46-0610	REP-W	01-05-029	51- 57-008	NEW-W	01-05-029	72-171-710	NEW-W	01-10-018
51- 46-0700	REP-W	01-05-029	51- 57-790000	NEW-W	01-05-029	82- 50-021	AMD-P	01-09-085
51- 46-0701	REP-W	01-05-029	51- 57-895000	NEW-W	01-05-029	118- 68-010	NEW	01-09-045
51- 46-0704	REP-W	01-05-029	72-120-100	AMD-P	01-09-057	118- 68-020	NEW	01-09-045
51- 46-0710	REP-W	01-05-029	72-120-200	AMD-P	01-09-057	118- 68-030	NEW	01-09-045
51- 46-0713	REP-W	01-05-029	72-120-220	AMD-P	01-09-057	118- 68-040	NEW	01-09-045
51- 46-0793	REP-W	01-05-029	72-120-225	AMD-P	01-09-057	118- 68-050	NEW	01-09-045
51- 46-0800	REP-W	01-05-029	72-120-230	AMD-P	01-09-057	118- 68-060	NEW	01-09-045
51- 46-0810	REP-W	01-05-029	72-120-234	AMD-P	01-09-057	118- 68-070	NEW	01-09-045
51- 46-0814	REP-W	01-05-029	72-120-236	AMD-P	01-09-057	118- 68-080	NEW	01-09-045
51- 46-0815	REP-W	01-05-029	72-120-300	NEW-P	01-09-057	118- 68-090	NEW	01-09-045
51- 46-0900	REP-W	01-05-029	72-120-301	NEW-P	01-09-057	131	PREP	01-09-061
51- 46-0903	REP-W	01-05-029	72-120-302	NEW-P	01-09-057	132A-120-011	AMD-P	01-03-116
51- 46-1000	REP-W	01-05-029	72-120-303	NEW-P	01-09-057	132A-120-011	AMD	01-08-071
51- 46-1003	REP-W	01-05-029	72-120-304	NEW-P	01-09-057	132A-120-021	AMD-P	01-03-116
51- 46-1012	REP-W	01-05-029	72-120-305	NEW-P	01-09-057	132A-120-021	AMD	01-08-071
51- 46-1300	REP-W	01-05-029	72-120-306	NEW-P	01-09-057	132G-120-010	AMD-P	01-08-082
51- 46-1301	REP-W	01-05-029	72-120-307	NEW-P	01-09-057	132G-120-015	NEW-P	01-08-082
51- 46-1302	REP-W	01-05-029	72-120-308	NEW-P	01-09-057	132G-120-020	REP-P	01-08-082
51- 46-1303	REP-W	01-05-029	72-120-309	NEW-P	01-09-057	132G-120-030	AMD-P	01-08-082
51- 46-1304	REP-W	01-05-029	72-120-310	NEW-P	01-09-057	132G-120-040	AMD-P	01-08-082
51- 46-1305	REP-W	01-05-029	72-120-311	NEW-P	01-09-057	132G-120-060	AMD-P	01-08-082
51- 46-1400	REP-W	01-05-029	72-120-312	NEW-P	01-09-057	132G-120-061	AMD-P	01-08-082
51- 46-1401	REP-W	01-05-029	72-120-313	NEW-P	01-09-057	132G-120-062	AMD-P	01-08-082
51- 46-1491	REP-W	01-05-029	72-120-314	NEW-P	01-09-057	132G-120-063	AMD-P	01-08-082
51- 46-97120	REP-W	01-05-029	72-171-001	AMD-P	01-09-019	132G-120-064	AMD-P	01-08-082
51- 46-97121	REP-W	01-05-029	72-171-010	AMD-P	01-09-019	132G-120-065	AMD-P	01-08-082
51- 46-97122	REP-W	01-05-029	72-171-015	AMD-P	01-09-019	132G-120-070	AMD-P	01-08-082
51- 46-97123	REP-W	01-05-029	72-171-016	AMD-P	01-09-019	132G-120-080	AMD-P	01-08-082
51- 46-97124	REP-W	01-05-029	72-171-100	REP-P	01-09-019	132G-120-090	AMD-P	01-08-082
51- 46-97125	REP-W	01-05-029	72-171-110	AMD-P	01-09-019	132G-120-100	AMD-P	01-08-082
51- 46-97126	REP-W	01-05-029	72-171-120	AMD-P	01-09-019	132G-120-110	AMD-P	01-08-082
51- 46-97127	REP-W	01-05-029	72-171-130	REP-P	01-09-019	132G-120-120	REP-P	01-08-082
51- 46-97128	REP-W	01-05-029	72-171-131	NEW-P	01-09-019	132G-120-130	AMD-P	01-08-082
51- 46-97129	REP-W	01-05-029	72-171-140	AMD-P	01-09-019	132G-120-140	AMD-P	01-08-082
51- 47-001	REP-W	01-05-029	72-171-150	AMD-P	01-09-019	132K-122-020	PREP	01-03-125
51- 47-002	REP-W	01-05-029	72-171-200	REP-P	01-09-019	132K-122-020	AMD-P	01-07-062
51- 47-003	REP-W	01-05-029	72-171-210	AMD-P	01-09-019	132K-122-100	PREP	01-03-126
51- 47-007	REP-W	01-05-029	72-171-220	AMD-P	01-09-019	132K-122-100	AMD-P	01-07-061

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132W-117-260	NEW-P	01-07-058	132W-164-012	REP-P	01-10-016	136-163-050	AMD	01-05-009
132W-117-270	NEW-P	01-07-058	132W-164-013	REP-P	01-10-016	136-167-040	AMD-P	01-06-017
132W-117-280	NEW-P	01-07-058	132W-164-020	REP-P	01-10-016	136-167-040	AMD	01-09-077
132W-120-010	REP-P	01-04-004	132W-168	PREP	01-06-010	136-170-030	AMD	01-05-008
132W-120-010	REP	01-07-059	132W-168-010	NEW-P	01-10-015	136-210-030	AMD	01-05-009
132W-120-030	REP-P	01-04-004	132W-168-020	NEW-P	01-10-015	136-210-040	AMD	01-05-009
132W-120-030	REP	01-07-059	132W-168-030	NEW-P	01-10-015	136-210-050	AMD	01-05-009
132W-120-040	REP-P	01-04-004	132W-168-040	NEW-P	01-10-015	137- 04-010	AMD	01-03-079
132W-120-040	REP	01-07-059	132W-276	PREP	01-03-103	137- 04-020	AMD	01-03-079
132W-120-050	REP-P	01-04-004	132W-276-001	REP-P	01-04-004	137- 52-010	AMD	01-04-001
132W-120-050	REP	01-07-059	132W-276-001	REP	01-07-059	137-104-010	NEW	01-04-044
132W-120-060	REP-P	01-04-004	132W-276-005	REP-P	01-04-004	137-104-020	NEW	01-04-044
132W-120-060	REP	01-07-059	132W-276-005	REP	01-07-059	137-104-030	NEW	01-04-044
132W-120-070	REP-P	01-04-004	132W-276-010	REP-P	01-04-004	137-104-040	NEW	01-04-044
132W-120-070	REP	01-07-059	132W-276-010	REP	01-07-059	137-104-050	NEW	01-04-044
132W-120-100	REP-P	01-04-004	132W-276-060	REP-P	01-04-004	137-104-060	NEW	01-04-044
132W-120-100	REP	01-07-059	132W-276-060	REP	01-07-059	137-104-070	NEW	01-04-044
132W-120-130	REP-P	01-04-004	132W-276-070	REP-P	01-04-004	137-104-080	NEW	01-04-044
132W-120-130	REP	01-07-059	132W-276-070	REP	01-07-059	139- 05	PREP	01-08-033
132W-120-300	REP-P	01-04-004	132W-276-080	REP-P	01-04-004	173- 09-010	REP	01-05-035
132W-120-300	REP	01-07-059	132W-276-080	REP	01-07-059	173- 09-020	REP	01-05-035
132W-120-310	REP-P	01-04-004	132W-276-090	REP-P	01-04-004	173- 09-030	REP	01-05-035
132W-120-310	REP	01-07-059	132W-276-090	REP	01-07-059	173- 09-040	REP	01-05-035
132W-120-320	REP-P	01-04-004	132W-276-100	REP-P	01-04-004	173- 18	PREP-W	01-08-061
132W-120-320	REP	01-07-059	132W-276-100	REP	01-07-059	173- 20	PREP-W	01-08-061
132W-120-330	REP-P	01-04-004	132W-276-110	REP-P	01-04-004	173- 22	PREP-W	01-08-061
132W-120-330	REP	01-07-059	132W-276-110	REP	01-07-059	173-167-010	NEW-E	01-10-004
132W-120-400	REP-P	01-04-004	132W-277-010	NEW-P	01-07-058	173-167-020	NEW-E	01-10-004
132W-120-400	REP	01-07-059	132W-277-020	NEW-P	01-07-058	173-167-030	NEW-E	01-10-004
132W-125-010	NEW-P	01-07-058	132W-277-030	NEW-P	01-07-058	173-167-040	NEW-E	01-10-004
132W-125-020	NEW-P	01-07-058	132W-277-040	NEW-P	01-07-058	173-167-050	NEW-E	01-10-004
132W-125-030	NEW-P	01-07-058	132W-277-050	NEW-P	01-07-058	173-167-060	NEW-E	01-10-004
132W-129	PREP	01-06-011	132W-277-060	NEW-P	01-07-058	173-167-070	NEW-E	01-10-004
132W-129-001	REP-P	01-10-016	132W-277-070	NEW-P	01-07-058	173-167-080	NEW-E	01-10-004
132W-130	PREP	01-06-010	132W-277-080	NEW-P	01-07-058	173-167-090	NEW-E	01-10-004
132W-131-010	NEW-P	01-10-015	132W-277-090	NEW-P	01-07-058	173-204	PREP-W	01-08-053
132W-131-020	NEW-P	01-10-015	132W-277-100	NEW-P	01-07-058	173-321-010	AMD	01-05-024
132W-131-030	NEW-P	01-10-015	132W-277-110	NEW-P	01-07-058	173-321-020	AMD	01-05-024
132W-134	PREP	01-06-010	132W-277-120	NEW-P	01-07-058	173-321-040	AMD	01-05-024
132W-134-010	NEW-P	01-10-015	132W-277-130	NEW-P	01-07-058	173-321-050	AMD	01-05-024
132W-135-010	REP-P	01-04-004	132W-277-140	NEW-P	01-07-058	173-321-060	AMD	01-05-024
132W-135-010	REP	01-07-059	132W-300	PREP	01-06-056	173-321-070	AMD	01-05-024
132W-140	PREP	01-06-010	132W-300-001	NEW-P	01-10-015	173-321-080	AMD	01-05-024
132W-140	PREP	01-06-011	132W-300-010	NEW-P	01-10-015	173-322	AMD	01-05-024
132W-140-010	REP-P	01-10-016	132W-300-020	NEW-P	01-10-015	173-322-020	AMD	01-05-024
132W-140-011	REP-P	01-10-016	132W-300-030	NEW-P	01-10-015	173-322-030	AMD	01-05-024
132W-140-012	REP-P	01-10-016	132W-300-040	NEW-P	01-10-015	173-322-040	AMD	01-05-024
132W-140-013	REP-P	01-10-016	132W-300-050	NEW-P	01-10-015	173-322-050	AMD	01-05-024
132W-141-010	NEW-P	01-10-015	132W-300-060	NEW-P	01-10-015	173-322-060	AMD	01-05-024
132W-141-020	NEW-P	01-10-015	132W-325	PREP	01-03-103	173-322-070	AMD	01-05-024
132W-141-030	NEW-P	01-10-015	132W-325-010	NEW-P	01-07-058	173-322-090	AMD	01-05-024
132W-141-040	NEW-P	01-10-015	136-130-030	AMD	01-05-009	173-322-100	AMD	01-05-024
132W-141-050	NEW-P	01-10-015	136-130-040	AMD-P	01-06-017	173-322-110	AMD	01-05-024
132W-141-060	NEW-P	01-10-015	136-130-040	AMD	01-09-077	173-322-120	AMD	01-05-024
132W-141-070	NEW-P	01-10-015	136-130-050	AMD	01-05-009	173-340-100	AMD	01-05-024
132W-141-080	NEW-P	01-10-015	136-130-060	AMD	01-05-009	173-340-120	AMD	01-05-024
132W-141-090	NEW-P	01-10-015	136-130-070	AMD	01-05-009	173-340-130	AMD	01-05-024
132W-149	PREP	01-06-011	136-161-020	AMD	01-05-009	173-340-140	AMD	01-05-024
132W-149-010	REP-P	01-10-016	136-161-030	AMD	01-05-009	173-340-200	AMD	01-05-024
132W-164	PREP	01-06-011	136-161-040	AMD	01-05-009	173-340-210	AMD	01-05-024
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173-340-320	AMD	01-05-024	173-400-110	AMD-P	01-04-072	175- 20-150	REP-XR	01-10-111
173-340-330	AMD	01-05-024	173-400-112	AMD-P	01-04-072	175- 20-155	REP-XR	01-10-111
173-340-340	AMD	01-05-024	173-400-113	AMD-P	01-04-072	175- 20-160	REP-XR	01-10-111
173-340-350	AMD	01-05-024	173-400-114	AMD-P	01-04-072	175- 20-170	REP-XR	01-10-111
173-340-355	NEW	01-05-024	173-400-115	AMD-P	01-04-072	175- 20-990	REP-XR	01-10-111
173-340-357	NEW	01-05-024	173-400-116	AMD-P	01-04-072	175- 20-99001	REP-XR	01-10-111
173-340-360	AMD	01-05-024	173-400-117	NEW-P	01-04-072	175- 20-99002	REP-XR	01-10-111
173-340-370	NEW	01-05-024	173-400-118	NEW-P	01-04-072	175- 20-99003	REP-XR	01-10-111
173-340-380	NEW	01-05-024	173-400-131	AMD-P	01-04-072	175- 20-99004	REP-XR	01-10-111
173-340-390	NEW	01-05-024	173-400-136	AMD-P	01-04-072	180- 25-012	NEW	01-08-040
173-340-400	AMD	01-05-024	173-400-141	AMD-P	01-04-072	180- 26-012	NEW	01-08-040
173-340-410	AMD	01-05-024	173-400-151	AMD-P	01-04-072	180- 27-012	NEW	01-08-040
173-340-420	AMD	01-05-024	173-400-171	AMD-P	01-04-072	180- 27-070	AMD-P	01-05-089
173-340-430	AMD	01-05-024	173-401-300	AMD-P	01-04-072	180- 27-070	AMD	01-09-011
173-340-440	AMD	01-05-024	173-401-615	AMD-P	01-04-072	180- 29-012	NEW	01-08-040
173-340-450	AMD	01-05-024	173-409	PREP-W	01-08-053	180- 31-012	NEW	01-08-040
173-340-510	AMD	01-05-024	173-415	PREP-W	01-08-053	180- 32-012	NEW	01-08-040
173-340-515	NEW	01-05-024	173-481	PREP-W	01-08-053	180- 33-012	NEW	01-08-040
173-340-520	AMD	01-05-024	173-503-010	NEW	01-07-027	180- 33-023	AMD-P	01-05-088
173-340-530	AMD	01-05-024	173-503-020	NEW	01-07-027	180- 33-023	AMD	01-09-012
173-340-545	NEW	01-05-024	173-503-030	NEW	01-07-027	180- 33-042	PREP	01-05-130
173-340-550	AMD	01-05-024	173-503-040	NEW	01-07-027	180- 33-042	AMD-E	01-08-039
173-340-600	AMD	01-05-024	173-503-050	NEW	01-07-027	180- 33-042	AMD-P	01-10-102
173-340-610	AMD	01-05-024	173-503-060	NEW	01-07-027	180- 50-115	AMD-W	01-08-065
173-340-700	AMD	01-05-024	173-503-070	NEW	01-07-027	180- 50-117	NEW-W	01-08-065
173-340-702	AMD	01-05-024	173-503-080	NEW	01-07-027	180- 51-060	PREP	01-05-124
173-340-703	NEW	01-05-024	173-503-090	NEW	01-07-027	180- 51-060	AMD-P	01-10-099
173-340-704	AMD	01-05-024	173-503-100	NEW	01-07-027	180- 51-061	PREP	01-05-125
173-340-705	AMD	01-05-024	175- 08-010	REP-XR	01-10-111	180- 51-061	AMD-P	01-10-098
173-340-706	AMD	01-05-024	175- 08-990	REP-XR	01-10-111	180- 51-063	PREP	01-05-092
173-340-708	AMD	01-05-024	175- 12-005	REP-XR	01-10-111	180- 51-063	AMD-E	01-08-042
173-340-709	NEW	01-05-024	175- 12-010	REP-XR	01-10-111	180- 51-063	AMD-P	01-10-094
173-340-710	AMD	01-05-024	175- 12-015	REP-XR	01-10-111	180- 51-075	AMD-W	01-04-025
173-340-720	AMD	01-05-024	175- 12-020	REP-XR	01-10-111	180- 52	PREP	01-05-123
173-340-730	AMD	01-05-024	175- 12-025	REP-XR	01-10-111	180- 52-041	PREP	01-05-122
173-340-740	AMD	01-05-024	175- 12-030	REP-XR	01-10-111	180- 52-041	REP-E	01-09-015
173-340-745	AMD	01-05-024	175- 12-035	REP-XR	01-10-111	180- 52-041	REP-P	01-10-092
173-340-747	NEW	01-05-024	175- 12-040	REP-XR	01-10-111	180- 57-005	AMD-W	01-04-024
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173-340-7491	NEW	01-05-024	175- 12-050	REP-XR	01-10-111	180- 57-020	AMD-W	01-04-024
173-340-7492	NEW	01-05-024	175- 16-010	REP-XR	01-10-111	180- 57-030	REP-W	01-04-024
173-340-7493	NEW	01-05-024	175- 16-020	REP-XR	01-10-111	180- 57-040	REP-W	01-04-024
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173-340-750	AMD	01-05-024	175- 16-040	REP-XR	01-10-111	180- 57-055	AMD-W	01-04-024
173-340-760	AMD	01-05-024	175- 16-050	REP-XR	01-10-111	180- 57-070	AMD-P	01-05-090
173-340-800	AMD	01-05-024	175- 16-060	REP-XR	01-10-111	180- 57-070	AMD	01-09-013
173-340-810	AMD	01-05-024	175- 16-990	REP-XR	01-10-111	180- 57-080	REP-W	01-04-024
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173-340-830	AMD	01-05-024	175- 20-020	REP-XR	01-10-111	180- 78A-010	PREP	01-10-039
173-340-840	AMD	01-05-024	175- 20-030	REP-XR	01-10-111	180- 78A-010	AMD-P	01-10-101
173-340-850	AMD	01-05-024	175- 20-040	REP-XR	01-10-111	180- 78A-015	REP	01-04-021
173-340-900	NEW	01-05-024	175- 20-050	REP-XR	01-10-111	180- 78A-125	REP-P	01-10-096
173-400-030	AMD-P	01-04-072	175- 20-060	REP-XR	01-10-111	180- 78A-209	AMD	01-03-151
173-400-035	NEW-P	01-04-072	175- 20-070	REP-XR	01-10-111	180- 78A-250	AMD-P	01-10-096
173-400-040	AMD-P	01-04-072	175- 20-080	REP-XR	01-10-111	180- 78A-255	AMD-P	01-10-096
173-400-050	AMD-P	01-04-072	175- 20-090	REP-XR	01-10-111	180- 78A-264	AMD	01-03-153
173-400-060	AMD-P	01-04-072	175- 20-100	REP-XR	01-10-111	180- 78A-535	AMD-P	01-04-019
173-400-070	AMD-P	01-04-072	175- 20-110	REP-XR	01-10-111	180- 78A-535	AMD	01-09-004
173-400-075	AMD-P	01-04-072	175- 20-120	REP-XR	01-10-111	180- 78A-545	REP	01-04-021
173-400-100	AMD-P	01-04-072	175- 20-130	REP-XR	01-10-111	180- 78A-550	REP	01-04-021
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180-79A	PREP	01-04-018	192-16-011	REP-P	01-05-118	204-91A-030	AMD-W	01-10-083
180-79A-030	AMD	01-03-153	192-16-017	REP-E	01-05-071	204-91A-060	AMD-W	01-10-083
180-79A-124	AMD	01-03-153	192-16-017	REP-P	01-05-118	204-91A-090	AMD-W	01-10-083
180-79A-130	AMD-P	01-05-093	192-16-021	REP-P	01-05-117	204-91A-120	AMD-W	01-10-083
180-79A-130	AMD	01-09-005	192-16-061	REP	01-03-009	204-91A-130	AMD-W	01-10-083
180-79A-145	AMD-P	01-04-019	192-16-070	REP-P	01-04-082	204-91A-140	AMD-W	01-10-083
180-79A-145	AMD	01-09-004	192-150-050	NEW-E	01-05-071	204-91A-170	AMD-W	01-10-083
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180-79A-155	AMD	01-09-006	192-150-060	NEW-P	01-05-117	204-96-010	AMD-E	01-03-078
180-79A-206	AMD	01-03-153	192-150-065	NEW-E	01-05-071	204-96-010	AMD	01-05-098
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180-79A-250	AMD-P	01-04-019	192-150-085	NEW-E	01-05-071	208-418-020	AMD-P	01-07-082
180-79A-250	AMD	01-09-004	192-150-085	NEW-P	01-05-118	208-418-040	AMD-P	01-07-082
180-79A-250	AMD-P	01-10-095	192-150-100	NEW-P	01-04-082	208-418-050	AMD-P	01-07-082
180-79A-257	PREP	01-05-126	192-170-050	NEW-P	01-05-117	208-418-060	REP-P	01-07-082
180-79A-257	AMD-E	01-08-041	192-180-012	NEW-P	01-05-117	208-418-070	AMD-P	01-07-082
180-79A-257	AMD-P	01-10-093	192-210-005	PREP	01-10-117	208-418-090	NEW-P	01-07-082
180-79A-265	PREP	01-05-147	192-210-015	PREP	01-10-117	208-418-100	NEW-P	01-07-082
180-79A-265	REP-E	01-08-041	192-270-005	NEW-E	01-05-071	208-460-010	NEW-P	01-05-072
180-79A-265	REP-P	01-10-093	192-270-005	NEW-P	01-05-118	208-460-010	NEW	01-10-084
180-79A-311	REP-P	01-10-097	192-270-010	NEW-E	01-05-071	208-460-020	NEW-P	01-05-072
180-82-130	AMD-P	01-05-091	192-270-010	NEW-P	01-05-118	208-460-020	NEW	01-10-084
180-82-130	AMD-C	01-10-100	192-270-015	NEW-E	01-05-071	208-460-030	NEW-P	01-05-072
180-82-135	NEW	01-04-020	192-270-015	NEW-P	01-05-118	208-460-030	NEW	01-10-084
180-82-135	NEW-W	01-08-066	192-270-020	NEW-E	01-05-071	208-460-040	NEW-P	01-05-072
180-82-202	PREP	01-05-127	192-270-020	NEW-P	01-05-118	208-460-040	NEW	01-10-084
180-82-202	AMD-E	01-08-041	192-270-025	NEW-E	01-05-071	208-460-050	NEW-P	01-05-072
180-82-202	AMD-P	01-10-093	192-270-025	NEW-P	01-05-118	208-460-050	NEW	01-10-084
180-82-204	PREP	01-05-128	192-270-030	NEW-E	01-05-071	208-460-060	NEW-P	01-05-072
180-82-204	AMD-E	01-08-041	192-270-030	NEW-P	01-05-118	208-460-060	NEW	01-10-084
180-82-204	AMD-P	01-10-093	192-270-035	NEW-E	01-05-071	208-460-070	NEW-P	01-05-072
180-82-210	PREP	01-05-129	192-270-035	NEW-P	01-05-118	208-460-070	NEW	01-10-084
180-82-210	AMD-E	01-08-041	192-270-040	NEW-E	01-05-071	208-460-080	NEW-P	01-05-072
180-82-210	AMD-P	01-10-093	192-270-040	NEW-P	01-05-118	208-460-080	NEW	01-10-084
180-85-035	AMD-P	01-10-095	192-270-045	NEW-E	01-05-071	208-460-090	NEW-P	01-05-072
180-85-075	AMD-P	01-04-019	192-270-045	NEW-P	01-05-118	208-460-090	NEW	01-10-084
180-85-075	AMD	01-09-004	192-270-050	NEW-E	01-05-071	208-460-100	NEW-P	01-05-072
182-12-117	PREP	01-09-083	192-270-050	NEW-P	01-05-118	208-460-100	NEW	01-10-084
182-12-200	PREP	01-09-084	192-270-055	NEW-E	01-05-071	208-460-110	NEW-P	01-05-072
182-20-001	AMD	01-04-080	192-270-055	NEW-P	01-05-118	208-460-110	NEW	01-10-084
182-20-010	AMD	01-04-080	192-270-060	NEW-E	01-05-071	208-460-120	NEW-P	01-05-072
182-20-100	AMD	01-04-080	192-270-060	NEW-P	01-05-118	208-460-120	NEW	01-10-084
182-20-160	AMD	01-04-080	192-270-065	NEW-E	01-05-071	208-460-130	NEW-P	01-05-072
182-20-200	AMD	01-04-080	192-270-065	NEW-P	01-05-118	208-460-130	NEW	01-10-084
182-20-400	AMD	01-04-080	192-270-070	NEW-E	01-05-071	208-460-140	NEW-P	01-05-072
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183-04-020	NEW-P	01-04-033	196-12-030	AMD	01-09-016	208-460-160	NEW-P	01-05-072
183-04-030	NEW-P	01-04-033	196-12-035	NEW-P	01-04-094	208-460-160	NEW	01-10-084
183-04-040	NEW-P	01-04-033	196-12-035	NEW	01-09-016	208-460-170	NEW-P	01-05-072
183-04-050	NEW-P	01-04-033	196-23-070	NEW-P	01-04-050	208-460-170	NEW	01-10-084
183-04-060	NEW-P	01-04-033	196-23-070	NEW	01-09-017	208-512	PREP-W	01-03-106
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183-04-080	NEW-P	01-04-033	196-33-200	NEW-P	01-05-033	208-512-045	AMD	01-06-024
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183-04-100	NEW-P	01-04-033	196-33-400	NEW-P	01-05-033	208-512-110	AMD	01-06-024
183-04-110	NEW-P	01-04-033	196-33-500	NEW-P	01-05-033	208-512-115	AMD-P	01-03-107
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208-512-280	AMD	01-06-024	208-680D-050	AMD	01-08-055	220- 44-05000D	NEW-E	01-09-056
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208-512-300	AMD	01-06-024	208-680D-080	AMD	01-08-055	220- 47-301	AMD	01-07-015
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208-544-037	AMD-P	01-03-107	208-680G-010	NEW	01-08-055	220- 48-01500	NEW-E	01-08-011
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208-544-039	AMD-P	01-03-107	208-680G-040	NEW	01-08-055	220- 52-04000	REP-E	01-04-030
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230- 40-625	NEW-P	01-10-122	232- 28-274	REP-W	01-03-077	232- 28-621	AMD-P	01-10-109
230- 40-630	NEW-P	01-10-122	232- 28-274	REP-P	01-05-146	232- 28-62100B	NEW-E	01-10-038
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246-102-020	NEW	01-04-086	246-282-130	AMD	01-04-054	246-928-020	REP-P	01-07-086
246-102-030	NEW	01-04-086	246-282-990	AMD	01-04-054	246-928-030	REP-P	01-07-086
246-102-040	NEW	01-04-086	246-305-001	NEW	01-08-023	246-928-040	REP-P	01-07-086
246-102-050	NEW	01-04-086	246-305-010	NEW	01-08-023	246-928-050	REP-P	01-07-086
246-102-060	NEW	01-04-086	246-305-020	NEW	01-08-023	246-928-060	REP-P	01-07-086
246-102-070	NEW	01-04-086	246-305-030	NEW	01-08-023	246-928-080	REP-P	01-07-086
246-220-010	AMD-P	01-02-087	246-305-040	NEW	01-08-023	246-928-085	REP-P	01-07-086
246-220-010	AMD	01-05-110	246-305-050	NEW	01-08-023	246-928-110	REP-P	01-07-086
246-221-005	AMD-P	01-02-087	246-305-060	NEW	01-08-023	246-928-120	REP-P	01-07-086
246-221-005	AMD	01-05-110	246-305-070	NEW	01-08-023	246-928-130	REP-P	01-07-086
246-221-010	AMD-P	01-02-087	246-305-080	NEW	01-08-023	246-928-140	REP-P	01-07-086
246-221-010	AMD	01-05-110	246-305-090	NEW	01-08-023	246-928-150	REP-P	01-07-086
246-221-015	AMD-P	01-02-087	246-305-100	NEW	01-08-023	246-928-160	REP-P	01-07-086
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246-221-055	AMD-P	01-02-087	246-327-990	PREP	01-10-125	246-928-200	REP-P	01-07-086
246-221-055	AMD	01-05-110	246-331-990	PREP	01-10-125	246-928-210	REP-P	01-07-086
246-221-090	AMD-P	01-02-087	246-336-990	PREP	01-10-125	246-928-220	REP-P	01-07-086
246-221-090	AMD	01-05-110	246-430-001	REP	01-04-086	246-928-310	NEW-P	01-07-086
246-221-100	AMD-P	01-02-087	246-430-010	REP	01-04-086	246-928-320	NEW-P	01-07-086
246-221-100	AMD	01-05-110	246-430-020	REP	01-04-086	246-928-410	NEW-P	01-07-086
246-221-110	AMD-P	01-02-087	246-430-030	REP	01-04-086	246-928-420	NEW-P	01-07-086
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246-221-117	AMD-P	01-02-087	246-491	PREP	01-08-090	246-928-520	NEW-P	01-07-086
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296-104-235	PREP	01-10-034	308- 15-040	NEW-P	01-07-101	308- 57-140	AMD-W	01-07-029
296-104-240	PREP	01-10-034	308- 15-050	NEW-P	01-07-101	308- 57-140	AMD-P	01-08-051
296-104-245	PREP	01-10-034	308- 15-060	NEW-P	01-07-101	308- 57-210	A/R-P	01-05-106
296-104-255	PREP	01-10-034	308- 15-070	NEW-P	01-07-101	308- 57-210	AMD-W	01-07-029
296-104-256	PREP	01-10-034	308- 15-075	NEW-P	01-07-101	308- 57-210	AMD-P	01-08-051
296-104-260	PREP	01-10-034	308- 15-080	NEW-P	01-07-101	308- 57-230	AMD-P	01-05-106
296-104-265	PREP	01-10-034	308- 15-090	NEW-P	01-07-101	308- 57-230	AMD-W	01-07-029
296-104-502	PREP	01-10-034	308- 15-100	NEW-P	01-07-101	308- 57-230	AMD-P	01-08-051
296-104-700	AMD-P	01-09-091	308- 15-101	NEW-P	01-07-101	308- 57-240	AMD-P	01-05-106
296-104-700	PREP	01-10-034	308- 15-102	NEW-P	01-07-101	308- 57-240	AMD-W	01-07-029
296-115	PREP	01-07-102	308- 15-103	NEW-P	01-07-101	308- 57-240	AMD-P	01-08-051
296-131	PREP	01-05-114	308- 15-150	NEW-P	01-07-100	308- 57-500	REP-P	01-05-106
296-131-117	NEW-P	01-09-092	308- 29-010	AMD-P	01-03-130	308- 57-500	REP-W	01-07-029
296-150C	PREP	01-03-070	308- 29-020	AMD-P	01-03-130	308- 57-500	REP-P	01-08-051
296-150C	PREP	01-05-116	308- 29-025	NEW-P	01-03-130	308- 63-010	AMD	01-03-141
296-150C-3000	AMD-P	01-09-090	308- 29-030	AMD-P	01-03-130	308- 63-040	AMD	01-03-141
296-150F	PREP	01-03-070	308- 29-045	AMD-P	01-03-130	308- 63-070	AMD	01-03-141
296-150F	PREP	01-05-116	308- 29-050	AMD-P	01-03-130	308- 63-100	AMD	01-03-141
296-150F-3000	AMD-P	01-09-090	308- 29-060	AMD-P	01-03-130	308- 78-010	AMD-P	01-03-083
296-150M	PREP	01-03-070	308- 29-070	AMD-P	01-03-130	308- 78-010	AMD	01-08-083
296-150M	PREP	01-05-116	308- 29-080	AMD-P	01-03-130	308- 78-020	AMD-P	01-03-083
296-150M-0049	NEW-E	01-08-010	308- 29-090	NEW-P	01-03-130	308- 78-020	AMD	01-08-083

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 78-030	AMD-P	01-03-083	308- 96A-010	AMD-P	01-08-050	308-390-101	NEW	01-10-056
308- 78-030	AMD	01-08-083	308- 96A-015	AMD-P	01-08-050	308-390-102	NEW-P	01-07-084
308- 78-035	NEW-P	01-03-083	308- 96A-065	AMD-P	01-04-017	308-390-102	NEW	01-10-056
308- 78-035	NEW	01-08-083	308- 96A-065	AMD	01-10-069	308-390-103	NEW-P	01-07-084
308- 78-040	AMD-P	01-03-083	308- 96A-066	REP-P	01-04-017	308-390-103	NEW	01-10-056
308- 78-040	AMD	01-08-083	308- 96A-066	REP	01-10-069	308-390-104	NEW-P	01-07-084
308- 78-045	AMD-P	01-03-083	308- 96A-067	REP-P	01-04-017	308-390-104	NEW	01-10-056
308- 78-045	AMD	01-08-083	308- 96A-067	REP	01-10-069	308-390-105	NEW-P	01-07-084
308- 78-046	NEW-P	01-03-083	308- 96A-068	REP-P	01-04-017	308-390-105	NEW	01-10-056
308- 78-046	NEW	01-08-083	308- 96A-068	REP	01-10-069	308-390-106	NEW-P	01-07-084
308- 78-060	REP-P	01-03-083	308- 96A-070	AMD-P	01-04-017	308-390-106	NEW	01-10-056
308- 78-060	REP	01-08-083	308- 96A-070	AMD	01-10-069	308-390-107	NEW-P	01-07-084
308- 78-070	AMD-P	01-03-083	308- 96A-071	AMD-P	01-04-017	308-390-107	NEW	01-10-056
308- 78-070	AMD	01-08-083	308- 96A-071	AMD	01-10-069	308-390-108	NEW-P	01-07-084
308- 78-075	NEW-P	01-03-083	308- 96A-072	AMD-P	01-04-017	308-390-108	NEW	01-10-056
308- 78-075	NEW	01-08-083	308- 96A-072	AMD	01-10-069	308-390-109	NEW-P	01-07-084
308- 78-080	AMD-P	01-03-083	308- 96A-073	AMD-P	01-04-017	308-390-109	NEW	01-10-056
308- 78-080	AMD	01-08-083	308- 96A-073	AMD	01-10-069	308-390-200	NEW-P	01-07-084
308- 78-090	AMD-P	01-03-083	308- 96A-074	AMD-P	01-04-017	308-390-200	NEW	01-10-056
308- 78-090	AMD	01-08-083	308- 96A-074	AMD	01-10-069	308-390-201	NEW-P	01-07-084
308- 93	PREP	01-05-076	308- 96A-099	AMD-P	01-05-106	308-390-201	NEW	01-10-056
308- 93-010	AMD	01-03-128	308- 96A-099	AMD-W	01-07-029	308-390-202	NEW-P	01-07-084
308- 93-030	AMD	01-03-128	308- 96A-099	AMD-P	01-08-051	308-390-202	NEW	01-10-056
308- 93-050	AMD	01-03-128	308- 96A-135	REP-P	01-05-106	308-390-203	NEW-P	01-07-084
308- 93-055	AMD	01-03-128	308- 96A-135	REP-W	01-07-029	308-390-203	NEW	01-10-056
308- 93-056	AMD	01-03-128	308- 96A-135	AMD-P	01-08-051	308-390-204	NEW-P	01-07-084
308- 93-060	AMD-P	01-03-017	308- 96A-145	AMD-P	01-05-106	308-390-204	NEW	01-10-056
308- 93-060	AMD	01-08-021	308- 96A-145	AMD-W	01-07-029	308-390-300	NEW-P	01-07-084
308- 93-069	AMD-P	01-03-017	308- 96A-145	AMD-P	01-08-051	308-390-300	NEW	01-10-056
308- 93-069	AMD	01-08-021	308- 96A-175	AMD-P	01-04-017	308-390-301	NEW-P	01-07-084
308- 93-070	AMD-P	01-03-017	308- 96A-175	AMD	01-10-069	308-390-301	NEW	01-10-056
308- 93-070	AMD	01-08-021	308- 96A-176	AMD-P	01-04-017	308-390-302	NEW-P	01-07-084
308- 93-071	AMD-P	01-03-017	308- 96A-176	AMD	01-10-069	308-390-302	NEW	01-10-056
308- 93-071	AMD	01-08-021	308- 96A-177	NEW-P	01-04-017	308-390-303	NEW-P	01-07-084
308- 93-073	REP-P	01-03-017	308- 96A-177	NEW	01-10-069	308-390-303	NEW	01-10-056
308- 93-073	REP	01-08-021	308- 96A-202	AMD-P	01-05-106	308-390-304	NEW-P	01-07-084
308- 93-078	AMD-P	01-03-017	308- 96A-202	AMD-W	01-07-029	308-390-304	NEW	01-10-056
308- 93-078	AMD	01-08-021	308- 96A-202	AMD-P	01-08-051	308-390-305	NEW-P	01-07-084
308- 93-079	AMD	01-03-128	308- 96A-203	AMD-P	01-05-106	308-390-305	NEW	01-10-056
308- 93-090	AMD	01-03-128	308- 96A-203	AMD-W	01-07-029	308-390-306	NEW-P	01-07-084
308- 93-145	PREP	01-05-076	308- 96A-203	AMD-P	01-08-051	308-390-306	NEW	01-10-056
308- 93-145	AMD-P	01-08-052	308- 96A-295	AMD-P	01-04-062	308-390-307	NEW-P	01-07-084
308- 93-160	AMD	01-03-128	308- 96A-295	AMD	01-09-079	308-390-307	NEW	01-10-056
308- 93-285	AMD-P	01-03-017	308- 96A-400	AMD-P	01-05-106	308-390-308	NEW-P	01-07-084
308- 93-285	AMD	01-08-021	308- 96A-400	AMD-W	01-07-029	308-390-308	NEW	01-10-056
308- 93-350	AMD-P	01-03-017	308- 96A-400	AMD-P	01-08-051	308-390-309	NEW-P	01-07-084
308- 93-350	AMD	01-08-021	308- 96A-410	REP-P	01-05-106	308-390-309	NEW	01-10-056
308- 93-360	AMD-P	01-03-017	308- 96A-410	REP-W	01-07-029	308-390-310	NEW-P	01-07-084
308- 93-360	AMD	01-08-021	308- 96A-410	REP-P	01-08-051	308-390-310	NEW	01-10-056
308- 93-390	AMD-P	01-03-072	308- 96A-550	AMD-P	01-04-017	308-390-311	NEW-P	01-07-084
308- 93-390	AMD	01-08-022	308- 96A-550	AMD	01-10-069	308-390-311	NEW	01-10-056
308- 93-640	AMD-P	01-03-017	308- 96A-560	AMD-P	01-04-017	308-390-312	NEW-P	01-07-084
308- 93-640	AMD	01-08-021	308- 96A-560	AMD	01-10-069	308-390-312	NEW	01-10-056
308- 94-030	AMD-P	01-06-049	308- 97-230	AMD-P	01-05-106	308-390-313	NEW-P	01-07-084
308- 94-050	AMD-P	01-06-049	308- 97-230	AMD-W	01-07-029	308-390-313	NEW	01-10-056
308- 94-080	AMD-P	01-06-049	308-100-140	AMD-P	01-04-075	308-390-314	NEW-P	01-07-084
308- 94-100	AMD-P	01-06-049	308-100-140	AMD	01-09-062	308-390-314	NEW	01-10-056
308- 94-105	NEW-P	01-06-049	308-124B-050	PREP	01-08-095	308-390-315	NEW-P	01-07-084
308- 94A-020	AMD-P	01-08-050	308-124H-061	PREP	01-08-096	308-390-315	NEW	01-10-056
308- 94A-025	AMD-P	01-08-050	308-390-100	NEW-P	01-07-084	308-390-400	NEW-P	01-07-084
308- 94A-030	AMD-P	01-08-050	308-390-100	NEW	01-10-056	308-390-400	NEW	01-10-056
308- 96A-005	AMD-P	01-08-050	308-390-101	NEW-P	01-07-084	308-390-401	NEW-P	01-07-084

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-390-401	NEW	01-10-056	308-410-020	REP	01-10-056	314- 08-490	REP-S	01-06-062
308-390-402	NEW-P	01-07-084	308-410-030	REP-P	01-07-084	314- 08-500	REP-S	01-06-062
308-390-402	NEW	01-10-056	308-410-030	REP	01-10-056	314- 08-510	REP-S	01-06-062
308-390-403	NEW-P	01-07-084	308-410-040	REP-P	01-07-084	314- 08-520	REP-S	01-06-062
308-390-403	NEW	01-10-056	308-410-040	REP	01-10-056	314- 08-530	REP-S	01-06-062
308-390-500	NEW-P	01-07-084	308-410-060	REP-P	01-07-084	314- 08-540	REP-S	01-06-062
308-390-500	NEW	01-10-056	308-410-060	REP	01-10-056	314- 08-550	REP-S	01-06-062
308-390-501	NEW-P	01-07-084	308-410-070	REP-P	01-07-084	314- 08-560	REP-S	01-06-062
308-390-501	NEW	01-10-056	308-410-070	REP	01-10-056	314- 08-570	REP-S	01-06-062
308-390-502	NEW-P	01-07-084	314- 01-005	NEW	01-06-016	314- 08-580	REP-S	01-06-062
308-390-502	NEW	01-10-056	314- 04-005	REP	01-03-086	314- 08-590	REP-S	01-06-062
308-390-503	NEW-P	01-07-084	314- 04-006	REP	01-03-086	314- 09-005	NEW	01-03-087
308-390-503	NEW	01-10-056	314- 04-007	REP	01-03-086	314- 09-010	NEW	01-03-087
308-390-504	NEW-P	01-07-084	314- 08-001	REP-S	01-06-062	314- 09-015	NEW	01-03-087
308-390-504	NEW	01-10-056	314- 08-010	REP-S	01-06-062	314- 10-020	REP	01-06-014
308-390-505	NEW-P	01-07-084	314- 08-020	REP-S	01-06-062	314- 11-005	NEW	01-06-014
308-390-505	NEW	01-10-056	314- 08-030	REP-S	01-06-062	314- 11-015	NEW	01-06-014
308-390-600	NEW-P	01-07-084	314- 08-040	REP-S	01-06-062	314- 11-020	NEW	01-06-014
308-390-600	NEW	01-10-056	314- 08-050	REP-S	01-06-062	314- 11-025	NEW	01-06-014
308-390-601	NEW-P	01-07-084	314- 08-070	REP-S	01-06-062	314- 11-030	NEW	01-06-014
308-390-601	NEW	01-10-056	314- 08-080	REP-S	01-06-062	314- 11-035	NEW	01-06-014
308-390-602	NEW-P	01-07-084	314- 08-090	REP-S	01-06-062	314- 11-040	NEW	01-06-014
308-390-602	NEW	01-10-056	314- 08-100	REP-S	01-06-062	314- 11-045	NEW	01-06-014
308-390-603	NEW-P	01-07-084	314- 08-110	REP-S	01-06-062	314- 11-050	NEW	01-06-014
308-390-603	NEW	01-10-056	314- 08-120	REP-S	01-06-062	314- 11-055	NEW	01-06-014
308-400	REP-P	01-07-084	314- 08-130	REP-S	01-06-062	314- 11-060	NEW	01-06-014
308-400-010	REP-P	01-07-084	314- 08-140	REP-S	01-06-062	314- 11-065	NEW	01-06-014
308-400-010	REP	01-10-056	314- 08-150	REP-S	01-06-062	314- 11-070	NEW	01-06-014
308-400-020	REP-P	01-07-084	314- 08-160	REP-S	01-06-062	314- 11-080	NEW	01-06-014
308-400-020	REP	01-10-056	314- 08-170	REP-S	01-06-062	314- 11-085	NEW	01-06-014
308-400-025	REP-P	01-07-084	314- 08-180	REP-S	01-06-062	314- 11-090	NEW	01-06-014
308-400-025	REP	01-10-056	314- 08-190	REP-S	01-06-062	314- 11-095	NEW	01-06-014
308-400-030	REP-P	01-07-084	314- 08-200	REP-S	01-06-062	314- 11-100	NEW	01-06-014
308-400-030	REP	01-10-056	314- 08-210	REP-S	01-06-062	314- 11-105	NEW	01-06-014
308-400-053	REP-P	01-07-084	314- 08-220	REP-S	01-06-062	314- 11-110	NEW	01-06-014
308-400-053	REP	01-10-056	314- 08-230	REP-S	01-06-062	314- 12-020	AMD	01-03-087
308-400-056	REP-P	01-07-084	314- 08-240	REP-S	01-06-062	314- 12-115	REP	01-06-014
308-400-056	REP	01-10-056	314- 08-250	REP-S	01-06-062	314- 12-120	REP	01-06-014
308-400-058	REP-P	01-07-084	314- 08-260	REP-S	01-06-062	314- 12-125	REP	01-06-014
308-400-058	REP	01-10-056	314- 08-270	REP-S	01-06-062	314- 12-130	REP	01-06-014
308-400-059	REP-P	01-07-084	314- 08-280	REP-S	01-06-062	314- 12-140	AMD	01-06-015
308-400-059	REP	01-10-056	314- 08-290	REP-S	01-06-062	314- 12-195	REP	01-06-014
308-400-060	REP-P	01-07-084	314- 08-300	REP-S	01-06-062	314- 13-005	NEW	01-06-015
308-400-060	REP	01-10-056	314- 08-310	REP-S	01-06-062	314- 13-010	NEW	01-06-015
308-400-062	REP-P	01-07-084	314- 08-320	REP-S	01-06-062	314- 13-015	NEW	01-06-015
308-400-062	REP	01-10-056	314- 08-330	REP-S	01-06-062	314- 13-020	NEW	01-06-015
308-400-080	REP-P	01-07-084	314- 08-340	REP-S	01-06-062	314- 13-025	NEW	01-06-015
308-400-080	REP	01-10-056	314- 08-350	REP-S	01-06-062	314- 13-030	NEW	01-06-015
308-400-092	REP-P	01-07-084	314- 08-360	REP-S	01-06-062	314- 13-040	NEW	01-06-015
308-400-092	REP	01-10-056	314- 08-370	REP-S	01-06-062	314- 14-010	REP	01-03-085
308-400-095	REP-P	01-07-084	314- 08-380	REP-S	01-06-062	314- 14-020	REP	01-03-085
308-400-095	REP	01-10-056	314- 08-390	REP-S	01-06-062	314- 14-030	REP	01-03-085
308-400-100	REP-P	01-07-084	314- 08-400	REP-S	01-06-062	314- 14-040	REP	01-03-085
308-400-100	REP	01-10-056	314- 08-410	REP-S	01-06-062	314- 14-050	REP	01-03-085
308-400-110	REP-P	01-07-084	314- 08-415	REP-S	01-06-062	314- 14-060	REP	01-03-085
308-400-110	REP	01-10-056	314- 08-420	REP-S	01-06-062	314- 14-070	REP	01-03-085
308-400-120	REP-P	01-07-084	314- 08-430	REP-S	01-06-062	314- 14-080	REP	01-03-085
308-400-120	REP	01-10-056	314- 08-440	REP-S	01-06-062	314- 14-090	REP	01-03-085
308-410	REP-P	01-07-084	314- 08-450	REP-S	01-06-062	314- 14-100	REP	01-03-085
308-410-010	REP-P	01-07-084	314- 08-460	REP-S	01-06-062	314- 14-110	REP	01-03-085
308-410-010	REP	01-10-056	314- 08-470	REP-S	01-06-062	314- 14-120	REP	01-03-085
308-410-020	REP-P	01-07-084	314- 08-480	REP-S	01-06-062	314- 14-130	REP	01-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314- 14-140	REP	01-03-085	314- 70-040	REP	01-06-014	356- 18-140	AMD-C	01-02-089
314- 14-150	REP	01-03-085	314- 70-050	REP	01-06-014	356- 18-140	AMD	01-07-057
314- 14-160	REP	01-03-085	315- 04-085	NEW-S	01-08-037	356- 18-220	AMD-C	01-02-089
314- 14-165	REP	01-03-085	315- 06-040	PREP	01-04-040	356- 18-220	AMD	01-07-057
314- 14-170	REP	01-03-085	315- 06-040	AMD-P	01-08-038	356- 22-220	AMD-W	01-07-056
314- 16-020	AMD	01-06-014	315- 34	PREP	01-07-013	356- 30-320	AMD-C	01-02-088
314- 16-025	REP	01-06-014	315- 36	PREP	01-07-004	356- 30-320	AMD	01-07-055
314- 16-030	REP	01-06-014	317- 21-010	REP	01-05-036	356- 30-331	AMD-C	01-02-088
314- 16-040	AMD	01-06-014	317- 21-020	REP	01-05-036	356- 30-331	AMD	01-07-055
314- 16-050	REP	01-06-014	317- 21-030	REP	01-05-036	356- 30-331	AMD-P	01-08-062
314- 16-060	REP	01-06-014	317- 21-040	REP	01-05-036	356- 46-150	NEW-P	01-08-062
314- 16-070	REP	01-06-014	317- 21-050	REP	01-05-036	356- 49-040	AMD-C	01-02-089
314- 16-075	REP	01-06-014	317- 21-060	REP	01-05-036	356- 49-040	AMD	01-07-057
314- 16-090	REP	01-06-014	317- 21-070	REP	01-05-036	356- 56-210	AMD	01-03-003
314- 16-120	REP	01-06-014	317- 21-100	REP	01-05-036	356- 56-220	AMD	01-03-003
314- 16-122	REP	01-06-014	317- 21-110	REP	01-05-036	363-116-185	AMD-P	01-10-072
314- 16-125	REP	01-06-014	317- 21-120	REP	01-05-036	363-116-300	AMD-P	01-08-081
314- 16-145	REP	01-06-014	317- 21-140	REP	01-05-036	365-195-900	AMD-P	01-03-166
314- 16-160	AMD	01-06-014	317- 21-300	REP	01-05-036	365-195-900	AMD	01-08-056
314- 17-005	NEW	01-03-085	317- 21-305	REP	01-05-036	365-197-010	NEW-P	01-03-165
314- 17-010	NEW	01-03-085	317- 21-310	REP	01-05-036	365-197-020	NEW-P	01-03-165
314- 17-015	NEW	01-03-085	317- 21-315	REP	01-05-036	365-197-030	NEW-P	01-03-165
314- 17-020	NEW	01-03-085	317- 21-320	REP	01-05-036	365-197-040	NEW-P	01-03-165
314- 17-025	NEW	01-03-085	317- 21-325	REP	01-05-036	365-197-050	NEW-P	01-03-165
314- 17-030	NEW	01-03-085	317- 21-330	REP	01-05-036	365-197-060	NEW-P	01-03-165
314- 17-035	NEW	01-03-085	317- 21-335	REP	01-05-036	365-197-070	NEW-P	01-03-165
314- 17-040	NEW	01-03-085	317- 21-340	REP	01-05-036	365-197-080	NEW-P	01-03-165
314- 17-045	NEW	01-03-085	317- 21-345	REP	01-05-036	388- 05-0001	NEW-P	01-08-077
314- 17-050	NEW	01-03-085	317- 21-400	REP	01-05-036	388- 05-0005	NEW-P	01-08-077
314- 17-055	NEW	01-03-085	317- 21-410	REP	01-05-036	388- 05-0010	NEW-P	01-08-077
314- 17-060	NEW	01-03-085	317- 21-500	REP	01-05-036	388- 06-0010	NEW-P	01-10-062
314- 17-065	NEW	01-03-085	317- 21-510	REP	01-05-036	388- 06-0020	NEW-P	01-10-062
314- 17-070	NEW	01-03-085	317- 21-520	REP	01-05-036	388- 06-0100	NEW-P	01-10-062
314- 17-075	NEW	01-03-085	317- 21-530	REP	01-05-036	388- 06-0110	NEW-P	01-10-062
314- 17-080	NEW	01-03-085	317- 21-550	REP	01-05-036	388- 06-0120	NEW-P	01-10-062
314- 17-085	NEW	01-03-085	317- 21-560	REP	01-05-036	388- 06-0130	NEW-P	01-10-062
314- 17-090	NEW	01-03-085	317- 21-900	REP	01-05-036	388- 06-0140	NEW-P	01-10-062
314- 17-095	NEW	01-03-085	317- 21-910	REP	01-05-036	388- 06-0150	NEW-P	01-10-062
314- 17-100	NEW	01-03-085	332- 10-020	AMD-P	01-04-061	388- 06-0160	NEW-P	01-10-062
314- 17-105	NEW	01-03-085	332- 10-020	AMD	01-07-049	388- 06-0170	NEW-P	01-10-062
314- 17-110	NEW	01-03-085	332- 10-040	AMD-P	01-04-061	388- 06-0180	NEW-P	01-10-062
314- 17-115	NEW	01-03-085	332- 10-040	AMD	01-07-049	388- 06-0190	NEW-P	01-10-062
314- 24-170	REP	01-06-015	332- 30	PREP	01-10-068	388- 06-0200	NEW-P	01-10-062
314- 29-005	NEW	01-03-086	356- 06-045	AMD-C	01-02-088	388- 06-0210	NEW-P	01-10-062
314- 29-010	NEW	01-03-086	356- 06-045	AMD	01-07-055	388- 06-0220	NEW-P	01-10-062
314- 42-010	PREP	01-06-061	356- 10-040	AMD-C	01-02-089	388- 06-0230	NEW-P	01-10-062
314- 42-020	NEW-S	01-06-062	356- 10-040	AMD	01-07-057	388- 06-0240	NEW-P	01-10-062
314- 42-025	NEW-S	01-06-062	356- 14-067	AMD-C	01-02-089	388- 06-0250	NEW-P	01-10-062
314- 42-030	NEW-S	01-06-062	356- 14-067	AMD	01-07-057	388- 06-0260	NEW-P	01-10-062
314- 42-040	NEW-S	01-06-062	356- 14-075	AMD-C	01-02-089	388- 06-0500	NEW-P	01-10-064
314- 42-045	NEW-S	01-06-062	356- 14-075	AMD	01-07-057	388- 06-0510	NEW-P	01-10-064
314- 42-050	NEW-S	01-06-062	356- 14-085	AMD-C	01-02-089	388- 06-0520	NEW-P	01-10-064
314- 42-060	NEW-S	01-06-062	356- 14-085	AMD	01-07-057	388- 06-0525	NEW-P	01-10-064
314- 42-065	NEW-S	01-06-062	356- 14-110	AMD-C	01-02-089	388- 06-0530	NEW-P	01-10-064
314- 42-070	NEW-S	01-06-062	356- 14-110	AMD	01-07-057	388- 06-0535	NEW-P	01-10-064
314- 42-075	NEW-S	01-06-062	356- 14-120	AMD-C	01-02-089	388- 06-0540	NEW-P	01-10-064
314- 42-080	NEW-S	01-06-062	356- 14-120	AMD	01-07-057	388- 11-011	REP	01-03-089
314- 42-085	NEW-S	01-06-062	356- 15-125	AMD-E	01-04-051	388- 11-015	REP	01-03-089
314- 42-090	NEW-S	01-06-062	356- 15-125	AMD-P	01-04-079	388- 11-045	REP	01-03-089
314- 42-100	NEW-S	01-06-062	356- 15-125	AMD	01-08-005	388- 11-048	REP	01-03-089
314- 42-105	NEW-S	01-06-062	356- 15-140	AMD-C	01-02-089	388- 11-065	REP	01-03-089
314- 70-020	REP	01-06-014	356- 15-140	AMD	01-07-057	388- 11-067	REP	01-03-089

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-14A-4303	NEW	01-03-089	388-14A-8300	NEW	01-03-089	388-25-0080	NEW	01-08-047
388-14A-4304	NEW	01-03-089	388-14A-8400	NEW	01-03-089	388-25-0085	NEW	01-08-047
388-14A-4500	NEW	01-03-089	388-14A-8500	NEW	01-03-089	388-25-0090	NEW	01-08-047
388-14A-4505	NEW	01-03-089	388-15-001	NEW-W	01-07-072	388-25-0095	NEW	01-08-047
388-14A-4510	NEW	01-03-089	388-15-005	NEW-W	01-07-072	388-25-0100	NEW	01-08-047
388-14A-4515	NEW	01-03-089	388-15-009	NEW-W	01-07-072	388-25-0105	NEW	01-08-047
388-14A-4520	NEW	01-03-089	388-15-013	NEW-W	01-07-072	388-25-0110	NEW	01-08-047
388-14A-4525	NEW	01-03-089	388-15-017	NEW-W	01-07-072	388-25-0115	NEW	01-08-047
388-14A-4530	NEW	01-03-089	388-15-021	NEW-W	01-07-072	388-25-0120	NEW	01-08-047
388-14A-4600	NEW	01-03-089	388-15-025	NEW-W	01-07-072	388-25-0125	NEW	01-08-047
388-14A-4605	NEW	01-03-089	388-15-029	NEW-W	01-07-072	388-25-0130	NEW	01-08-047
388-14A-4610	NEW	01-03-089	388-15-033	NEW-W	01-07-072	388-25-0135	NEW	01-08-047
388-14A-4615	NEW	01-03-089	388-15-037	NEW-W	01-07-072	388-25-0140	NEW	01-08-047
388-14A-4620	NEW	01-03-089	388-15-041	NEW-W	01-07-072	388-25-0145	NEW	01-08-047
388-14A-5000	NEW	01-03-089	388-15-045	NEW-W	01-07-072	388-25-0150	NEW	01-08-047
388-14A-5000	PREP	01-09-043	388-15-049	NEW-W	01-07-072	388-25-0155	NEW	01-08-047
388-14A-5001	NEW	01-03-089	388-15-053	NEW-W	01-07-072	388-25-0160	NEW	01-08-047
388-14A-5001	PREP	01-09-043	388-15-057	NEW-W	01-07-072	388-25-0170	NEW	01-08-047
388-14A-5002	NEW	01-03-089	388-15-061	NEW-W	01-07-072	388-25-0175	NEW	01-08-047
388-14A-5002	PREP	01-09-043	388-15-065	NEW-W	01-07-072	388-25-0180	NEW	01-08-047
388-14A-5003	NEW	01-03-089	388-15-069	NEW-W	01-07-072	388-25-0185	NEW	01-08-047
388-14A-5003	PREP	01-09-043	388-15-073	NEW-W	01-07-072	388-25-0190	NEW	01-08-047
388-14A-5004	NEW	01-03-089	388-15-077	NEW-W	01-07-072	388-25-0195	NEW	01-08-047
388-14A-5004	PREP	01-09-043	388-15-081	NEW-W	01-07-072	388-25-0200	NEW	01-08-047
388-14A-5005	NEW	01-03-089	388-15-085	NEW-W	01-07-072	388-25-0205	NEW	01-08-047
388-14A-5005	PREP	01-09-043	388-15-089	NEW-W	01-07-072	388-25-0210	NEW	01-08-047
388-14A-5006	NEW	01-03-089	388-15-093	NEW-W	01-07-072	388-25-0215	NEW	01-08-047
388-14A-5006	PREP	01-09-043	388-15-097	NEW-W	01-07-072	388-25-0220	NEW	01-08-047
388-14A-5007	NEW	01-03-089	388-15-101	NEW-W	01-07-072	388-25-0225	NEW	01-08-047
388-14A-5007	PREP	01-09-043	388-15-105	NEW-W	01-07-072	388-25-0230	NEW	01-08-047
388-14A-5008	NEW	01-03-089	388-15-109	NEW-W	01-07-072	388-25-0235	NEW	01-08-047
388-14A-5050	NEW	01-03-089	388-15-113	NEW-W	01-07-072	388-25-0240	NEW	01-08-047
388-14A-5100	NEW	01-03-089	388-15-117	NEW-W	01-07-072	388-25-0245	NEW	01-08-047
388-14A-5200	NEW	01-03-089	388-15-121	NEW-W	01-07-072	388-25-0250	NEW	01-08-047
388-14A-5300	NEW	01-03-089	388-15-125	NEW-W	01-07-072	388-25-0255	NEW	01-08-047
388-14A-5400	NEW	01-03-089	388-15-129	NEW-W	01-07-072	388-25-0260	NEW	01-08-047
388-14A-5500	NEW	01-03-089	388-15-130	REP-W	01-07-072	388-25-0265	NEW	01-08-047
388-14A-5505	NEW	01-03-089	388-15-131	REP-W	01-07-072	388-25-0270	NEW	01-08-047
388-14A-5510	NEW	01-03-089	388-15-132	REP-W	01-07-072	388-25-0275	NEW	01-08-047
388-14A-5515	NEW	01-03-089	388-15-133	NEW-W	01-07-072	388-25-0280	NEW	01-08-047
388-14A-5520	NEW	01-03-089	388-15-134	REP-W	01-07-072	388-25-0285	NEW	01-08-047
388-14A-5525	NEW	01-03-089	388-15-135	NEW-W	01-07-072	388-25-0290	NEW	01-08-047
388-14A-5530	NEW	01-03-089	388-15-141	NEW-W	01-07-072	388-25-0295	NEW	01-08-047
388-14A-5535	NEW	01-03-089	388-15-150	REP	01-08-047	388-25-0300	NEW	01-08-047
388-14A-5540	NEW	01-03-089	388-15-160	REP	01-08-047	388-25-0305	NEW	01-08-047
388-14A-6000	NEW	01-03-089	388-15-220	REP	01-08-047	388-25-0310	NEW	01-08-047
388-14A-6100	NEW	01-03-089	388-15-570	REP	01-08-047	388-25-0315	NEW	01-08-047
388-14A-6200	NEW	01-03-089	388-25-0005	NEW	01-08-047	388-25-0320	NEW	01-08-047
388-14A-6200	PREP	01-09-041	388-25-0010	NEW	01-08-047	388-25-0325	NEW	01-08-047
388-14A-6300	NEW	01-03-089	388-25-0015	NEW	01-08-047	388-25-0330	NEW	01-08-047
388-14A-6400	NEW	01-03-089	388-25-0020	NEW	01-08-047	388-25-0335	NEW	01-08-047
388-14A-6405	NEW	01-03-089	388-25-0025	NEW	01-08-047	388-25-0340	NEW	01-08-047
388-14A-6410	NEW	01-03-089	388-25-0030	NEW	01-08-047	388-25-0345	NEW	01-08-047
388-14A-6415	NEW	01-03-089	388-25-0035	NEW	01-08-047	388-25-0350	NEW	01-08-047
388-14A-6500	NEW	01-03-089	388-25-0040	NEW	01-08-047	388-25-0355	NEW	01-08-047
388-14A-7100	NEW	01-03-089	388-25-0045	NEW	01-08-047	388-25-0360	NEW	01-08-047
388-14A-7200	NEW	01-03-089	388-25-0050	NEW	01-08-047	388-25-0365	NEW	01-08-047
388-14A-8100	NEW	01-03-089	388-25-0055	NEW	01-08-047	388-25-0370	NEW	01-08-047
388-14A-8105	NEW	01-03-089	388-25-0060	NEW	01-08-047	388-25-0375	NEW	01-08-047
388-14A-8110	NEW	01-03-089	388-25-0065	NEW	01-08-047	388-25-0380	NEW	01-08-047
388-14A-8120	NEW	01-03-089	388-25-0070	NEW	01-08-047	388-25-0385	NEW	01-08-047
388-14A-8200	NEW	01-03-089	388-25-0075	NEW	01-08-047	388-25-0390	NEW	01-08-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-25-0395	NEW	01-08-047	388-27-0250	NEW	01-08-045	388-60-0045	NEW	01-08-046
388-25-0400	NEW	01-08-047	388-27-0255	NEW	01-08-045	388-60-005	REP	01-08-046
388-25-0405	NEW	01-08-047	388-27-0260	NEW	01-08-045	388-60-0055	NEW	01-08-046
388-25-0410	NEW	01-08-047	388-27-0265	NEW	01-08-045	388-60-0065	NEW	01-08-046
388-25-0415	NEW	01-08-047	388-27-0270	NEW	01-08-045	388-60-0075	NEW	01-08-046
388-25-0420	NEW	01-08-047	388-27-0275	NEW	01-08-045	388-60-0085	NEW	01-08-046
388-25-0425	NEW	01-08-047	388-27-0280	NEW	01-08-045	388-60-0095	NEW	01-08-046
388-25-0430	NEW	01-08-047	388-27-0285	NEW	01-08-045	388-60-0105	NEW	01-08-046
388-25-0435	NEW	01-08-047	388-27-0290	NEW	01-08-045	388-60-0115	NEW	01-08-046
388-25-0440	NEW	01-08-047	388-27-0295	NEW	01-08-045	388-60-0125	NEW	01-08-046
388-25-0445	NEW	01-08-047	388-27-0300	NEW	01-08-045	388-60-0135	NEW	01-08-046
388-25-0450	NEW	01-08-047	388-27-0305	NEW	01-08-045	388-60-0145	NEW	01-08-046
388-25-0455	NEW	01-08-047	388-27-0310	NEW	01-08-045	388-60-0155	NEW	01-08-046
388-25-0460	NEW	01-08-047	388-27-0315	NEW	01-08-045	388-60-0165	NEW	01-08-046
388-27-0005	NEW	01-08-047	388-27-0320	NEW	01-08-045	388-60-0175	NEW	01-08-046
388-27-0010	NEW	01-08-047	388-27-0325	NEW	01-08-045	388-60-0185	NEW	01-08-046
388-27-0015	NEW	01-08-047	388-27-0330	NEW	01-08-045	388-60-0195	NEW	01-08-046
388-27-0020	NEW	01-08-047	388-27-0335	NEW	01-08-045	388-60-0205	NEW	01-08-046
388-27-0025	NEW	01-08-047	388-27-0340	NEW	01-08-045	388-60-0215	NEW	01-08-046
388-27-0030	NEW	01-08-047	388-27-0345	NEW	01-08-045	388-60-0225	NEW	01-08-046
388-27-0035	NEW	01-08-047	388-27-0350	NEW	01-08-045	388-60-0235	NEW	01-08-046
388-27-0040	NEW	01-08-047	388-27-0355	NEW	01-08-045	388-60-0245	NEW	01-08-046
388-27-0045	NEW	01-08-047	388-27-0360	NEW	01-08-045	388-60-0255	NEW	01-08-046
388-27-0050	NEW	01-08-047	388-27-0365	NEW	01-08-045	388-60-0265	NEW	01-08-046
388-27-0055	NEW	01-08-047	388-27-0370	NEW	01-08-045	388-60-0275	NEW	01-08-046
388-27-0060	NEW	01-08-047	388-27-0375	NEW	01-08-045	388-60-0285	NEW	01-08-046
388-27-0065	NEW	01-08-047	388-27-0380	NEW	01-08-045	388-60-0295	NEW	01-08-046
388-27-0070	NEW	01-08-047	388-27-0385	NEW	01-08-045	388-60-0305	NEW	01-08-046
388-27-0075	NEW	01-08-047	388-27-0390	NEW	01-08-045	388-60-0315	NEW	01-08-046
388-27-0080	NEW	01-08-047	388-31-010	REP-P	01-04-070	388-60-0325	NEW	01-08-046
388-27-0085	NEW	01-08-047	388-31-010	REP	01-09-023	388-60-0335	NEW	01-08-046
388-27-0090	NEW	01-08-047	388-31-015	REP-P	01-04-070	388-60-0345	NEW	01-08-046
388-27-0100	NEW	01-08-047	388-31-015	REP	01-09-023	388-60-0355	NEW	01-08-046
388-27-0105	NEW	01-08-047	388-31-020	REP-P	01-04-070	388-60-0365	NEW	01-08-046
388-27-0110	NEW	01-08-047	388-31-020	REP	01-09-023	388-60-0375	NEW	01-08-046
388-27-0115	NEW	01-08-047	388-31-025	REP-P	01-04-070	388-60-0385	NEW	01-08-046
388-27-0120	NEW	01-08-045	388-31-025	REP	01-09-023	388-60-0395	NEW	01-08-046
388-27-0125	NEW	01-08-045	388-31-030	REP-P	01-04-070	388-60-0405	NEW	01-08-046
388-27-0130	NEW	01-08-045	388-31-030	REP	01-09-023	388-60-0415	NEW	01-08-046
388-27-0135	NEW	01-08-045	388-31-035	REP-P	01-04-070	388-60-0425	NEW	01-08-046
388-27-0140	NEW	01-08-045	388-31-035	REP	01-09-023	388-60-0435	NEW	01-08-046
388-27-0145	NEW	01-08-045	388-32-0005	NEW	01-08-047	388-60-0445	NEW	01-08-046
388-27-0150	NEW	01-08-045	388-32-0010	NEW	01-08-047	388-60-0455	NEW	01-08-046
388-27-0155	NEW	01-08-045	388-32-0015	NEW	01-08-047	388-60-0465	NEW	01-08-046
388-27-0160	NEW	01-08-045	388-32-0020	NEW	01-08-047	388-60-0475	NEW	01-08-046
388-27-0165	NEW	01-08-045	388-32-0025	NEW	01-08-047	388-60-0485	NEW	01-08-046
388-27-0170	NEW	01-08-045	388-32-0030	NEW	01-08-047	388-60-0495	NEW	01-08-046
388-27-0175	NEW	01-08-045	388-39A-010	NEW	01-06-041	388-60-0505	NEW	01-08-046
388-27-0180	NEW	01-08-045	388-39A-030	NEW	01-06-041	388-60-0515	NEW	01-08-046
388-27-0185	NEW	01-08-045	388-39A-035	NEW	01-06-041	388-60-0525	NEW	01-08-046
388-27-0190	NEW	01-08-045	388-39A-040	NEW	01-06-041	388-60-0535	NEW	01-08-046
388-27-0195	NEW	01-08-045	388-39A-045	NEW	01-06-041	388-60-0545	NEW	01-08-046
388-27-0200	NEW	01-08-045	388-39A-050	NEW	01-06-041	388-60-0555	NEW	01-08-046
388-27-0205	NEW	01-08-045	388-39A-055	NEW	01-06-041	388-60-0565	NEW	01-08-046
388-27-0210	NEW	01-08-045	388-39A-060	NEW	01-06-041	388-60-0575	NEW	01-08-046
388-27-0215	NEW	01-08-045	388-46-010	REP	01-06-044	388-60-0585	NEW	01-08-046
388-27-0220	NEW	01-08-045	388-46-100	REP	01-06-044	388-60-0595	NEW	01-08-046
388-27-0225	NEW	01-08-045	388-46-110	REP	01-06-044	388-60-0605	NEW	01-08-046
388-27-0230	NEW	01-08-045	388-46-120	REP	01-06-044	388-60-0615	NEW	01-08-046
388-27-0235	NEW	01-08-045	388-60-0015	NEW	01-08-046	388-60-0625	NEW	01-08-046
388-27-0240	NEW	01-08-045	388-60-0025	NEW	01-08-046	388-60-0635	NEW	01-08-046
388-27-0245	NEW	01-08-045	388-60-0035	NEW	01-08-046	388-60-0645	NEW	01-08-046

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 73-103	REP-W	01-08-064	388- 73-395	REP-W	01-08-064	388- 96-723	AMD-P	01-06-057
388- 73-104	REP-W	01-08-064	388- 73-500	REP-W	01-08-064	388- 96-732	NEW-P	01-06-057
388- 73-106	REP-W	01-08-064	388- 73-502	REP-W	01-08-064	388- 96-740	AMD-P	01-06-057
388- 73-108	REP-W	01-08-064	388- 73-504	REP-W	01-08-064	388- 96-776	AMD-P	01-06-057
388- 73-110	REP-W	01-08-064	388- 73-506	REP-W	01-08-064	388- 96-777	AMD-P	01-06-057
388- 73-112	REP-W	01-08-064	388- 73-508	REP-W	01-08-064	388- 96-780	AMD-P	01-06-057
388- 73-114	REP-W	01-08-064	388- 73-510	REP-W	01-08-064	388- 96-802	NEW-P	01-06-057
388- 73-116	REP-W	01-08-064	388- 73-512	REP-W	01-08-064	388- 96-803	NEW-P	01-06-057
388- 73-118	REP-W	01-08-064	388- 73-600	REP-W	01-08-064	388- 96-901	AMD-P	01-06-057
388- 73-120	REP-W	01-08-064	388- 73-602	REP-W	01-08-064	388-105-0005	NEW-P	01-10-103
388- 73-122	REP-W	01-08-064	388- 73-604	REP-W	01-08-064	388-105-0010	NEW-P	01-10-103
388- 73-124	REP-W	01-08-064	388- 73-606	REP-W	01-08-064	388-105-0015	NEW-P	01-10-103
388- 73-126	REP-W	01-08-064	388- 73-610	REP-W	01-08-064	388-105-0020	NEW-P	01-10-103
388- 73-128	REP-W	01-08-064	388- 73-700	REP-W	01-08-064	388-105-0025	NEW-P	01-10-103
388- 73-130	REP-W	01-08-064	388- 73-702	REP-W	01-08-064	388-146-0010	NEW-W	01-07-071
388- 73-132	REP-W	01-08-064	388- 73-704	REP-W	01-08-064	388-146-0020	NEW-W	01-07-071
388- 73-134	REP-W	01-08-064	388- 73-706	REP-W	01-08-064	388-146-0030	NEW-W	01-07-071
388- 73-136	REP-W	01-08-064	388- 73-708	REP-W	01-08-064	388-146-0040	NEW-W	01-07-071
388- 73-138	REP-W	01-08-064	388- 73-710	REP-W	01-08-064	388-146-0045	NEW-W	01-07-071
388- 73-140	REP-W	01-08-064	388- 73-712	REP-W	01-08-064	388-146-0050	NEW-W	01-07-071
388- 73-142	REP-W	01-08-064	388- 73-714	REP-W	01-08-064	388-146-0060	NEW-W	01-07-071
388- 73-143	REP-W	01-08-064	388- 73-718	REP-W	01-08-064	388-146-0070	NEW-W	01-07-071
388- 73-144	REP-W	01-08-064	388- 73-720	REP-W	01-08-064	388-146-0080	NEW-W	01-07-071
388- 73-146	REP-W	01-08-064	388- 73-722	REP-W	01-08-064	388-146-0090	NEW-W	01-07-071
388- 73-200	REP-W	01-08-064	388- 73-800	REP-W	01-08-064	388-146-0100	NEW-W	01-07-071
388- 73-202	REP-W	01-08-064	388- 73-802	REP-W	01-08-064	388-146-0110	NEW-W	01-07-071
388- 73-204	REP-W	01-08-064	388- 73-803	REP-W	01-08-064	388-146-0120	NEW-W	01-07-071
388- 73-206	REP-W	01-08-064	388- 73-804	REP-W	01-08-064	388-146-0130	NEW-W	01-07-071
388- 73-208	REP-W	01-08-064	388- 73-805	REP-W	01-08-064	388-146-0140	NEW-W	01-07-071
388- 73-210	REP-W	01-08-064	388- 73-810	REP-W	01-08-064	388-146-0150	NEW-W	01-07-071
388- 73-212	REP-W	01-08-064	388- 73-815	REP-W	01-08-064	388-146-0160	NEW-W	01-07-071
388- 73-213	REP-W	01-08-064	388- 73-820	REP-W	01-08-064	388-146-0170	NEW-W	01-07-071
388- 73-214	REP-W	01-08-064	388- 73-821	REP-W	01-08-064	388-146-0180	NEW-W	01-07-071
388- 73-216	REP-W	01-08-064	388- 73-822	REP-W	01-08-064	388-146-0190	NEW-W	01-07-071
388- 73-300	REP-W	01-08-064	388- 73-823	REP-W	01-08-064	388-146-0200	NEW-W	01-07-071
388- 73-302	REP-W	01-08-064	388- 73-825	REP-W	01-08-064	388-146-0210	NEW-W	01-07-071
388- 73-304	REP-W	01-08-064	388- 73-900	REP-W	01-08-064	388-146-0220	NEW-W	01-07-071
388- 73-306	REP-W	01-08-064	388- 73-901	REP-W	01-08-064	388-148-0005	NEW-W	01-08-064
388- 73-308	REP-W	01-08-064	388- 73-902	REP-W	01-08-064	388-148-0010	NEW-W	01-08-064
388- 73-310	REP-W	01-08-064	388- 73-904	REP-W	01-08-064	388-148-0015	NEW-W	01-08-064
388- 73-312	REP-W	01-08-064	388- 74-010	REP	01-06-041	388-148-0020	NEW-W	01-08-064
388- 73-351	REP-W	01-08-064	388- 74-030	REP	01-06-041	388-148-0025	NEW-W	01-08-064
388- 73-353	REP-W	01-08-064	388- 86-071	REP	01-05-040	388-148-0030	NEW-W	01-08-064
388- 73-355	REP-W	01-08-064	388- 86-085	REP	01-06-029	388-148-0035	NEW-W	01-08-064
388- 73-357	REP-W	01-08-064	388- 86-086	REP	01-03-084	388-148-0040	NEW-W	01-08-064
388- 73-361	REP-W	01-08-064	388- 86-100	REP-W	01-03-001	388-148-0045	NEW-W	01-08-064
388- 73-363	REP-W	01-08-064	388- 86-100	REP	01-06-028	388-148-0050	NEW-W	01-08-064
388- 73-365	REP-W	01-08-064	388- 87-027	REP	01-06-032	388-148-0055	NEW-W	01-08-064
388- 73-367	REP-W	01-08-064	388- 87-035	REP	01-06-029	388-148-0060	NEW-W	01-08-064
388- 73-369	REP-W	01-08-064	388- 87-036	REP	01-03-084	388-148-0065	NEW-W	01-08-064
388- 73-371	REP-W	01-08-064	388- 87-060	REP	01-06-033	388-148-0070	NEW-W	01-08-064
388- 73-373	REP-W	01-08-064	388- 96-010	AMD-P	01-06-057	388-148-0075	NEW-W	01-08-064
388- 73-375	REP-W	01-08-064	388- 96-218	AMD-P	01-06-057	388-148-0080	NEW-W	01-08-064
388- 73-377	REP-W	01-08-064	388- 96-310	AMD-P	01-06-057	388-148-0085	NEW-W	01-08-064
388- 73-379	REP-W	01-08-064	388- 96-369	AMD-P	01-06-057	388-148-0090	NEW-W	01-08-064
388- 73-381	REP-W	01-08-064	388- 96-384	AMD-P	01-06-057	388-148-0095	NEW-W	01-08-064
388- 73-383	REP-W	01-08-064	388- 96-559	AMD-P	01-06-057	388-148-0100	NEW-W	01-08-064
388- 73-385	REP-W	01-08-064	388- 96-708	AMD-P	01-06-057	388-148-0105	NEW-W	01-08-064
388- 73-387	REP-W	01-08-064	388- 96-709	AMD-P	01-06-057	388-148-0110	NEW-W	01-08-064
388- 73-389	REP-W	01-08-064	388- 96-710	AMD-P	01-06-057	388-148-0115	NEW-W	01-08-064
388- 73-391	REP-W	01-08-064	388- 96-713	AMD-P	01-06-057	388-148-0120	NEW-W	01-08-064
388- 73-393	REP-W	01-08-064	388- 96-714	AMD-P	01-06-057	388-148-0125	NEW-W	01-08-064

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388-160-0645	NEW-P	01-10-063	388-160-370	REP-P	01-10-063	388-310-1300	AMD-E	01-05-007
388-160-0655	NEW-P	01-10-063	388-160-380	REP-W	01-07-070	388-310-2000	NEW	01-03-042
388-160-0665	NEW-P	01-10-063	388-160-380	REP-P	01-10-063	388-330-010	REP-W	01-07-071
388-160-070	REP-W	01-07-070	388-160-390	REP-W	01-07-070	388-330-010	REP-P	01-10-062
388-160-070	REP-P	01-10-063	388-160-390	REP-P	01-10-063	388-330-020	REP-W	01-07-071
388-160-080	REP-W	01-07-070	388-160-400	REP-W	01-07-070	388-330-020	REP-P	01-10-062
388-160-080	REP-P	01-10-063	388-160-400	REP-P	01-10-063	388-330-030	REP-W	01-07-071
388-160-090	REP-W	01-07-070	388-160-410	REP-W	01-07-070	388-330-030	REP-P	01-10-062
388-160-090	REP-P	01-10-063	388-160-410	REP-P	01-10-063	388-330-035	REP-W	01-07-071
388-160-100	REP-W	01-07-070	388-160-420	REP-W	01-07-070	388-330-035	REP-P	01-10-062
388-160-100	REP-P	01-10-063	388-160-420	REP-P	01-10-063	388-330-040	REP-W	01-07-071
388-160-110	REP-W	01-07-070	388-160-430	REP-W	01-07-070	388-330-040	REP-P	01-10-062
388-160-110	REP-P	01-10-063	388-160-430	REP-P	01-10-063	388-330-050	REP-W	01-07-071
388-160-120	REP-W	01-07-070	388-160-440	REP-W	01-07-070	388-330-050	REP-P	01-10-062
388-160-120	REP-P	01-10-063	388-160-440	REP-P	01-10-063	388-330-060	REP-W	01-07-071
388-160-130	REP-W	01-07-070	388-160-460	REP-W	01-07-070	388-330-060	REP-P	01-10-062
388-160-130	REP-P	01-10-063	388-160-460	REP-P	01-10-063	388-400-0005	AMD	01-03-121
388-160-140	REP-W	01-07-070	388-160-470	REP-W	01-07-070	388-400-0015	REP	01-03-121
388-160-140	REP-P	01-10-063	388-160-470	REP-P	01-10-063	388-400-0020	REP-P	01-03-120
388-160-150	REP-W	01-07-070	388-160-480	REP-W	01-07-070	388-400-0020	REP	01-07-001
388-160-150	REP-P	01-10-063	388-160-480	REP-P	01-10-063	388-400-0030	AMD-P	01-03-040
388-160-160	REP-W	01-07-070	388-160-490	REP-W	01-07-070	388-400-0030	AMD-E	01-03-041
388-160-160	REP-P	01-10-063	388-160-490	REP-P	01-10-063	388-400-0030	AMD	01-06-031
388-160-170	REP-W	01-07-070	388-160-500	REP-W	01-07-070	388-400-0035	AMD-P	01-10-066
388-160-170	REP-P	01-10-063	388-160-500	REP-P	01-10-063	388-400-0035	AMD-E	01-10-067
388-160-180	REP-W	01-07-070	388-160-510	REP-W	01-07-070	388-404-0005	AMD	01-03-121
388-160-180	REP-P	01-10-063	388-160-510	REP-P	01-10-063	388-406	PREP	01-06-027
388-160-190	REP-W	01-07-070	388-160-520	REP-W	01-07-070	388-408-0005	AMD	01-03-121
388-160-190	REP-P	01-10-063	388-160-520	REP-P	01-10-063	388-408-0010	AMD	01-03-121
388-160-200	REP-W	01-07-070	388-160-530	REP-W	01-07-070	388-408-0015	AMD	01-03-121
388-160-200	REP-P	01-10-063	388-160-530	REP-P	01-10-063	388-408-0020	AMD	01-03-121
388-160-210	REP-W	01-07-070	388-160-540	REP-W	01-07-070	388-408-0025	AMD	01-03-121
388-160-210	REP-P	01-10-063	388-160-540	REP-P	01-10-063	388-408-0030	AMD	01-03-121
388-160-220	REP-W	01-07-070	388-160-550	REP-W	01-07-070	388-414	PREP	01-06-027
388-160-220	REP-P	01-10-063	388-160-550	REP-P	01-10-063	388-414-0001	AMD-P	01-04-074
388-160-230	REP-W	01-07-070	388-160-560	REP-W	01-07-070	388-414-0001	AMD	01-07-054
388-160-230	REP-P	01-10-063	388-160-560	REP-P	01-10-063	388-416	PREP	01-06-027
388-160-240	REP-W	01-07-070	388-200-1050	REP-P	01-07-051	388-416-0005	AMD-P	01-08-058
388-160-240	REP-P	01-10-063	388-200-1050	REP	01-10-104	388-418	PREP	01-06-027
388-160-250	REP-W	01-07-070	388-200-1300	REP-P	01-07-051	388-418-0005	AMD-S	01-08-059
388-160-250	REP-P	01-10-063	388-200-1300	REP	01-10-104	388-418-0007	NEW-S	01-08-059
388-160-260	REP-W	01-07-070	388-200-1350	REP-P	01-07-051	388-432-0005	NEW	01-03-066
388-160-260	REP-P	01-10-063	388-200-1350	REP	01-10-104	388-434	PREP	01-06-027
388-160-270	REP-W	01-07-070	388-222-001	REP	01-03-066	388-438	PREP	01-07-018
388-160-270	REP-P	01-10-063	388-222-010	REP	01-03-066	388-438-0110	AMD	01-05-041
388-160-280	REP-W	01-07-070	388-222-020	REP	01-03-066	388-444-0075	AMD	01-05-006
388-160-280	REP-P	01-10-063	388-273-0010	NEW-P	01-04-070	388-448	PREP	01-04-069
388-160-290	REP-W	01-07-070	388-273-0010	NEW	01-09-023	388-450	PREP	01-06-027
388-160-290	REP-P	01-10-063	388-273-0020	NEW-P	01-04-070	388-450-0125	REP-P	01-08-044
388-160-300	REP-W	01-07-070	388-273-0020	NEW	01-09-023	388-450-0190	AMD-P	01-03-038
388-160-300	REP-P	01-10-063	388-273-0025	NEW-P	01-04-070	388-450-0190	AMD-E	01-03-039
388-160-310	REP-W	01-07-070	388-273-0025	NEW	01-09-023	388-450-0190	AMD	01-06-030
388-160-310	REP-P	01-10-063	388-273-0030	NEW-P	01-04-070	388-452	PREP	01-06-027
388-160-320	REP-W	01-07-070	388-273-0030	NEW	01-09-023	388-452-0005	AMD-P	01-10-065
388-160-320	REP-P	01-10-063	388-273-0035	NEW-P	01-04-070	388-454	PREP	01-08-029
388-160-340	REP-W	01-07-070	388-273-0035	NEW	01-09-023	388-454-0005	AMD	01-03-121
388-160-340	REP-P	01-10-063	388-310-0900	AMD-P	01-03-060	388-454-0006	NEW-E	01-06-025
388-160-350	REP-W	01-07-070	388-310-0900	AMD-E	01-03-132	388-454-0010	AMD	01-03-121
388-160-350	REP-P	01-10-063	388-310-1000	AMD-P	01-03-060	388-468-0005	PREP	01-08-028
388-160-360	REP-W	01-07-070	388-310-1000	AMD-E	01-03-132	388-470	PREP	01-06-027
388-160-360	REP-P	01-10-063	388-310-1050	AMD-P	01-03-060	388-470-0075	AMD-W	01-09-073
388-160-370	REP-W	01-07-070	388-310-1050	AMD-E	01-03-132	388-472-0005	PREP	01-03-119

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-472-0005	AMD-P	01-07-051	388-544	PREP	01-07-018	388-820-025	REP-XR	01-10-061
388-472-0005	AMD	01-10-104	388-546-0001	NEW	01-03-084	388-820-030	AMD-P	01-09-081
388-472-0010	NEW-P	01-07-051	388-546-0100	NEW	01-03-084	388-820-035	REP-XR	01-10-061
388-472-0010	NEW	01-10-104	388-546-0150	NEW	01-03-084	388-820-040	AMD-P	01-09-081
388-472-0020	NEW-P	01-07-051	388-546-0200	NEW	01-03-084	388-820-045	REP-XR	01-10-061
388-472-0020	NEW	01-10-104	388-546-0250	NEW	01-03-084	388-820-050	AMD-P	01-09-081
388-472-0030	NEW-P	01-07-051	388-546-0300	NEW	01-03-084	388-820-055	REP-XR	01-10-061
388-472-0030	NEW	01-10-104	388-546-0400	NEW	01-03-084	388-820-060	AMD-P	01-09-081
388-472-0040	NEW-P	01-07-051	388-546-0450	NEW	01-03-084	388-820-065	REP-XR	01-10-061
388-472-0040	NEW	01-10-104	388-546-0500	NEW	01-03-084	388-820-070	AMD-P	01-09-081
388-472-0050	NEW-P	01-07-051	388-546-0600	NEW	01-03-084	388-820-075	REP-XR	01-10-061
388-472-0050	NEW	01-10-104	388-546-0700	NEW	01-03-084	388-820-080	AMD-P	01-09-081
388-474-0001	AMD	01-06-042	388-546-0800	NEW	01-03-084	388-820-085	REP-XR	01-10-061
388-478-0015	AMD-P	01-08-044	388-546-1000	NEW	01-03-084	388-820-090	AMD-P	01-09-081
388-478-0055	AMD-P	01-04-068	388-546-5000	NEW	01-06-029	388-820-095	REP-XR	01-10-061
388-478-0055	AMD	01-08-015	388-546-5100	NEW	01-06-029	388-820-100	AMD-P	01-09-081
388-478-0056	REP-P	01-04-068	388-546-5200	NEW	01-06-029	388-820-105	REP-XR	01-10-061
388-478-0056	REP	01-08-015	388-546-5300	NEW	01-06-029	388-820-110	AMD-P	01-09-081
388-478-0065	PREP	01-08-027	388-546-5400	NEW	01-06-029	388-820-115	REP-XR	01-10-061
388-478-0065	AMD-E	01-08-032	388-546-5500	NEW	01-06-029	388-820-120	AMD-P	01-09-081
388-478-0070	AMD-P	01-09-068	388-550-1050	AMD-P	01-09-070	388-820-125	REP-XR	01-10-061
388-478-0070	AMD-E	01-09-069	388-550-1100	AMD-P	01-09-070	388-820-130	AMD-P	01-09-081
388-478-0075	PREP	01-08-027	388-550-2700	REP-P	01-09-070	388-820-140	NEW-P	01-09-081
388-478-0075	AMD-E	01-08-032	388-550-2800	AMD-P	01-09-070	388-820-150	NEW-P	01-09-081
388-478-0080	AMD-P	01-09-068	388-550-2900	AMD-P	01-09-070	388-820-160	NEW-P	01-09-081
388-478-0080	AMD-E	01-09-069	388-550-3300	AMD-P	01-09-070	388-820-170	NEW-P	01-09-081
388-478-0085	PREP	01-08-027	388-550-3600	AMD-P	01-09-070	388-820-180	NEW-P	01-09-081
388-478-0085	AMD-E	01-08-032	388-550-3700	AMD-P	01-09-070	388-820-190	NEW-P	01-09-081
388-484-0005	AMD	01-04-016	388-550-3800	AMD-P	01-09-070	388-820-200	NEW-P	01-09-081
388-484-0010	NEW	01-04-016	388-550-4300	AMD-P	01-09-070	388-820-210	NEW-P	01-09-081
388-488	PREP	01-03-024	388-550-4400	AMD-P	01-09-070	388-820-220	NEW-P	01-09-081
388-490	PREP	01-06-027	388-550-4500	AMD-P	01-09-070	388-820-230	NEW-P	01-09-081
388-501-0300	AMD-P	01-09-037	388-550-4800	AMD-P	01-09-070	388-820-240	NEW-P	01-09-081
388-502-0010	AMD	01-07-076	388-551	PREP	01-03-095	388-820-250	NEW-P	01-09-081
388-502-0020	AMD	01-07-076	388-551	PREP	01-03-096	388-820-260	NEW-P	01-09-081
388-502-0160	AMD	01-05-100	388-551-3000	NEW	01-05-040	388-820-270	NEW-P	01-09-081
388-502-0160	PREP	01-10-060	388-561-0001	NEW	01-06-043	388-820-280	NEW-P	01-09-081
388-505-0210	AMD-P	01-07-012	388-561-0100	NEW	01-06-043	388-820-290	NEW-P	01-09-081
388-505-0220	AMD-P	01-07-012	388-561-0200	NEW	01-06-043	388-820-300	NEW-P	01-09-081
388-505-0595	REP	01-06-043	388-561-0300	NEW	01-06-043	388-820-310	NEW-P	01-09-081
388-512-1210	REP-W	01-06-046	388-815-005	REP-XR	01-07-019	388-820-320	NEW-P	01-09-081
388-512-1215	REP	01-06-042	388-815-010	REP-XR	01-07-019	388-820-330	NEW-P	01-09-081
388-512-1220	REP	01-06-042	388-815-020	REP-XR	01-07-019	388-820-340	NEW-P	01-09-081
388-512-1225	REP	01-06-042	388-815-030	REP-XR	01-07-019	388-820-350	NEW-P	01-09-081
388-512-1230	REP	01-06-042	388-815-100	REP-XR	01-07-019	388-820-360	NEW-P	01-09-081
388-512-1235	REP	01-06-042	388-815-110	REP-XR	01-07-019	388-820-370	NEW-P	01-09-081
388-512-1240	REP	01-06-042	388-815-120	REP-XR	01-07-019	388-820-380	NEW-P	01-09-081
388-512-1245	REP	01-06-042	388-815-130	REP-XR	01-07-019	388-820-390	NEW-P	01-09-081
388-512-1250	REP	01-06-042	388-815-140	REP-XR	01-07-019	388-820-400	NEW-P	01-09-081
388-512-1255	REP	01-06-042	388-815-160	REP-XR	01-07-019	388-820-410	NEW-P	01-09-081
388-512-1260	REP	01-06-042	388-815-200	REP-XR	01-07-019	388-820-420	NEW-P	01-09-081
388-512-1265	REP	01-06-042	388-815-205	REP-XR	01-07-019	388-820-430	NEW-P	01-09-081
388-512-1275	REP	01-06-042	388-815-210	REP-XR	01-07-019	388-820-440	NEW-P	01-09-081
388-517-0400	NEW	01-06-033	388-815-215	REP-XR	01-07-019	388-820-450	NEW-P	01-09-081
388-535	PREP	01-07-018	388-815-220	REP-XR	01-07-019	388-820-460	NEW-P	01-09-081
388-535-1230	AMD-P	01-03-154	388-815-230	REP-XR	01-07-019	388-820-470	NEW-P	01-09-081
388-535-1230	AMD	01-07-077	388-815-240	REP-XR	01-07-019	388-820-480	NEW-P	01-09-081
388-538	PREP	01-07-008	388-815-250	REP-XR	01-07-019	388-820-490	NEW-P	01-09-081
388-538-067	PREP	01-10-059	388-820-005	REP-XR	01-10-061	388-820-500	NEW-P	01-09-081
388-538-068	PREP	01-10-059	388-820-010	AMD-P	01-09-081	388-820-510	NEW-P	01-09-081
388-543-1150	PREP	01-05-027	388-820-015	REP-XR	01-10-061	388-820-520	NEW-P	01-09-081
388-543-2800	PREP	01-05-027	388-820-020	AMD-P	01-09-081	388-820-530	NEW-P	01-09-081

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388-820-550	NEW-P	01-09-081	388-835-0105	NEW	01-10-013	388-835-0390	NEW	01-10-013
388-820-560	NEW-P	01-09-081	388-835-0110	NEW	01-10-013	388-835-0395	NEW	01-10-013
388-820-570	NEW-P	01-09-081	388-835-0115	NEW	01-10-013	388-835-040	REP	01-10-013
388-820-580	NEW-P	01-09-081	388-835-0120	NEW	01-10-013	388-835-0400	NEW	01-10-013
388-820-590	NEW-P	01-09-081	388-835-0125	NEW	01-10-013	388-835-0405	NEW	01-10-013
388-820-600	NEW-P	01-09-081	388-835-0130	NEW	01-10-013	388-835-0410	NEW	01-10-013
388-820-610	NEW-P	01-09-081	388-835-0135	NEW	01-10-013	388-835-0415	NEW	01-10-013
388-820-620	NEW-P	01-09-081	388-835-0140	NEW	01-10-013	388-835-0420	NEW	01-10-013
388-820-630	NEW-P	01-09-081	388-835-0145	NEW	01-10-013	388-835-0425	NEW	01-10-013
388-820-640	NEW-P	01-09-081	388-835-015	REP	01-10-013	388-835-0430	NEW	01-10-013
388-820-650	NEW-P	01-09-081	388-835-0150	NEW	01-10-013	388-835-0435	NEW	01-10-013
388-820-660	NEW-P	01-09-081	388-835-0155	NEW	01-10-013	388-835-0440	NEW	01-10-013
388-820-670	NEW-P	01-09-081	388-835-0160	NEW	01-10-013	388-835-0445	NEW	01-10-013
388-820-680	NEW-P	01-09-081	388-835-0165	NEW	01-10-013	388-835-045	REP	01-10-013
388-820-690	NEW-P	01-09-081	388-835-0170	NEW	01-10-013	388-835-0450	NEW	01-10-013
388-820-700	NEW-P	01-09-081	388-835-0175	NEW	01-10-013	388-835-0455	NEW	01-10-013
388-820-710	NEW-P	01-09-081	388-835-0180	NEW	01-10-013	388-835-0460	NEW	01-10-013
388-820-720	NEW-P	01-09-081	388-835-0185	NEW	01-10-013	388-835-0465	NEW	01-10-013
388-820-730	NEW-P	01-09-081	388-835-0190	NEW	01-10-013	388-835-0470	NEW	01-10-013
388-820-740	NEW-P	01-09-081	388-835-0195	NEW	01-10-013	388-835-0475	NEW	01-10-013
388-820-750	NEW-P	01-09-081	388-835-020	REP	01-10-013	388-835-0480	NEW	01-10-013
388-820-760	NEW-P	01-09-081	388-835-0200	NEW	01-10-013	388-835-0485	NEW	01-10-013
388-820-770	NEW-P	01-09-081	388-835-0205	NEW	01-10-013	388-835-0490	NEW	01-10-013
388-820-780	NEW-P	01-09-081	388-835-0210	NEW	01-10-013	388-835-0495	NEW	01-10-013
388-820-790	NEW-P	01-09-081	388-835-0215	NEW	01-10-013	388-835-050	REP	01-10-013
388-820-800	NEW-P	01-09-081	388-835-0220	NEW	01-10-013	388-835-0500	NEW	01-10-013
388-820-810	NEW-P	01-09-081	388-835-0225	NEW	01-10-013	388-835-0505	NEW	01-10-013
388-820-820	NEW-P	01-09-081	388-835-0230	NEW	01-10-013	388-835-0510	NEW	01-10-013
388-820-830	NEW-P	01-09-081	388-835-0235	NEW	01-10-013	388-835-0515	NEW	01-10-013
388-820-840	NEW-P	01-09-081	388-835-0240	NEW	01-10-013	388-835-0520	NEW	01-10-013
388-820-850	NEW-P	01-09-081	388-835-0245	NEW	01-10-013	388-835-0525	NEW	01-10-013
388-820-860	NEW-P	01-09-081	388-835-025	REP	01-10-013	388-835-0530	NEW	01-10-013
388-820-870	NEW-P	01-09-081	388-835-0250	NEW	01-10-013	388-835-0535	NEW	01-10-013
388-820-880	NEW-P	01-09-081	388-835-0255	NEW	01-10-013	388-835-0540	NEW	01-10-013
388-820-890	NEW-P	01-09-081	388-835-0260	NEW	01-10-013	388-835-0545	NEW	01-10-013
388-820-900	NEW-P	01-09-081	388-835-0265	NEW	01-10-013	388-835-055	REP	01-10-013
388-820-910	NEW-P	01-09-081	388-835-0270	NEW	01-10-013	388-835-0550	NEW	01-10-013
388-820-920	NEW-P	01-09-081	388-835-0275	NEW	01-10-013	388-835-0555	NEW	01-10-013
388-820-930	NEW-P	01-09-081	388-835-0280	NEW	01-10-013	388-835-0560	NEW	01-10-013
388-825-020	PREP	01-03-059	388-835-0285	NEW	01-10-013	388-835-0565	NEW	01-10-013
388-825-205	PREP	01-03-059	388-835-0290	NEW	01-10-013	388-835-0570	NEW	01-10-013
388-835-0005	NEW	01-10-013	388-835-0295	NEW	01-10-013	388-835-0575	NEW	01-10-013
388-835-0010	NEW	01-10-013	388-835-030	REP	01-10-013	388-835-0580	NEW	01-10-013
388-835-0015	NEW	01-10-013	388-835-0300	NEW	01-10-013	388-835-0585	NEW	01-10-013
388-835-0020	NEW	01-10-013	388-835-0305	NEW	01-10-013	388-835-0590	NEW	01-10-013
388-835-0025	NEW	01-10-013	388-835-0310	NEW	01-10-013	388-835-0595	NEW	01-10-013
388-835-0030	NEW	01-10-013	388-835-0315	NEW	01-10-013	388-835-060	REP	01-10-013
388-835-0035	NEW	01-10-013	388-835-0320	NEW	01-10-013	388-835-0600	NEW	01-10-013
388-835-0040	NEW	01-10-013	388-835-0325	NEW	01-10-013	388-835-0605	NEW	01-10-013
388-835-0045	NEW	01-10-013	388-835-0330	NEW	01-10-013	388-835-0610	NEW	01-10-013
388-835-0050	NEW	01-10-013	388-835-0335	NEW	01-10-013	388-835-0615	NEW	01-10-013
388-835-0055	NEW	01-10-013	388-835-0340	NEW	01-10-013	388-835-0620	NEW	01-10-013
388-835-0060	NEW	01-10-013	388-835-0345	NEW	01-10-013	388-835-0625	NEW	01-10-013
388-835-0065	NEW	01-10-013	388-835-035	REP	01-10-013	388-835-0630	NEW	01-10-013
388-835-0070	NEW	01-10-013	388-835-0350	NEW	01-10-013	388-835-0635	NEW	01-10-013
388-835-0075	NEW	01-10-013	388-835-0355	NEW	01-10-013	388-835-0640	NEW	01-10-013
388-835-0080	NEW	01-10-013	388-835-0360	NEW	01-10-013	388-835-0645	NEW	01-10-013
388-835-0085	NEW	01-10-013	388-835-0365	NEW	01-10-013	388-835-065	REP	01-10-013
388-835-0090	NEW	01-10-013	388-835-0370	NEW	01-10-013	388-835-0650	NEW	01-10-013
388-835-0095	NEW	01-10-013	388-835-0375	NEW	01-10-013	388-835-0655	NEW	01-10-013
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388-865-0546	NEW-P	01-07-116	391- 25-430	AMD-P	01-10-112	415- 02-030	PREP	01-05-074
388-865-0550	NEW-P	01-07-116	391- 25-450	AMD-P	01-10-112	415- 02-060	AMD-P	01-05-096
388-865-0555	NEW-P	01-07-116	391- 25-470	AMD-P	01-10-112	415- 02-060	AMD	01-08-043
388-865-0557	NEW-P	01-07-116	391- 25-490	AMD-P	01-10-112	415-100-055	PREP	01-05-094
388-865-0560	NEW-P	01-07-116	391- 25-510	AMD-P	01-10-112	415-100-055	AMD-P	01-10-081
388-865-0565	NEW-P	01-07-116	391- 25-610	AMD-P	01-10-112	415-103	PREP	01-06-048
388-865-0600	NEW-P	01-07-116	391- 25-650	AMD-P	01-10-112	415-103	AMD-P	01-10-082
388-865-0610	NEW-P	01-07-116	391- 35	PREP	01-04-073	415-103-010	NEW-P	01-10-082
388-865-0620	NEW-P	01-07-116	391- 35-001	AMD-P	01-10-112	415-103-215	AMD-P	01-10-082
388-865-0630	NEW-P	01-07-116	391- 35-002	AMD-P	01-10-112	415-104-215	AMD-P	01-07-079
388-865-0640	NEW-P	01-07-116	391- 35-020	AMD-P	01-10-112	415-104-215	AMD	01-10-045
390- 16-011	PREP	01-03-164	391- 35-030	AMD-P	01-10-112	415-108-326	AMD-P	01-07-079
390- 16-011	AMD-P	01-07-105	391- 35-050	AMD-P	01-10-112	415-108-326	AMD	01-10-045
390- 16-011	AMD	01-10-049	391- 35-080	REP-P	01-10-112	415-108-467	AMD-P	01-05-077
390- 16-012	PREP	01-03-163	391- 35-090	AMD-P	01-10-112	415-108-467	AMD	01-08-057
390- 16-012	AMD-P	01-07-110	391- 35-099	AMD-P	01-10-112	415-108-710	PREP	01-09-058
390- 16-012	AMD	01-10-054	391- 35-110	AMD-P	01-10-112	415-110-326	AMD-P	01-07-079
390- 16-041	PREP	01-07-111	391- 35-170	AMD-P	01-10-112	415-110-326	AMD	01-10-045
390- 16-105	PREP	01-03-161	391- 35-190	AMD-P	01-10-112	415-110-467	AMD-P	01-05-077
390- 16-105	AMD-P	01-07-106	391- 35-320	NEW-P	01-10-112	415-110-467	AMD	01-08-057
390- 16-105	AMD	01-10-050	391- 35-330	NEW-P	01-10-112	415-110-710	PREP	01-09-058
390- 16-111	PREP	01-03-159	391- 35-340	NEW-P	01-10-112	415-111-220	PREP	01-07-078
390- 16-111	AMD-P	01-07-107	391- 35-342	NEW-P	01-10-112	415-111-220	AMD-E	01-08-026
390- 16-111	AMD	01-10-051	391- 35-343	NEW-P	01-10-112	415-112	PREP	01-05-075
390- 16-115	PREP	01-07-113	391- 35-350	NEW-P	01-10-112	415-112-125	PREP	01-09-058
390- 16-120	PREP	01-07-104	391- 45-001	AMD-P	01-10-112	415-112-727	AMD-P	01-07-079
390- 16-125	PREP	01-07-114	391- 45-002	AMD-P	01-10-112	415-112-727	AMD	01-10-045
390- 16-150	PREP	01-03-162	391- 55-001	AMD-P	01-10-112	415-210	PREP	01-05-075
390- 16-150	REP-P	01-07-108	391- 65-001	AMD-P	01-10-112	415-610	PREP	01-04-028
390- 16-150	REP	01-10-052	391- 95-001	AMD-P	01-10-112	415-620	PREP	01-04-028
390- 16-155	PREP	01-07-112	392-121-210	AMD	01-08-048	415-630	PREP	01-04-028
390- 16-190	PREP	01-07-115	392-122-322	PREP	01-03-099	415-630-025	NEW-P	01-08-076
390- 16-309	PREP	01-03-081	392-122-900	PREP	01-03-099	415-630-030	PREP	01-04-028
390- 16-311	PREP	01-03-082	392-125-080	AMD-E	01-03-098	415-630-030	AMD-E	01-04-029
390- 24-200	PREP	01-03-160	392-125-080	AMD-P	01-06-063	415-630-030	AMD-P	01-08-076
390- 24-200	AMD-P	01-07-109	392-136-020	AMD-P	01-06-064	415-640	PREP	01-04-028
390- 24-200	AMD	01-10-053	392-139	PREP	01-10-033	415-650	PREP	01-04-028
391- 08-001	AMD-P	01-10-112	392-140-600	AMD	01-04-023	415-660	PREP	01-04-028
391- 25	PREP	01-04-073	392-140-605	AMD	01-04-023	415-670	PREP	01-04-028
391- 25-001	AMD-P	01-10-112	392-140-609	AMD	01-04-023	415-680	PREP	01-04-028
391- 25-002	AMD-P	01-10-112	392-140-613	AMD	01-04-023	415-690	PREP	01-04-028
391- 25-010	AMD-P	01-10-112	392-140-616	AMD	01-04-023	415-695	PREP	01-04-028
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391- 25-050	AMD-P	01-10-112	392-140-626	AMD	01-04-023	417- 01-105	PREP	01-05-102
391- 25-070	AMD-P	01-10-112	392-140-660	AMD	01-04-023	417- 01-105	AMD-P	01-09-082
391- 25-090	AMD-P	01-10-112	392-140-675	AMD	01-04-023	417- 01-110	PREP	01-05-102
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391- 25-140	AMD-P	01-10-112	392-141-200	PREP	01-03-099	417- 01-115	AMD-P	01-09-082
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391- 25-210	AMD-P	01-10-112	392-151-090	AMD-P	01-03-097	417- 01-125	PREP	01-05-102
391- 25-220	AMD-P	01-10-112	392-151-095	AMD-P	01-03-097	417- 01-125	AMD-P	01-09-082
391- 25-230	AMD-P	01-10-112	399- 10-010	AMD-P	01-03-143	417- 01-127	NEW-E	01-05-101
391- 25-250	AMD-P	01-10-112	399- 10-010	AMD	01-09-014	417- 01-127	NEW-P	01-09-082
391- 25-270	AMD-P	01-10-112	399- 30-030	AMD-P	01-03-143	417- 01-130	PREP	01-05-102
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391- 25-390	AMD-P	01-10-112	399- 30-042	AMD	01-09-014	417- 01-150	PREP	01-05-102
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417- 01-155	AMD-P	01-09-082	468-300-020	AMD-P	01-04-078	480- 62-200	NEW	01-04-026
417- 06	PREP	01-05-102	468-300-040	AMD-P	01-04-078	480- 62-205	NEW	01-04-026
417- 06-110	AMD-P	01-09-082	468-300-220	AMD-P	01-04-078	480- 62-210	NEW	01-04-026
417- 06-120	AMD-P	01-09-082	478-116-010	AMD-P	01-08-074	480- 62-215	NEW	01-04-026
417- 06-130	AMD-P	01-09-082	478-116-040	REP-P	01-08-074	480- 62-220	NEW	01-04-026
417- 06-135	NEW-P	01-09-082	478-116-046	REP-P	01-08-074	480- 62-225	NEW	01-04-026
417- 06-140	AMD-P	01-09-082	478-116-051	AMD-P	01-08-074	480- 62-230	NEW	01-04-026
417- 06-150	AMD-P	01-09-082	478-116-101	AMD-P	01-08-074	480- 62-235	NEW	01-04-026
417- 06-170	AMD-P	01-09-082	478-116-111	AMD-P	01-08-074	480- 62-240	NEW	01-04-026
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420- 04-015	NEW	01-04-052	478-116-121	AMD-P	01-08-074	480- 62-250	NEW	01-04-026
420- 04-020	NEW	01-04-052	478-116-145	AMD-P	01-08-074	480- 62-300	NEW	01-04-026
420- 04-030	NEW	01-04-052	478-116-151	AMD-P	01-08-074	480- 62-305	NEW	01-04-026
420- 04-040	NEW	01-04-052	478-116-163	AMD-P	01-08-074	480- 62-310	NEW	01-04-026
420- 04-050	NEW	01-04-052	478-116-201	AMD-P	01-08-074	480- 62-315	NEW	01-04-026
420- 04-060	NEW	01-04-052	478-116-211	AMD-P	01-08-074	480- 62-320	NEW	01-04-026
420- 04-070	NEW	01-04-052	478-116-245	AMD-P	01-08-074	480- 62-325	NEW	01-04-026
420- 04-080	NEW	01-04-052	478-116-255	AMD-P	01-08-074	480- 62-999	NEW	01-04-026
420- 04-085	NEW	01-04-052	478-116-291	AMD-P	01-08-074	480- 70-001	NEW	01-08-012
420- 04-100	NEW	01-04-052	478-116-301	AMD-P	01-08-074	480- 70-006	NEW	01-08-012
420- 12-010	NEW	01-04-052	478-116-311	AMD-P	01-08-074	480- 70-010	REP	01-08-012
420- 12-020	NEW	01-04-052	478-116-411	AMD-P	01-08-074	480- 70-011	NEW	01-08-012
420- 12-030	NEW	01-04-052	478-116-605	AMD-P	01-08-074	480- 70-016	NEW	01-08-012
420- 12-040	NEW	01-04-052	478-136-030	AMD-P	01-06-009	480- 70-020	REP	01-08-012
420- 12-050	NEW	01-04-052	478-156-014	REP-XR	01-07-064	480- 70-021	NEW	01-08-012
420- 12-060	NEW	01-04-052	478-250-050	AMD-P	01-07-014	480- 70-026	NEW	01-08-012
420- 12-070	NEW	01-04-052	478-250-070	AMD-P	01-07-014	480- 70-030	REP	01-08-012
420- 12-075	NEW	01-04-052	478-276-020	AMD-P	01-07-014	480- 70-031	NEW	01-08-012
420- 12-080	NEW	01-04-052	478-276-060	AMD-P	01-07-014	480- 70-036	NEW	01-08-012
420- 12-085	NEW	01-04-052	478-276-070	AMD-P	01-07-014	480- 70-040	REP	01-08-012
420- 12-090	NEW	01-04-052	478-276-080	AMD-P	01-07-014	480- 70-041	NEW	01-08-012
434-260-220	AMD-P	01-06-023	478-276-100	AMD-P	01-07-014	480- 70-046	NEW	01-08-012
434-260-225	AMD-P	01-06-023	478-276-120	AMD-P	01-07-014	480- 70-050	REP	01-08-012
434-260-300	AMD-P	01-06-023	478-276-140	AMD-P	01-07-014	480- 70-051	NEW	01-08-012
434-260-305	AMD-P	01-06-023	478-355-010	AMD-P	01-03-122	480- 70-055	REP	01-08-012
434-260-307	NEW-P	01-06-023	478-355-010	AMD	01-08-007	480- 70-056	NEW	01-08-012
434-260-309	NEW-P	01-06-023	478-355-030	AMD-P	01-03-122	480- 70-060	REP	01-08-012
446- 16-030	PREP	01-10-003	478-355-030	AMD	01-08-007	480- 70-061	NEW	01-08-012
448- 13	PREP	01-08-049	478-355-040	AMD-P	01-03-122	480- 70-066	NEW	01-08-012
448- 13-035	NEW-E	01-10-007	478-355-040	AMD	01-08-007	480- 70-070	REP	01-08-012
448- 13-040	AMD-E	01-10-007	480- 62-010	REP	01-04-026	480- 70-071	NEW	01-08-012
458- 12-015	REP-XR	01-07-094	480- 62-020	REP	01-04-026	480- 70-076	NEW	01-08-012
458- 12-020	REP-XR	01-07-094	480- 62-030	REP	01-04-026	480- 70-080	REP	01-08-012
458- 12-085	REP-XR	01-07-094	480- 62-040	REP	01-04-026	480- 70-081	NEW	01-08-012
458- 20-13501	NEW-P	01-09-035	480- 62-050	REP	01-04-026	480- 70-086	NEW	01-08-012
458- 20-169	AMD-P	01-03-091	480- 62-060	REP	01-04-026	480- 70-090	REP	01-08-012
458- 20-169	AMD	01-09-066	480- 62-070	REP	01-04-026	480- 70-091	NEW	01-08-012
458- 20-178	PREP	01-07-093	480- 62-080	REP	01-04-026	480- 70-096	NEW	01-08-012
458- 20-17801	PREP	01-07-093	480- 62-085	REP	01-04-026	480- 70-100	REP	01-08-012
458- 20-17802	NEW-P	01-09-040	480- 62-090	REP	01-04-026	480- 70-101	NEW	01-08-012
458- 20-228	AMD	01-05-022	480- 62-100	REP	01-04-026	480- 70-106	NEW	01-08-012
458- 20-22802	AMD-P	01-03-105	480- 62-120	REP	01-04-026	480- 70-110	REP	01-08-012
458- 20-22802	AMD	01-07-017	480- 62-125	NEW	01-04-026	480- 70-111	NEW	01-08-012
458- 20-240	PREP	01-08-060	480- 62-130	NEW	01-04-026	480- 70-116	NEW	01-08-012
458- 20-24001	AMD-P	01-08-034	480- 62-135	NEW	01-04-026	480- 70-120	REP	01-08-012
458- 20-24001A	NEW-P	01-08-034	480- 62-140	NEW	01-04-026	480- 70-121	NEW	01-08-012
458- 20-247	AMD-P	01-04-048	480- 62-145	NEW	01-04-026	480- 70-126	NEW	01-08-012
458- 20-247	AMD	01-08-003	480- 62-150	NEW	01-04-026	480- 70-130	REP	01-08-012
458- 20-259	REP-XR	01-09-036	480- 62-155	NEW	01-04-026	480- 70-131	NEW	01-08-012
458- 40-660	PREP	01-06-034	480- 62-160	NEW	01-04-026	480- 70-136	NEW	01-08-012

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-70-140	REP	01-08-012	480-70-331	NEW	01-08-012	480-70-999	NEW	01-08-012
480-70-141	NEW	01-08-012	480-70-335	REP	01-08-012	480-80	AMD	01-09-002
480-70-146	NEW	01-08-012	480-70-336	NEW	01-08-012	480-80-010	AMD-P	01-02-102
480-70-150	REP	01-08-012	480-70-339	NEW	01-08-012	480-80-010	AMD	01-09-002
480-70-151	NEW	01-08-012	480-70-340	REP	01-08-012	480-80-035	NEW-P	01-02-102
480-70-155	REP	01-08-012	480-70-341	NEW	01-08-012	480-80-035	NEW	01-09-002
480-70-156	NEW	01-08-012	480-70-346	NEW	01-08-012	480-80-047	REP-P	01-02-102
480-70-160	REP	01-08-012	480-70-350	REP	01-08-012	480-80-047	REP	01-09-002
480-70-161	NEW	01-08-012	480-70-351	NEW	01-08-012	480-80-048	REP-P	01-02-102
480-70-166	NEW	01-08-012	480-70-360	REP	01-08-012	480-80-048	REP	01-09-002
480-70-170	REP	01-08-012	480-70-361	NEW	01-08-012	480-80-049	REP-P	01-02-102
480-70-171	NEW	01-08-012	480-70-366	NEW	01-08-012	480-80-049	REP	01-09-002
480-70-176	NEW	01-08-012	480-70-370	REP	01-08-012	480-80-120	REP-P	01-02-102
480-70-180	REP	01-08-012	480-70-371	NEW	01-08-012	480-80-120	REP	01-09-002
480-70-181	NEW	01-08-012	480-70-376	NEW	01-08-012	480-80-325	NEW-P	01-02-102
480-70-186	NEW	01-08-012	480-70-380	REP	01-08-012	480-80-325	NEW	01-09-002
480-70-190	REP	01-08-012	480-70-381	NEW	01-08-012	480-80-326	NEW-P	01-02-102
480-70-191	NEW	01-08-012	480-70-386	NEW	01-08-012	480-80-326	NEW	01-09-002
480-70-196	NEW	01-08-012	480-70-390	REP	01-08-012	480-80-390	REP-P	01-02-102
480-70-200	REP	01-08-012	480-70-391	NEW	01-08-012	480-90-001	NEW-P	01-02-084
480-70-201	NEW	01-08-012	480-70-396	NEW	01-08-012	480-90-003	NEW-P	01-02-084
480-70-206	NEW	01-08-012	480-70-400	REP	01-08-012	480-90-008	NEW-P	01-02-084
480-70-210	REP	01-08-012	480-70-401	NEW	01-08-012	480-90-011	REP-P	01-02-084
480-70-211	NEW	01-08-012	480-70-405	REP	01-08-012	480-90-013	NEW-P	01-02-084
480-70-216	NEW	01-08-012	480-70-406	NEW	01-08-012	480-90-016	REP-P	01-02-084
480-70-220	REP	01-08-012	480-70-410	REP	01-08-012	480-90-018	NEW-P	01-02-084
480-70-221	NEW	01-08-012	480-70-411	NEW	01-08-012	480-90-021	REP-P	01-02-084
480-70-226	NEW	01-08-012	480-70-416	NEW	01-08-012	480-90-023	NEW-P	01-02-084
480-70-230	REP	01-08-012	480-70-420	REP	01-08-012	480-90-026	REP-P	01-02-084
480-70-231	NEW	01-08-012	480-70-421	NEW	01-08-012	480-90-028	NEW-P	01-02-084
480-70-236	NEW	01-08-012	480-70-426	NEW	01-08-012	480-90-031	REP-P	01-02-084
480-70-240	REP	01-08-012	480-70-430	REP	01-08-012	480-90-032	REP-P	01-02-084
480-70-241	NEW	01-08-012	480-70-431	NEW	01-08-012	480-90-033	NEW-P	01-02-084
480-70-245	REP	01-08-012	480-70-436	NEW	01-08-012	480-90-036	REP-P	01-02-084
480-70-246	NEW	01-08-012	480-70-440	REP	01-08-012	480-90-041	REP-P	01-02-084
480-70-250	REP	01-08-012	480-70-441	NEW	01-08-012	480-90-043	REP-P	01-02-084
480-70-251	NEW	01-08-012	480-70-446	NEW	01-08-012	480-90-046	REP-P	01-02-084
480-70-256	NEW	01-08-012	480-70-451	NEW	01-08-012	480-90-051	REP-P	01-02-084
480-70-260	REP	01-08-012	480-70-456	NEW	01-08-012	480-90-056	REP-P	01-02-084
480-70-261	NEW	01-08-012	480-70-461	NEW	01-08-012	480-90-061	REP-P	01-02-102
480-70-262	NEW	01-08-012	480-70-466	NEW	01-08-012	480-90-061	REP	01-09-002
480-70-266	NEW	01-08-012	480-70-471	NEW	01-08-012	480-90-066	REP-P	01-02-084
480-70-270	REP	01-08-012	480-70-476	NEW	01-08-012	480-90-071	REP-P	01-02-084
480-70-271	NEW	01-08-012	480-70-481	NEW	01-08-012	480-90-072	REP-P	01-02-084
480-70-276	NEW	01-08-012	480-70-486	NEW	01-08-012	480-90-076	REP-P	01-02-084
480-70-280	REP	01-08-012	480-70-500	REP	01-08-012	480-90-081	REP-P	01-02-084
480-70-281	NEW	01-08-012	480-70-510	REP	01-08-012	480-90-086	REP-P	01-02-084
480-70-286	NEW	01-08-012	480-70-530	REP	01-08-012	480-90-091	REP-P	01-02-084
480-70-290	REP	01-08-012	480-70-540	REP	01-08-012	480-90-096	REP-P	01-02-084
480-70-291	NEW	01-08-012	480-70-550	REP	01-08-012	480-90-101	REP-P	01-02-084
480-70-296	NEW	01-08-012	480-70-560	REP	01-08-012	480-90-103	NEW-P	01-02-084
480-70-300	REP	01-08-012	480-70-570	REP	01-08-012	480-90-106	REP-P	01-02-084
480-70-301	NEW	01-08-012	480-70-700	REP	01-08-012	480-90-108	NEW-P	01-02-084
480-70-306	NEW	01-08-012	480-70-710	REP	01-08-012	480-90-113	NEW-P	01-02-084
480-70-310	REP	01-08-012	480-70-720	REP	01-08-012	480-90-116	REP-P	01-02-084
480-70-311	NEW	01-08-012	480-70-730	REP	01-08-012	480-90-118	NEW-P	01-02-084
480-70-316	NEW	01-08-012	480-70-740	REP	01-08-012	480-90-121	REP-P	01-02-084
480-70-320	REP	01-08-012	480-70-750	REP	01-08-012	480-90-123	NEW-P	01-02-084
480-70-321	NEW	01-08-012	480-70-760	REP	01-08-012	480-90-126	REP-P	01-02-084
480-70-325	REP	01-08-012	480-70-770	REP	01-08-012	480-90-128	NEW-P	01-02-084
480-70-326	NEW	01-08-012	480-70-780	REP	01-08-012	480-90-131	REP-P	01-02-084
480-70-330	REP	01-08-012	480-70-790	REP	01-08-012			

Table of WAC Sections Affected

TABLE

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 90-133	NEW-P	01-02-084	480-100-046	REP-P	01-02-083	480-100-311	REP-P	01-02-083
480- 90-136	REP-P	01-02-084	480-100-051	REP-P	01-02-083	480-100-313	NEW-P	01-02-083
480- 90-138	NEW-P	01-02-084	480-100-056	REP-P	01-02-083	480-100-318	NEW-P	01-02-083
480- 90-141	REP-P	01-02-084	480-100-061	REP-P	01-02-102	480-100-328	NEW-P	01-02-083
480- 90-143	NEW-P	01-02-084	480-100-061	REP	01-09-002	480-100-333	NEW-P	01-02-083
480- 90-146	REP-P	01-02-084	480-100-066	REP-P	01-02-083	480-100-338	NEW-P	01-02-083
480- 90-148	NEW-P	01-02-084	480-100-071	REP-P	01-02-083	480-100-343	NEW-P	01-02-083
480- 90-151	REP-P	01-02-084	480-100-072	REP-P	01-02-083	480-100-353	NEW-P	01-02-083
480- 90-153	NEW-P	01-02-084	480-100-076	REP-P	01-02-083	480-100-358	NEW-P	01-02-083
480- 90-156	REP-P	01-02-084	480-100-081	REP-P	01-02-083	480-100-363	NEW-P	01-02-083
480- 90-158	NEW-P	01-02-084	480-100-086	REP-P	01-02-083	480-100-368	NEW-P	01-02-083
480- 90-161	REP-P	01-02-084	480-100-091	REP-P	01-02-083	480-100-373	NEW-P	01-02-083
480- 90-163	NEW-P	01-02-084	480-100-096	REP-P	01-02-083	480-100-378	NEW-P	01-02-083
480- 90-166	REP-P	01-02-084	480-100-101	REP-P	01-02-083	480-100-383	NEW-P	01-02-083
480- 90-168	NEW-P	01-02-084	480-100-103	NEW-P	01-02-083	480-100-388	NEW-P	01-04-081
480- 90-171	REP-P	01-02-084	480-100-108	NEW-P	01-02-083	480-100-388	NEW	01-08-009
480- 90-173	NEW-P	01-02-084	480-100-111	REP-P	01-02-083	480-100-393	NEW-P	01-04-081
480- 90-176	REP-P	01-02-084	480-100-113	NEW-P	01-02-083	480-100-393	NEW	01-08-009
480- 90-178	NEW-P	01-02-084	480-100-116	REP-P	01-02-083	480-100-398	NEW-P	01-04-081
480- 90-181	REP-P	01-02-084	480-100-118	NEW-P	01-02-083	480-100-398	NEW	01-08-009
480- 90-183	NEW-P	01-02-084	480-100-121	REP-P	01-02-083	480-100-999	NEW-P	01-02-083
480- 90-188	NEW-P	01-02-084	480-100-123	NEW-P	01-02-083	480-120-011	AMD-P	01-03-100
480- 90-191	REP-P	01-02-084	480-100-126	REP-P	01-02-083	480-120-015	NEW-P	01-03-100
480- 90-193	NEW-P	01-02-102	480-100-128	NEW-P	01-02-083	480-120-016	AMD-P	01-03-100
480- 90-193	NEW	01-09-002	480-100-131	REP-P	01-02-083	480-120-022	REP-P	01-02-102
480- 90-203	NEW-P	01-02-084	480-100-133	NEW-P	01-02-083	480-120-022	REP	01-09-002
480- 90-208	NEW-P	01-02-084	480-100-136	REP-P	01-02-083	480-120-023	REP-P	01-02-102
480- 90-211	REP-P	01-02-084	480-100-138	NEW-P	01-02-083	480-120-023	REP	01-09-002
480- 90-213	NEW-P	01-02-084	480-100-141	REP-P	01-02-083	480-120-024	REP-P	01-02-102
480- 90-218	NEW-P	01-02-084	480-100-143	NEW-P	01-02-083	480-120-024	REP	01-09-002
480- 90-223	NEW-P	01-02-084	480-100-146	REP-P	01-02-083	480-120-025	REP-P	01-02-102
480- 90-228	NEW-P	01-02-084	480-100-148	NEW-P	01-02-083	480-120-025	REP	01-09-002
480- 90-233	NEW-P	01-02-084	480-100-151	REP-P	01-02-083	480-120-026	AMD-P	01-03-100
480- 90-238	NEW-P	01-02-084	480-100-153	NEW-P	01-02-083	480-120-027	REP-P	01-02-102
480- 90-303	NEW-P	01-02-084	480-100-156	REP-P	01-02-083	480-120-027	REP	01-09-002
480- 90-308	NEW-P	01-02-084	480-100-161	REP-P	01-02-083	480-120-028	NEW-P	01-03-100
480- 90-313	NEW-P	01-02-084	480-100-163	NEW-P	01-02-083	480-120-029	NEW-P	01-03-100
480- 90-323	NEW-P	01-02-084	480-100-166	REP-P	01-02-083	480-120-032	AMD-P	01-03-100
480- 90-328	NEW-P	01-02-084	480-100-168	NEW-P	01-02-083	480-120-033	AMD-P	01-03-100
480- 90-333	NEW-P	01-02-084	480-100-171	REP-P	01-02-083	480-120-036	REP-P	01-03-100
480- 90-338	NEW-P	01-02-084	480-100-173	NEW-P	01-02-083	480-120-043	NEW-P	01-02-102
480- 90-343	NEW-P	01-02-084	480-100-176	REP-P	01-02-083	480-120-043	NEW	01-09-002
480- 90-348	NEW-P	01-02-084	480-100-178	NEW-P	01-02-083	480-120-049	NEW-P	01-03-100
480- 90-353	NEW-P	01-02-084	480-100-181	REP-P	01-02-083	480-120-066	REP-P	01-02-102
480- 90-999	NEW-P	01-02-084	480-100-183	NEW-P	01-02-083	480-120-066	REP	01-09-002
480-100-001	NEW-P	01-02-083	480-100-186	REP-P	01-02-083	480-120-076	REP-P	01-03-100
480-100-003	NEW-P	01-02-083	480-100-188	NEW-P	01-02-083	480-120-091	REP-P	01-03-100
480-100-008	NEW-P	01-02-083	480-100-191	REP-P	01-02-083	480-120-096	REP-P	01-03-100
480-100-011	REP-P	01-02-083	480-100-193	NEW-P	01-02-102	480-120-136	AMD-P	01-03-100
480-100-013	NEW-P	01-02-083	480-100-193	NEW	01-09-002	480-120-530	AMD-P	01-03-100
480-100-016	REP-P	01-02-083	480-100-201	REP-P	01-02-083	480-120-531	NEW-P	01-03-100
480-100-018	NEW-P	01-02-083	480-100-203	NEW-P	01-02-083	480-120-541	NEW-P	01-02-102
480-100-021	REP-P	01-02-083	480-100-206	REP-P	01-02-083	480-120-541	NEW	01-09-002
480-100-023	NEW-P	01-02-083	480-100-208	NEW-P	01-02-083	480-120-542	NEW-P	01-02-102
480-100-026	REP-P	01-02-083	480-100-211	REP-P	01-02-083	480-120-542	NEW	01-09-002
480-100-028	NEW-P	01-02-083	480-100-213	NEW-P	01-02-083	480-120-543	NEW-P	01-02-102
480-100-031	REP-P	01-02-083	480-100-218	NEW-P	01-02-083	480-120-543	NEW	01-09-002
480-100-032	REP-P	01-02-083	480-100-223	NEW-P	01-02-083	480-120-544	NEW-P	01-02-102
480-100-033	NEW-P	01-02-083	480-100-228	NEW-P	01-02-083	480-120-544	NEW	01-09-002
480-100-036	REP-P	01-02-083	480-100-233	NEW-P	01-02-083	480-120-545	NEW-P	01-03-100
480-100-041	REP-P	01-02-083	480-100-251	REP-P	01-02-083	480-121-061	NEW-P	01-02-102
480-100-043	REP-P	01-02-083	480-100-308	NEW-P	01-02-083	480-121-061	NEW	01-09-002

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-121-062	NEW-P	01-02-102						
480-121-062	NEW	01-09-002						
480-121-063	NEW-P	01-02-102						
480-121-063	NEW	01-09-002						
480-121-064	NEW-P	01-02-102						
480-121-064	NEW	01-09-002						
504- 15-650	AMD-P	01-08-085						
504- 21	PREP	01-10-028						
504- 50-010	NEW-P	01-08-084						
504- 50-020	NEW-P	01-08-084						
504- 50-030	NEW-P	01-08-084						
504- 50-040	NEW-P	01-08-084						
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